HOUSE OF REPRESENTATIVES—*Thursday, February 3, 1994*

The House met at 10 a.m.

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

O gracious and loving God, open our eyes to the glory of the world and the knowledge of all the ages. Expand our ideas and extend our thoughts to see more clearly how Your creation is broad and wide and Your mercy is without end. Even as we hold to what we know and cling to our own traditions, so may we see each person as our brother and sister who share with us our common humanity. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. 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. Pursuant to the provisions of clause 1, rule I, the Chair will postpone the vote until after the 1-minute requests.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. VISCLOSKY 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 bills of the House of the following titles:

H.R. 1303. An act to designate the Federal building and United States courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse".

H.R. 2223. An act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Macco Smith Federal Building".

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse".

H.R. 3186. An act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse".

H.R. 3356. An act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2868. An act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse".

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 812. An act to designate the Federal courthouse in Denver, Colorado, as the "Byron White Federal Courthouse", and for other purposes.

S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center".

S. 1314. An act to designate the United States courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building".

S. 1650. An act to designate the United States courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the "Albert V. Bryan United States Courthouse".

THE HEALTH CARE CRISIS

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

Mr. VISCLOSKY. Mr. Speaker, there is a health care crisis in America. Whether it is the lack of coverage, the cost of coverage, or the cost of care, the problem cries out to be addressed.

Ask the recently divorced woman in Highland, IN, who is suffering from phlebitis and a number of other medical problems. She is confined to a walker and now has no health care coverage because she used to be covered by her spouse's plan.

Ask the part-time teacher and mother of three in Portage, IN, who can no longer afford her $535-a-month insurance premium.

President Clinton's plan to deal with our health care crisis includes coverage for every American, cost controls, and increased choice.

Mr. Speaker, it is time for the health care naysayers to be honest with the American people and work to solve our existing problems so that no American will ever again live in fear that they or their children will be denied needed medical care.

ARE THE AMERICAN PEOPLE READY FOR THE CLINTON HEALTH CARE PLAN?

(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, do we really want the Clinton health care plan?

Let me quote from the conclusions of an article that appears in this month's New Republic. This article is entitled "Are You Really Ready for the Clinton Health Care Plan?"

The Clinton bill will prevent people from buying the medical care they need. Price control on premiums will push most Americans into HMOs and pressure HMOs into sharply cutting access to specialists and effective, high tech cures. Price controls on doctor's fees and regulations tying doctor's hands will curb the care physicians can give patients. Most important, government controls on medical education will limit what future doctors know, costing lives and suffering no one can calculate.

Mr. Speaker, does this Clinton plan sound like the kind of health care reform the American people really want?

JOBS—THE REAL FOUR-LETTER WORD

(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, think-tank experts say the economy is getting strong. Let us check this out.

Armco cut 1,000 jobs; Apple cut 2,500 jobs; General Electric dropped 5,000 workers.

At Builders Emporium, 4,900 lost their jobs; AT&T dropped 4,000; at Johnson & Johnson, 3,000 lost their jobs; at Delta, 3,000; and at Continental, 3,000.

At United Technologies, 11,000 lost their jobs; at McDonnell-Douglas, 9,000;

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Boeing, 2,400; at IBM, 3,500; at General Motors, 50,000; at Sears, 50,000; and at Kodak & Eastman, 400,000.

I have one question, Mr. Speaker. If this is all happening and all these jobs are being created, who is doing the hiring? Dr. Kevorkian? Ronald McDonald? I think it is Uncle Sam.

I would like to say one thing about these experts, Mr. Speaker. I think none of these experts ever stood in an unemployment line.

Mr. Speaker, it is time for Congress to deal with the real four-letter word—jobs.

NEW JERSEY IS OPEN FOR BUSINESS

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

Mr. SAXTON. Mr. Speaker, during her inaugural speech, newly elected New Jersey Gov. Christine Todd Whitman, alluded to the fact that, over the last 4 years, New Jersey has lost more than 200,000 jobs to neighboring States who offered businesses a much lower tax structure.

She said,

Let's not keep economic growth waiting another minute.

If President Clinton and his Congress can reach backward into time and raise your taxes retroactively, your Governor and your legislature can cut them retroactively.

That is why I am asking my partners in the [State] legislature * * * to enact a 5 percent income tax cut for every family in New Jersey effective January 1, 1994—17 days ago.

Second, I am asking the legislature to eliminate all income taxes on those earning less than $7,500, again retroactively to January 1 this year. Those who are struggling the hardest need a tax cut the most.

Third, I am asking the legislature to cut the corporate business tax to 9 percent, again effective January 1 this year.

We will be competitive. No more losing our employers to job raids by low-tax States.

New Jersey is open for business.

Mr. Speaker, Governor Whitman's speech is a must read for all Americans. Therefore, later today I will insert her complete inaugural speech in the Extensions of Remarks section of today's CONGRESSIONAL RECORD.

NO HEALTH CARE CRISIS?

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

Mr. SKAGGS. Mr. Speaker, some people around here are saying to our health-care system: You're really not so bad off. Take two aspirin and call me in a few years if your symptoms persist. I say the problems are more serious, and we need tougher medicine.

I recently got this letter from a woman who lives in Boulder, CO, who would probably agree. She writes:

I recently lost my job. My problem is health insurance. In order to remain with the same [insurance] company under COBRA, I would have to pay over $500 per month for my family of five. Before losing my job, 25% of my paycheck, after taxes, went towards health insurance. * * * Health care is out of control. * * * Soon only the rich will be able to afford the basics. I appeal to you as a mother and a constituent, disease is never fair, but maybe you can help to put some fairness back in health.

Those who say there is nothing wrong should get outside Washington, DC, and listen to those who have to live with the current system. Listen to the small business owners who cannot get affordable health insurance; listen to millions of insured Americans whose insurance limits can cut off their coverage just when they need it most; listen to the millions of Americans with no insurance who end up getting minimal but very expensive care; and listen to our neighbors with preexisting conditions—nearly one-third of our people—who cannot get coverage or who are stuck in jobs they do not like because they will lose their insurance if they leave.

I think you will be surprised at what you hear—to real people, the health care crisis is all too real, and they expect Congress to work with the President to cure it.

□ 1010

INTRODUCTION OF A BILL TO PROTECT EXPRESS MAIL USERS

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

Mr. FRANKS of New Jersey. Mr. Speaker, did you know that it is a crime to use Federal Express or UPS to send most of your mail. That is right, a regulation adopted by the U.S. Postal Service makes it unlawful to send anything but what they deem urgent material via Federal Express or any other express carrier. In fact, an Atlanta corporation was recently fined $30,000 for using someone other than the Postal Service.

Free market principles are turned on their ear when consumers can't choose a private carrier without fear of a stiff penalty from a quasi-Government agency with police powers. If an individual or business is willing to pay much more than the price of a 29-cent stamp, that's their business, not the business of the Postal Service.

Mr. Speaker, this regulation is just plain crazy, and I urge my colleagues to join me in repealing it.

TOWARD A COMPASSIONATE HEALTH CARE SYSTEM

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

Ms. LONG. Mr. Speaker, last week President Clinton stood before this House and reinforced his commitment to providing health care coverage to every U.S. citizen. His explicit challenge was for this body to pass a health care bill that will extend coverage to the estimated 35 million people who are presently uninsured, and reform our system to ensure that no one's health care security can ever be taken away.

Under the present system, many uninsured persons are forced to go without care until their situation requires emergency attention, which is generally too late and always more expensive. When this happens the costs are either paid out of pocket, causing financial ruin for that person and their family; or are shifted to the State and other insured persons, in which case we all pay.

The President's call for universal coverage is understandably clear. America presently has the best health care providers in the world, but unfortunately the prohibitive costs of insurance locks tens of millions of people out of the care they provide, and this is simply unacceptable. And even though the majority of uninsured people have some ties to the work force, the present system prevents them from receiving the affordable insurance and care they want and need.

Our job now is to work for a bill that will incorporate these uninsured people into a system that ensures access at all points in the health care process and stresses preventive care. We need now to work with the compassion that will include everyone in this system.

PROVIDE HEALTH CARE FOR ALL

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

Mr. CLYBURN. Mr. Speaker, I rise today with an urgent call for us to move away from debating whether our current health care system has just a few problems or is in major crisis. The fact is, our "best-in-the-world" health care system is just not working for all Americans.

While we, here in Congress, bicker over the diagnosis, there are millions of Americans who know the system is sick and they are looking to us to find a cure.

As I travel throughout my district and talk to my constituents, I am bombarded with requests to do something about their lack of health benefits.

The vast majority of them are temporary workers who work full-time every day, but are not provided health benefits.

They are welfare mothers who want to work but are afraid of losing the benefits offered by Medicaid. They are the families struggling to pay the astronomical medical bills of a loved one who is sick.

They typify the millions of Americans who have fallen through the cracks of the current health care system and who are looking to us to do something so that the system works for all.

FUND NEEDED FOR EMERGENCY RELIEF

(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, today the House will pass earthquake relief for California. Certainly, with the devastation they have had there, they are in need and deserve the help from Washington. But also today we are going to have a debate about whether Washington ought to pay for this disaster relief.

Mr. Speaker, over the years, and especially since 1990, we have spent $13 billion beyond what was budgeted, and we merely added it to the debt for disaster relief without paying for it.

So we are going to have a debate today about whether Congress ought to pay for disaster relief, or whether we ought to continue to just add it to the debt.

Mr. Speaker, it is time for Congress to quit acting like Santa Claus, or passing the bill on to our children and grandchildren.

SUPPORT RESOLUTION EXPRESSING OUTRAGE AT RACIST, ANTI-CATHOLIC, AND ANTI-SEMITIC REMARKS OF KHALID MOHAMMAD

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

Mr. LANTOS. Mr. Speaker, as racial, religious, and ethnic violence flares in Europe and the former Soviet Union, we must remember that the United States is not immune. On November 29, 1993, at Kean College in New Jersey, Mr. Khalid Mohammad, a senior representative of the Nation of Islam, delivered an outrageous and violent attack on the principles of racial, religious, and ethnic intolerance. His attempt to incite violence by preaching bigotry and hatred must be swiftly and forcefully condemned by this body.

Mr. Speaker, joined by some of the most distinguished Republicans and Democrats in this House, I am introducing a resolution expressing the outrage of the House of Representatives at the remarks of Mr. Mohammad and condemns all manifestations of intolerance, including racism, anti-Catholicism, and anti-Semitism. I urge all of my colleagues to join me in this effort.

REMARKS EMANATING FROM NATION OF ISLAM ARE INTOLERABLE

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

Mr. BLUTE. Mr. Speaker, we all know there have been some troubling statements recently, emanating from the group known as Nation of Islam. They are words that are as divisive as they are ugly.

Their statements—in the form of an outrageous speech by the Reverend Louis Farrakhan's national spokesman Khalid Abdul Muhammad—are comprised of venom and lies about Jews, Catholics, whites, blacks, and a host of other ethnic, racial, and religious groups.

These hurtful words are disgraceful, insulting, and horrifying.

But the Nation of Islam's inaction in rejecting this statement is even more troubling. Several months have passed since the speech, yet we have heard not one public utterance from the Reverend Farrakhan repudiating the words of his spokesman.

We should find this to be intolerable.

It is time for Louis Farrakhan and all Americans of good will to disavow the words of Khalid Abdul Muhammad. As a Member of Congress, I call on Reverend Farrakhan to renounce racism, condemn prejudice, and publicly embrace the diversity of our society.

I commend our colleagues in the Congressional Black Caucus for their action yesterday in standing up for pluralism and harmony in America.

HEALTH CARE: TIME FOR CHANGE

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

Mr. PRICE of North Carolina. Mr. Speaker, while some are trying to play down the importance of health care reform, my North Carolina constituents tell me the need is real and undeniable. Whether you call it a crisis or some other name, we simply must address our health care problems this year.

In January, I held a health care forum in my district; it lasted 12 hours and drew hundreds of people to voice their health care concerns. Many different views were expressed, but the overall message was clear: Our health care system has serious problems that we simply must fix.

From the hearing, it is clear that too many North Carolina children receive inadequate care, falling behind in school because of health reasons. Small businesses working to cover their employees face exponential premium increases when other employees become critically ill. And residents of rural and urban areas are denied timely health care by critical shortages of personnel at facilities.

We must address these problems with clear goals in view; ensuring all Americans basic health coverage, controlling exploding health care costs, and improving the quality of care, especially preventive care.

Health care is a difficult challenge. Though some may try to wish the problem away, I am heartened by President Clinton's resolve in addressing health care reform this year.

□ 1020

WHITEWATER AND THE PROMISE OF A CONGRESSIONAL HEARING

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

Mr. STEARNS. Mr. Speaker, on this floor 2 days ago, we heard the distinguished chairman of the Banking Committee, in 10 instances, give his assurance that he would hold hearings sometime this year on Whitewater.

It is important to look into the many questions surrounding this whole real estate investment deal and the failed savings and loan that cost taxpayers over $60 million.

The Banking Committee under its chairman has had investigations into Silverado, BCCI, BNL. Now the chairman's priority is the investigation of a bank in Spain. Let us hope that Arkansas Whitewater investigation will be as thorough and vigorous as the zeal of the Banking Committee to investigate banks outside the United States.

Mr. Speaker, if we can have investigations into all of these matters, certainly we can get to the bottom of Whitewater. But let's make sure we have some substantial hearings into this matter in Congress. The last thing the American people want in this case is a whitewash of Whitewater.

THANKS TO THE STATE DEPARTMENT

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

Mrs. SCHROEDER. Mr. Speaker, the State Department is indeed under new management. I mean, how often does a Member take the floor and thank the State Department. But for the first time in the history of this country, the State Department came out with its new human rights survey, and women have been declared human.

That is incredible, that we had to wait until 1994 to finally have that happen. But thank them, because for the first time in our human rights survey, we look at the countries who have denied women their rights, who have abused women, repressed women, and done all sorts of things from allowing the selling of young women into slav-

ery, bridge burnings, genital mutilation of women, and denying them basic property and family rights.

Now we must follow through. We, as American women who pay taxes equally, are really horrified at the long record of neglect on this issue. We salute how they have closed it this year, and now let us follow through and put pressure on those countries to also recognize women as human.

THE FEDERAL FIREARM BUYBACK INITIATIVE ACT

(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, today I am introducing legislation that will assist America's crusade to reduce crime and violence in our inner cities. The Federal Firearm Buyback Initiative Act will give matching grants to State or local governments that initiate gun buyback programs.

During the past year, these programs have been praised by police and prosecutors. Right here in Washington, DC, a gun buyback program was so successful that heavyweight great Riddick Bowe went into his pocket to put up money to help buy back the guns.

In Chicago, more than a thousand weapons have already been turned in. In New York City, Police Chief Raymond Kelly noted the success of the Big Apple's buyback plan and said "I am a believer."

This bill is almost identical to one introduced in the Senate by Senator DOLE, providing $30 million in matching grants over the next 2 years. This money would be given in the form of vouchers, so that the local governments could purchase goods and merchandise to use as buyback incentives.

I have made one addition to Senator DOLE's proposal. My legislation will also authorize rewards for anyone who gives information leading to the arrest of anyone committing a crime with a firearm.

Mr. Speaker, I say to my colleagues that I will attempt to have this commonsense bill incorporated into the anticrime legislation the House will take up this year. I will be seeking cosponsors from both sides of the aisle, and I ask for your support.

THERE IS A HEALTH CARE CRISIS

(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, incredibly, there is a debate going on on whether to call the situation in health care today a crisis or just a problem. Get real. It is a crisis.

The reason I think some people have a problem calling it a crisis is because there is not any big explosion. There is no earthquake. There is no flood going on. And others simply do not have the political will or fortitude to make some very tough political decisions for this country.

In 1992, 17.4 percent of the nonelderly population, that is 38.5 million people, were without health care coverage. That is 2 million more than the year before.

Congress is working to help find health care access for tens of thousands of people.

We are also, yes, today going to deal with the earthquake problems in California, and rightly so.

So if we can help people in California with the earthquake aftermath, why can we not help the tens of millions of Americans who face a loss of their savings and their homes because they do not have health care coverage and get sick.

Our health care system quickly becomes a crisis for anybody without insurance and does get ill.

The letters from my constituents say, "I think everyone should have the same health insurance coverage that you have as a United States Representative." I agree. Let us provide for our people in this country what we provide for ourselves.

A HISTORIC MOMENT IN THE HOUSE OF REPRESENTATIVES

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

Mr. MICA. Mr. Speaker, yesterday when you, my colleagues, voted by a significant margin to defeat the rule, the traditional course of business in the House of Representatives was altered.

This I believe was a historic action and hopefully a turning point. For even a casual observer of our proceedings will note that an idea—a new concept won the day. That is remarkable in a Chamber where seniority and raw political power often reign.

Maybe it was the influence of 2 months of being home with the people who sent us here. Somehow a commonsense idea like risk assessment won the hearts, minds, support, and votes of you, my colleagues.

Together we made a statement that this Nation cannot continue to be choked by aimless Government regulation. We came together to say that there is a better way to conduct the business of the people, especially today with our limited Federal resources that are taken from the toil and hard work of our citizens.

A commonsense idea prevailed that we should conduct an examination of the potential risk and the cost to the taxpayer and weigh that carefully against the benefit to public health and safety and the welfare of our environment.

Even powerful partisan forces and bureaucratic turf protectors were cast aside for an idea whose time has come.

Those who lost this vote should not view this as a defeat, but rather an opportunity. If we work together to restructure Government, we can incorporate new ideas. We can make Government and the regulatory process work. We can do a better job in managing our human and environmental resources. We can together offer hope to people who now view the conduct of our Government with only despair.

THE HEALTH CARE CRISIS

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

Mr. WISE. Mr. Speaker, I will be honest. This morning I was a bit angry, initially, when I saw the Business Roundtable's summary rejections of the Clinton health plan in favor of one that, in my opinion, provides less alternatives. But I am not angry anymore.

Instead, I want to issue a challenge and an invitation, a challenge to move out of the conference room and get into the country, a challenge that, just as Members of Congress must get out of the Beltway, so members of our corporate communities must get out of the board room.

If you like the marketplace, then how did you choose an option that provides less options for your employees instead of more?

So come with me, those who voted against the Clinton plan with the Business Roundtable. I hope they will come and meet the Braxton County couple who, when their insurance ran out, because it was capped at $75,000, they still incurred $200,000 more in treating the wife's cancer, or the Jefferson County couple, who had to quit their jobs because their employer's insurance would not provide for the preexisting illnesses of their children, or the Jackson County security guard who may work for one of the companies that voted with the Roundtable and, yet, when their insurance ran out, his wife's cancer treatments are not covered.

Get out of the board room, just as Members of Congress get out of the Beltway, and together we will discover the true health care crisis that is in our country.

□ 1030

URGING THE ADMINISTRATION TO MAINTAIN ILLEGAL STATUS OF DRUG USE

(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, drug use is one of the most growing and one of the most vexing and agonizing problems facing America today. To properly deal with this, we need a manifold response, everything from stern law enforcement, unflinching sentencing and throwing the key away on the drug kingpins, to drug education, drug counseling and drug treatment, in prisons and out of prisons.

One aspect in this national response, Mr. Speaker, we do not need is any talk of legalization of drugs, as has been mentioned for study by the Surgeon General of the country. I was, therefore, pleased this week when Secretary Shalala of the Department of Health and Human Services, in announcing the disquieting growth in drug use among young people in America, said illegal drugs will remain illegal.

I would be reassured even further, Mr. Speaker, if the President would say again, as he has said in the past, that illegal drugs will remain illegal—that they will not be legalized on his watch. That is the proper approach, and I hope to hear it again many times in the months ahead.

CONSTITUENTS KNOW AMERICA SUFFERS FROM HEALTH CARE CRISIS

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

Mr. KLEIN. Mr. Speaker, who says there is no health care crisis in America? Explain that to the individuals who suffer every day because they do not have the proper health care coverage nor the money to pay for the medical attention that they need. I would just like to pass along the thoughts of just one of the many troubled citizens who have taken the time to write to me.

A constituent from Clifton, NJ, wrote:

> We must take care of our own people. Millions are paying dearly right now. The absence of proper health care coverage for all Americans is a disgrace to this country.

This woman and her husband are two average, middle income citizens, who paid over $17,000 in medical expenses last year alone, because of an ongoing lack of health care coverage. I wish this letter was the exception to the rule, the only letter I had received announcing the lack of universal coverage for all, but it is not. I have received hundreds more that call on this Congress to give them a health care system that will be beneficial, not vindictive.

Yes, we have a health care crisis, and for the sake of our country we must address it now.

URGING FULL SUPPORT FOR FEDERAL FUNDING FOR EARTHQUAKE RELIEF FOR CALIFORNIA

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

Mr. TUCKER. Mr. Speaker, I rise today in full support of the supplemental appropriation bill for earthquake relief for California. Mr. Speaker, it would seem that this call for help from California's most devastating natural disaster in the history of our country would be a simple plea. Unfortunately, Mr. Speaker, it is my understanding that there are those who will question this earthquake relief measure, will question this bill as to the money that is being spent.

Mr. Speaker, this is unfortunate, even though I understand that we are asking for some $9.5 billion, and, of course, the price tag continues to go up. The damages in California are estimated to be about $30 billion.

However, Mr. Speaker, this was the greatest natural disaster in the history of this country, with 57 people dead, 6,500 people injured, 200,000 people applying for disaster relief. Let me say, on a personal note, Mr. Speaker, that I was there when this earthquake hit.

For those of us who think that this is just a California problem, we must remember that the earthquake in California of today is the flood in Members' areas tomorrow, or the hurricane in their area next week. Mr. Speaker, this is a time for all Americans to rally together, and all the Representatives who represent America to say that we must give relief where relief is needed.

H.R. 3759: EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

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

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of moving swiftly in providing emergency disaster assistance to the victims of the recent southern California earthquake.

The January 17 Northridge earthquake was a disaster of eipc proportions. It is estimated that the final damage estimates may range anywhere from $15 to $30 billion in uninsured costs. The human toll has been staggering. Tens of thousands of homes were damaged or destroyed, leaving a large population of displaced homeowners and renters. Thousands of people were injured and many, tragically, lost their lives. These horrifying losses, combined with major damage to the area's transportation and utility infrastructures, hospitals, businesses, and schools, have created the greatest crisis in Los Angeles' history.

Although there were initial logistical delays and difficulties, the response by relief organizations and the Federal, State, and local agencies has helped to initiate the rebuilding and recovery effort. Given the magnitude of the damage, however, that monumental task cannot continue without Federal financial assistance. We must not waiver in affording immediate relief to victims of this disaster.

I ask that my colleagues demonstrate the same compassion and commitment to addressing this emergency as was exhibited during last year's midwest flood disaster. I urge you to support disaster assistance for the victims of the Northridge earthquake.

THE JOURNAL

The SPEAKER pro tempore (Mr. CLYBURN). Pursuant to clause 5 of rule I, the pending business is the question of approving the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TUCKER. 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 245, nays 144, not voting 44, as follows:

[Roll No. 5]

YEAS—245

Abercrombie	Costello	Glickman
Andrews (ME)	Coyne	Gonzalez
Andrews (NJ)	Cramer	Gordon
Applegate	Danner	Green
Bacchus (FL)	Darden	Greenwood
Baesler	de la Garza	Gutierrez
Barca	Deal	Hamburg
Barcia	DeFazio	Hamilton
Barlow	DeLauro	Hansen
Barrett (WI)	Dellums	Harman
Bateman	Derrick	Hayes
Becerra	Deutsch	Hefner
Beilenson	Dicks	Hilliard
Berman	Dingell	Hoagland
Bevill	Dixon	Hobson
Bilbray	Dooley	Hochbrueckner
Bishop	Durbin	Holden
Blackwell	Edwards (CA)	Houghton
Bonior	Edwards (TX)	Hoyer
Boucher	Engel	Hughes
Brewster	English	Hutto
Brooks	Eshoo	Inglis
Browder	Evans	Inslee
Brown (FL)	Farr	Jefferson
Brown (OH)	Fazio	Johnson (GA)
Bryant	Fields (LA)	Johnson (SD)
Byrne	Filner	Johnson, E.B.
Cantwell	Fingerhut	Johnston
Cardin	Fish	Kanjorski
Carr	Flake	Kaptur
Clayton	Foglietta	Kasich
Clement	Ford (TN)	Kennelly
Clinger	Frank (MA)	Kildee
Clyburn	Frost	Kleczka
Coleman	Furse	Klein
Collins (MI)	Gejdenson	Klink
Combest	Gephardt	Kopetski
Condit	Geren	Kreidler
Conyers	Gibbons	LaFalce
Cooper	Gillmor	Lambert
Coppersmith	Gilman	Lancaster

Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—144

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Grandy
Hancock
Hefley
Herger
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McDade
McHugh
McMillan
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—44

Ackerman
Andrews (TX)
Bentley
Borski
Brown (CA)
Chapman
Collins (IL)
Crane
Dornan
Everett
Ford (MI)
Goodling
Gunderson
Hall (OH)
Hall (TX)
Hastert
Hastings
Hinchey
Kennedy
Lehman
Lewis (FL)
Lloyd
Machtley
McCrery
McKeon
Meek
Morella
Murphy
Olver
Owens
Payne (VA)
Pombo
Pomeroy
Reynolds
Roukema
Scott
Shepherd
Smith (OR)
Solomon
Torricelli
Whitten
Williams
Wilson
Young (AK)

□ 1055

Ms. MCKINNEY changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present on Thursday, February 3, 1994, to vote on rollcall vote 5 to approve the Journal. I was attending a work session on health care reform.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TUCKER). The Chair will entertain additional 1-minute requests.

THERE IS A HEALTH-CARE CRISIS

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

Mr. HAMBURG. Mr. Speaker, we do have a health care crisis and a constituent of mine, Tom Robson from Windsor, CA, lives with it every day.

Six years ago, Mr. Robson was diagnosed with Parkinson's disease. A forestry specialist, Tom had to quit his job and lost his health benefits. Later, Tom found a job as a swimming pool technician, which offered health insurance. But then the company changed its carrier to lower its health costs, and Tom was dropped from coverage. Tom has since been denied coverage from several insurance companies because of his condition.

Mr. Robson's prescription drugs for November and December cost $2,000. Their church paid $800; Mr. and Mrs. Robson are struggling to pay the rest. Tom does not qualify for Medicaid or Medicare.

Mr. Speaker, the Robsons are a hard-working couple. As best he can, Tom helps his wife run her window washing business. But their combined income is modest, and for years they could not afford to buy health insurance for Mrs. Robson. Last month, she purchased insurance for herself, but her husband again was denied coverage.

Mr. Speaker, Tom Robson and millions of people like him are living proof that we have a health care crisis. I urge my colleagues to not break faith with Americans who live with the crisis every day of their lives.

□ 1100

FUNDING EARTHQUAKE RELIEF WHILE STILL BALANCING THE BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to talk about balancing our budget. You know, last night we talked about the rule which is coming up shortly on earthquake relief. I think there is not a single American who does not think we should support our fellow Californians, and I for one think we ought to do it now and immediately. But on the other hand, we are broke as a nation and we should at the same time pay for it.

I think if you will listen to the debate that follows, we will give you a way to fund it now and pay for it out of this year's or next year's budget. I think the responsible thing for America is to balance this out.

I urge every Member to listen to the debate today.

HEALTH CARE CRISIS AFFECTS MARYLAND STATE EMPLOYEES

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

Mr. CARDIN. Mr. Speaker, there are those who tell us that we do not have a health care crisis. Well, you tell that to the State employees in Maryland who have been asked to pay a 100-percent increase in their insurance premiums this year, who have been given less choice in their ability to select their own doctor or hospitals, who have given up salary increases in order to try to maintain their health care benefits, who are tired of paying for the costs of other people who do not have health insurance today, the cost shifting that occurs in our society.

Mr. Speaker, we need real health care reform. We need health care reform that will provide universal coverage now to all the people of this Nation, to stop the cost shifting that is occurring.

We need health care reform that will have effective cost containment in it, that will bring down the ever-escalating costs of health care in our society. We need real health care reform now.

EARTHQUAKE RELIEF PACKAGE: A TO Z SPENDING-CUTS PLAN

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

Mr. ZELIFF. Mr. Speaker, every Member of this House feels a strong compassion for the victims of the recent California earthquake. We all know that massive Government aid is needed to get the Los Angeles area back on track.

The earthquake relief package will be the largest ever for a natural disaster. The biggest question now is, who will pay for it? Us or our children and grandchildren?

The President talks about the need for deficit reduction. The congressional leadership has joined in this call. So clearly we should not tack another $10 or $20 billion onto our already massive debt.

So what's the solution? The solution, Mr. Speaker, is to use the A to Z spending cuts plan to pay for earthquake relief.

The A to Z spending cut plan calls for an open rule that: First, allows every Member to propose new spending cut amendments; second, provides a free and fair debate for each proposal; and third, holds an up or down vote on each specific recommendation.

It is simple. It is fiscally sound. It just makes sense.

Give us an open rule and we can cut enough fat out of the budget to pay for the badly needed earthquake relief.

HEALTH CARE CRISIS: MANY AMERICANS ARE ONE PAYCHECK AWAY FROM BEING UNINSURED

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

Ms. PELOSI. Mr. Speaker, remarkable as it may seem, there are some who are saying we do not have a health care crisis in this country. We all have heard that there are over 35 million people who are without health insurance. But the figures are even larger than that: In the course of 1 year, 51 million people will be without health insurance at some time or another; around 80 million Americans in our country have a preexisting condition which will prevent them from having health insurance or renewing health insurance.

Around 80 million people also have restrictive lifetime benefit caps on their health insurance. Sometimes they do not even know that until they become ill a second time.

Many, many millions of Americans will pay more for health care insurance in this year than they did last year for the same or less coverage.

One such is a constituent of mine who wrote on November 24 that he had worked hard all his life and received a notice from his health insurance company stating that, "Effective January 1, 1994, your monthly payment of $120 will be changed to $252 per month." It went from $1,440 to a $3,000 premium per year.

Mr. Speaker, this is a man who has worked all his life; he is a retiree. He said, "I believe that the rate increase is unfair. I am left without a choice. I need insurance for my family and myself."

Mr. Speaker, this letter, I believe, speaks well as to the need for health care reform, for universal coverage for all Americans.

CLINTON HEALTH CARE QUESTION NO. 357, AND OTHERS

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

Mr. KINGSTON. Mr. Speaker, this is what I call Clinton health care question No. 357: "Will I have the same patient/doctor relationship under the Clinton health care plan that I have right now?"

No; absolutely not. Why not? Well, your physician will no longer be working for you; he or she will be working for a network who works under the guidelines of a State-run government alliance.

The alliance has a budget which is set by the national health board, which is a central bureaucracy in Washington, DC, which will tell these alliances in your neighborhood, in your city, in your county, how much they can spend on health care.

Now, what does that mean to you, the patient? It means that when you go to see your physician, that the more time he or she spends with you the less time they can spend with other patients. The less patients they see, the less likelihood that they will make that State-mandated budget.

Therefore, what is going to happen is your physician, if he or she is having to see 20 people a day now, they will be told that you have to see 30 people a day in order for us to make this Government-mandated, centralized budget.

Mr. Speaker, the alternative, the obvious alternative, is the Michel plan; it keeps that doctor-patient relationship which we Americans treasure so highly.

PROVIDING FOR CONSIDERATION OF H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except the amendments printed in the report, of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. With the concurrence of the minority leader, the amendment numbered 2 in part 1 of the report may be offered in a modified form that is germane to its printed form. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. TUCKER). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1110

Mr. Speaker, House Resolution 336 is the rule providing for the consideration of H.R. 3759, making emergency supplemental appropriations for the fiscal year ending September 30, 1994. Although most of this supplemental covers emergency expenses arising from the disastrous January 17 Los Angeles earthquake, it also provides emergency funding for humanitarian assistance and peace-keeping activities, additional funding for the 1993 Midwest flood recovery, and funds for highway reconstruction resulting from the Loma Prieta earthquake.

The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the bill and against its consideration are waived. The bill shall be considered as read.

Only those amendments printed in the report to accompany the rule are in order, and they are to be considered in the order and manner specified, with debate time also stipulated in the report. The amendments are not subject to amendment except as specified in the report, are considered as read, and are not subject to a demand for a division of the question. All points of order against the amendments printed in the report are waived.

The rule also provides that the amendments printed in part 2 of the report shall be considered under the king-of-the-hill procedure, under which the last amendment accepted by the House prevails.

Finally, the rule provides for one motion to recommit.

At this point, Mr. Speaker, I would like to explain the amendments permitted under House Resolution 336. Part 1 of the report on the resolution specifies three amendments that may be considered. Thirty minutes of debate time is provided for the amendment to be offered by the gentleman from Massachusetts [Mr. FRANK] to strike all of chapter III of the bill, Department of Defense funds for humanitarian aid, peacekeeping, and peace enforcing operations in Bosnia, Somalia, Iraq, and Haiti, except for one general provision allowing the Department to incur obligations in anticipation of receiving burdensharing contributions.

The second amendment, which may be offered by the gentleman from Maryland [Mr. HOYER] or the gentleman from Missouri [Mr. CLAY], may be debated for 20 minutes and authorizes Federal employee buyouts so that departments and agencies can meet work force reductions required by the President's pledge to cut 252,000 Federal jobs. The rule provides that the amendment may be modified only with the concurrence of the minority leader. Any agreed to modifications must be germane.

The third amendment in part 1 of the report, which provides 20 minutes of debate time, may be offered by the gentleman from Florida [Mr. DEUTSCH]. It prohibits the use of funds by the Federal Emergency Management Agency to deny coverage or cause buildings to be torn down under certain very specific circumstances.

Mr. Speaker, part 2 of the Rules Committee report provides for the consideration of three amendments under the king-of-the-hill procedure in which the last amendment accepted by the House of Representatives would prevail. These amendments, which are offered to allow Members to consider offsetting the costs of this emergency with spending cuts from other programs instead of providing the emergency designation as has been done for all disasters since 1990, are allotted 1 hour of debate time each.

The first of the offset amendments, to be offered by the gentleman from Indiana [Mr. MYERS], includes the text of H.R. 3511, the fiscal 1994 rescissions package which rescinds $2.56 billion. The amendment also includes additional cuts to reduce fiscal year 1994 spending by a total of $7.5 billion. These cuts are connected with reductions in—among several areas—Federal positions, defense procurement, military construction, the Legal Services Corporation, and the World Bank. The Myers amendment also cuts 1.3 percent across the board for the legislative branch and an additional $2 million in House franking.

The second amendment, made in order, is to be offered by the gentleman from Iowa [Mr. NUSSLE] along with Representatives PENNY, KASICH, and CONDIT. The amendment provides for spending cuts of about $10 billion to offset the entire cost of the emergency appropriations. The amendment includes several rescissions, the fiscal year 1994 installment of the Federal work force reduction, and changes in various laws, including the Public Law 480 Food for Peace Act and the Davis-Bacon Act.

The third in this series of amendments designed to offset the cost of emergency spending with cuts in other programs will be offered by the gentleman from California [Mr. FAZIO]. This final amendment includes the text of H.R. 3511, rescinding $2.56 billion in fiscal year 1994 funding.

Mr. Speaker, H.R. 3759 provides $9,719,150,000 in budget authority, the same as the request made by the administration, 80 percent of which is to cover expenses arising from the Los Angeles earthquake. All disaster relief funds in this bill are designated as emergency requirements under the terms of the 1990 Budget Enforcement Act. Under this act, appropriations that are designated as emergency requirements by both the President and the Congress are counted as automatic increases in the discretionary spending limits.

The emergency designations in this bill are consistent with past disaster relief appropriations—in 1993 to cover the disaster costs caused by extensive flooding in the Upper Mississippi River area; and in 1992 and in previous years to cover the costs caused by other natural disasters, such as Hurricane Andrew, Hurricane Iniki, Hurricane Bob, the devastating fires in Oakland, CA, and the State of Washington; the northeast storm that ravaged the New England area; and agricultural disasters such as the California freeze, the Red River Valley in Texas floods, the Kansas drought, the Minnesota/Iowa excessive rainfall, the Southeastern States drought, and the Louisiana/Texas freeze.

The measure provides a total of $7.77 billion for the Los Angeles earthquake, $1.198 billion to the Department of Defense to support humanitarian assistance and peacekeeping operations, $435.5 million for the Midwest floods and fires in southern California; and $315 million for the Loma Prieta earthquake. The bill's total includes $8.8 billion in appropriations that will become available upon enactment, and $900 million in contingency appropriations that would become available when the President transmits a subsequent request to Congress that formally designates these amounts as emergency funds. The bill also makes available $1.1 billion in additional Small Business Administration disaster loans, as requested by the administration, for low-interest loans to homeowners, renters, and small business owners.

The measure provides $4.7 billion in FEMA disaster relief, including $700 million to repair school buildings; $1.665 billion is provided in Federal aid to highways and language is included in the bill to expedite reconstruction of damaged roads and bridges; $66.6 million is provided for Veterans Affairs, including $45.6 million for construction at the Sepulveda Veterans Administration Medical Center which was closed because of earthquake damage.

Mr. Speaker, as a result of bipartisan negotiations among several members of the California delegation, H.R. 3759 prohibits the use of the bill's funds to aid illegal aliens, except for emergency medical care and shelter, food, water, medicine, and other emergency aid specified in the bill. The intent of this provision, approved by the Appropriations Committee, is the result of serious concerns about providing taxpayers' dollars for long-term disaster assistance to persons who have entered the United States in violation of the immigration laws of our country.

Mr. Speaker, as a representative of one of the districts hit hardest by the devastating earthquake in Los Angeles, I am grateful, as are other members from our area, to the members of the House Appropriations Committee for their expeditious handling of the bill to provide emergency appropriations for relief efforts to the tens of thousands of individuals adversely affected by the Los Angeles earthquake. The committee's efforts will ensure that there is no interruption in providing housing, food, and medical assistance to the victims of this natural disaster. These funds will also be used to restore essential traffic systems to millions of citizens in the Los Angeles area, who, as Members know, are finding it extremely difficult to get around the county and to get to and from work.

The Los Angeles earthquake, in which 57 people were killed, 6,500 injured, 16,000 homes rendered uninhabitable, and over 45,000 residential structures were damaged, is the largest disaster ever handled by the Federal Emergency Management Agency. I have seen the FEMA operations first hand and have been enormously impressed by the excellent work of the Agency's Director and of his staff, who are working literally 24 hours a day processing applications, which now are in excess of 250,000.

Approximately 100 public schools were severely damaged by the earthquake, several of which remain closed. Damage to public buildings was severe—11 were destroyed and another 10 badly damaged.

The Department of Housing and Urban Development has already distributed over 10,000 section 8 emergency housing certificates, compared with 7,000 vouchers issued in the first year after Hurricane Andrew.

The Small Business Administration has issued a larger than expected number of disaster assistance applications. Since January 26, the number of applications has more than doubled, to 177,000 as of Monday earlier this week.

Over 38 miles of roadways were closed in the Los Angeles area, including 4.7 miles of the Santa Monica Freeway, the most heavily traveled highway in the Nation. Interstate 5, which runs north and south and serves the whole Pacific coast, was seriously damaged as well. In addition, over 200 bridge structures are known to be damaged.

Severe aftershocks continue to cause damage in the region. Last Saturday's 5.0 aftershock added to the over $200 million in existing damage to California State University at Northridge and further damaged Highway 101 in North Hollywood.

Mr. Speaker, as one who experienced the earthquake himself and toured and inspected a large portion of the area with, first, the President and FEMA Director Witt, and on my own with members of my own family and members of our district office, our staff in Los Angeles for the past 17 days, I can personally attest to the urgent need for the passage of this bill. For these reasons, I urge the adoption of this resolution, so we may act today on this urgently enacted emergency assistance.

Finally, let me say this. As our colleagues know, the earthquake affected principally the districts that are represented by myself, the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. MCKEON], the gentleman from California [Mr. GALLEGLY], the gentleman from California [Mr. WAXMAN], the gentleman from California [Mr. DIXON], and, to a certain extent, I think, represented by some of our other colleagues. And I do want to take this opportunity to tell the other Members of Congress, and the people they represent back home, how profoundly grateful our people are to their constituents and to our country men and women all across the United States for their generous and warmhearted response to our people in their time of great trouble and of need.

I also want to take this opportunity, if I may, Mr. Speaker, to tell my colleagues that they should be very proud indeed, be aware of and very proud of the quick, efficient, and thoroughly effective and professional response of the Federal agencies to whom we have given the responsibility of responding to great natural emergencies such as this one. I cannot adequately express to my colleagues and to the people of this country how well these people have done their job.

Within 1 day, Mr. Witt, the Director of FEMA, was in Los Angeles, and two secretaries of the President's Cabinet were there, Mr. Cisneros and Mr. Peña. On the 2d day the President himself came and spent 6 hours of the day, not only touring the affected areas, but also presiding at a conference for more than 3 hours with our mayor and with our Governor and with a bipartisan scattering of public officials to discuss in detail what needed to be done in response to the earthquake.

Within 3 days, FEMA had opened 12 disaster assistance centers, or DACS, and from that time onward, hundreds upon hundreds of Federal employees, both FEMA employees and SBA people and others from IRS and Customs and everywhere else, as a matter of fact, from around the country, and from around the State, have been working 15 or 16 hours a day, 7 days a week, to process these many hundreds of thousands of applications, and have done so in the best possible manner. We are very proud of these people. I want you to know, too, although I have never had personal experience with FEMA in the past, if they have had problems in the past, whatever they may have been, I cannot imagine a group of people, and all of the folks working with them and under Mr. Witt and the President and the President's Cabinet, to have done a better job than, in fact, the job they have been doing these past days.

Others have helped out enormously too, both public and private people. The Los Angeles Police Department has been magnificent. The National Guard, mostly taken from California contingents, has been magnificent. Thousands of private people, including especially the American Red Cross and the Salvation Army, two wonderful groups we know well and think often about, but really don't realize until you face a situation such as this what magnificent work they do. Thousands of volunteers from all over the country, working with the Red Cross and the Salvation Army.

To name just one small group, some men from the Southern Baptist Convention, from five to six States, mostly in the Southern United States, Arkansas, Louisiana, Texas, Mississippi and Oklahoma, who drove their own rigs up there and worked at the Red Cross shelters providing tens of thousands of meals every day for folks who were in need.

When we thanked them, they said it gives us great pleasure to do so, and we are doing it for the Lord.

But in any case, I cannot tell you how many wonderful heart-warming scenarios we came across in the 12 or 13 days I have spent all of my waking time touring the district, the thousands of people who have come from all over the country to help. And from all of our people, people in my district and from my colleagues' districts, I just want again to express to everyone throughout this country who has helped and whose concerns are with us, how terribly grateful we are. We know what a wonderful country we have the privilege of representing a small part of, but a disaster such as this reminds one of how truly wonderful it is and how truly remarkable the people of the United States are.

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

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

Mr. Speaker, at this hour we begin the first step toward full House consideration of this very important measure that is going to respond to the earthquake that awakened so many of us at 4:31 on January 17. Anyone who has not been to the districts of the gentleman from California [Mr. MCKEON], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. WAXMAN], the gentleman from California [Mr. BEILENSON], the gentleman from California [Mr. MOORHEAD]. the gentleman from California [Mr. DIXON], and the gentleman from California [Mr. GALLEGLY] in the last 2½ weeks, cannot comprehend the amount of physical and personal destruction that has occurred. Every dollar of aid money in this bill that is earmarked for Los Angeles is needed, and it must get there just as quickly as possible.

Mr. Speaker, I would like to join with my friend in expressing great appreciation to the taxpayers of this country and our colleagues, Representatives from all over this country, for the tremendous support that has been shown by the American people.

In addition to the funding, there are a number of other very positive provisions that are in this bill. It finally moves us in the direction of addressing the problems of benefits to illegal immigrants. This bill could not possibly fund all of the disaster assistance, so we need to assure that benefits are going to those that are lawfully in this country.

In addition, the bill requires a study of unfunded Federal mandates and

other regulations that can be eased to allow Los Angeles to expeditiously rebuild. I hope we will be able to act on those recommendations just as soon as they become available.

I would point out, Mr. Speaker, that there are amendments made in order by this rule, that, if adopted, will also improve the bill. For example, if my colleagues believe, as I do, that we should pay for the new funding and not add to the Federal deficit, the rule makes in order through a king-of-the-hill procedure three amendments to provide offsetting spending in this resolution.

One amendment, by the gentleman from Indiana, a senior member of the Committee on Appropriations, Mr. MYERS, who will be speaking in a moment about this, will provide $7.5 billion in offsets. Another, by the gentleman from Iowa [Mr. NUSSLE], the gentleman from Minnesota [Mr. PENNY], the gentleman from Ohio [Mr. KASICH], and the gentleman from California [Mr. CONDIT] will provide over $10 billion in offsets.

Regrettably, Mr. Speaker, there are a number of amendments that were not made in order by the Committee on Rules that, frankly, could also improve this bill.

So that we can continue to expedite consideration of this badly needed disaster aid while allowing additional amendments to be considered, I am going to urge defeat of the previous question, so that we can immediately provide an opportunity for these amendments and then move ahead.

If the previous question is defeated, it will not delay this bill. That has been said time and time again by members of the Committee on Appropriations who testified before our Committee on Rules. It will simply permit me to offer an amendment to the rule that will make in order three amendments to the bill.

The first is the amendment by the gentleman from Texas [Mr. DELAY] to exempt projects funded in the bill from Davis-Bacon Act requirements. The purpose of this bill is to expedite the earthquake recovery, not to line the pockets of unions. Waiving Davis-Bacon constraints during this time of urgent need will make the maximum level of resources available to assist in the recovery.

The second is the amendment by the gentleman from Texas [Mr. JOHNSON] which would score the discretionary spending in the bill against the current cap.

The third is a provision allowing amendments to strike any paragraph of the bill.

The chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS] made a request of our Committee on Rules that section 603 of the bill not be protected from points of order. If the previous question is defeated and my amendment is adopted, Chairman CONYERS or any other member would be allowed to strike that section of the bill.

Mr. Speaker, while I support the full amount of funding in the bill that will be made available to rebuild Los Angeles, I regret that we will once again have to debate how to pay for disaster aid. Frankly, there is some element of truth to the criticism that the budget is set up to incur spending emergencies so that tough decisions about taxes and spending can be evaded.

The Federal Emergency Management Agency has spent an average of $483 million a year since 1974 on disasters. Yet Congress only appropriated an average of $191 million a year.

□ 1130

We know disasters are going to strike, and we know they are going to cost money. So it seems to me that we should adequately budget for them with a disaster contingency fund set-aside.

In addition, Mr. Speaker, it is time to look at a Federal natural disaster insurance program.

In California, an earthquake insurance policy for a $200,000 home runs about $300 a year with a 10 percent deductible. For those who can afford the premiums, they are unlikely to make claims because they rarely exceed the $20,000 deductible.

For the past several years, my friend from San Bernardino, GEORGE BROWN, and I have sponsored legislation to create a Federal earthquake insurance program, and extensive hearings have been held on the need to make insurance more affordable and available. I hope very much that we can act before the next disaster strikes.

As I have said, Mr. Speaker, I want to expedite consideration of this bill so that the people of Los Angeles, whom I am privileged to represent, can get back on their feet. At the same time, I believe that other Members have good ideas on how to improve this disaster relief bill, and they deserve an opportunity to be heard.

So I urge my colleagues to defeat the previous question so that these amendments can be made in order and we can move rapidly to get this aid package out there.

Mr. Speaker, I include for the RECORD some printed material.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 3759

(MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1994)

WEDNESDAY, FEBRUARY 2, 1994

1. DeLay Amendment: This amendment to the rule would make in order the DeLay amendment which exempts projects funded in the bill from the Davis-Bacon Act requirements. The amendment would be non-amendable, subject to 20-minutes of debate, and clause 2 of rule XXI would be waived against the amendment.

Vote: Rejected, 4–5. Yes: Derrick, Solomon, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Slaughter. Not Voting: Hall, Wheat, Gordon, and Quillen.

2. Sam Johnson Amendment: This amendment eliminates the "emergency" designation in the bill and scores the discretionary spending in the bill against the current cap, and any additional spending against next year's cap. The amendment would be non-amendable, subject to 20-minutes of debate, and clause 2 of rule XXI would be waived against the amendment.

Vote: Rejected, 3–6. yeas: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Slaughter. Not Voting: Hall, Wheat, Gordon, and Quillen.

3. Motions to Strike: This amendment to the rule would permit amendments to strike any paragraph in the bill. The amendments would be non-amendable and subject to 20 minutes of debate each.

Vote: Rejected, 3–6. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Slaughter. Not Voting: Hall, Wheat, Gordon, and Quillen.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	54	12	22	42	78

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Feb. 3, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I would like to talk about a couple different issues.

Number one, I am a supporter of the bill and a supporter of aid for those who have been subject to this great disaster. But I am wearing here on my lapel an Olympic pin to promote the Olympic Games in Atlanta, GA, a great American event. The pin was made in Taiwan. I am disappointed in the Committee on Rules for not making in order a simple, modest Buy American provision for this 10-plus billion dollars.

Let me just say this: The Traficant amendment suggested that when entities receiving moneys in this bill, that they buy products made in America by the hands of the taxpayers that pay for these disasters and pay to keep this train called American Government coming down the track.

Beam me up, my colleagues. It is an insult to the American workers. Congress can pass literally a jobs bill for Mexico, screwing the American workers, but will not even suggest, when we spend American money, that the people who are getting our taxpayers' dollars from the very workers who are paying those taxes, that we do not even buy from them American products.

This is a shame. I have supported the rules all along here. If this thing is brought down on the previous question, I will ask that the Traficant Buy American amendment be also included in this bill. But it will not cause me to cause the rule any problem.

I support, also, the effort of the gentleman from California [Chairman BEILENSON] and the gentleman from California [Mr. DREIER] here for their efforts.

The second point I wanted to talk about is the offsets, the offsets. I think there are some Members here that really believe that on the backs of this disaster we could even make a buck with this bill. Where do the offsets come from?

I want Members to think about this. The taxpayers send the money so we keep this thing afloat, and we are going to cut the bridges, the highways, the roads, the water lines, the public buildings for the very taxpayers who are keeping us afloat.

We are penalizing America to help with this disaster. Let me ask this question? Why not have taken all this money from foreign aid, damn it?

The truth is, there is not enough guts here to touch that foreign aid account, which leads me to believe who does Congress really represent anymore. All I know is this, I do not want to see my area, listen to the word, "screwed" because of the disaster in California. That need not be.

I would also like to say that when Congress cannot even suggest that 10 billion tax dollars that our hard-working people are struggling to pay here, cannot even suggest that we might spend some of that money back to the same people that are building our products and then punish those same people by taking their infrastructure away, where they may create some jobs, it drives me literally to a frenzy.

I would like to say this to my colleagues: I think if we are going to offset, we should take money that is going to protect Japan and Germany. Let them start paying a few bills, number one.

Number two, let us start cutting that foreign aid account.

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

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate his very kind comments.

I am looking at the outline of proposed cuts under the Myers amendment, and the gentleman from Indiana [Mr. MYERS] has proposed $2 million in cuts from House franking, $25 million in cuts from the World Bank, $20 million in cuts from the legislative branch.

I think it is very important for us to realize that there are going to be some very important cuts that are going to be made here.

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, in a $10 billion bill, the cuts the gentleman has enunciated are like a fly on our face.

Congress better recognize we have an elephant eating out our behind here. Billions of dollars should be cut from foreign aid. Billions of dollars should be cut from American tax dollars. Spending it for the troops in Japan and Germany, Tokyo and Frankfurt, cashing their checks, economic development for these other countries, and we are going bankrupt.

If this previous question is defeated, I want a commitment from the Democrats that the Buy American amendment will be accepted. I would like to ask unanimous consent that it be placed in, but I will not oppose the leaders on this important bill.

Mr. DREIER. Mr. Speaker, I just found on this list in the Myers amendment $3.2 billion in cuts from administrative expenses at all Federal agencies so, obviously, there is some very thoughtful proposals going in here.

Mr. Speaker, I yield 5 minutes and 30 seconds to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the ranking Republican on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, where it has been below zero, I think, for 18 consecutive days.

Mr. Speaker, I would give a guarantee to the gentleman from Ohio that, yes, we will guarantee, on the Republican side, his amendment for Buy America. So he has the battle half won.

Mr. Speaker, I thank my colleague, the gentleman from California for yielding me this time.

You know, it is always difficult to raise any concerns over a bill that is so desperately needed to provide emergency aid to the victims of natural disasters.

And I certainly support the expedited consideration of this bill and the blanket waiver of points of order to permit it to be brought to the floor of the House today. This is one occasion that warrants putting the legislative process on a fast-track, as this rule does.

At the same time, we have to be especially careful that we do not abuse this expedited process by shutting out amendments that should be considered, or by passing legislation that we do not fully understand.

Even when you move a bill with all deliberate speed, you must still deliberate—that is, carefully weigh and debate the merits of the legislation and consider amendments to improve on it. And this rule makes a partial attempt to ensure such deliberation.

The central issue here today is whether this disaster relief bill should be self-financed or whether it should simply be chalked up as a further add-on to the deficit.

Should this emergency supplemental appropriations bill be completely off-budget, as the President recommends, by giving it an emergency designation? Or should it be partially or fully paid for by offsetting cuts, as three of the amendments made in order under a king-of-the-hill procedure would do.

The last time we confronted this issue on the Midwest flood relief bill, we were told to wait until "next time." A bipartisan Speaker's task force would be appointed to study and recommend on how to finance future disaster assistance.

Well, this is the next time, and the task force has not even been fully appointed, let alone made any recommendations.

And some are again arguing, "not now—maybe next time."

At least this rule allows for some alternative financing mechanisms, even if they are not supported by the administration or the majority leadership.

I especially want to commend Representatives NUSSLE, PENNY, KASICH, and CONDIT for holding the feet of the leadership and the Rules Committee to the fire on this issue—as difficult as it is to do so in the midst of a disaster.

Yes, the Midwest floods were awful, and the California earthquake is devastating.

But we have another disaster called the Federal deficit—and we are literally drowning in a sea of red ink, and our children and grandchildren will be feeling the aftershocks for years from our ongoing deficit earthquake and the craters it is creating in our economic base.

As much as we might wish to pretend that we can simply wave a magic wand called an emergency designation and make the additional deficit spending go away, it will not disappear with a few words in a bill. It is here to stay and it is mounting with each new disaster.

How do I explain to my constituents in northern New York, where unemployment is 12 percent and the average income of those who are lucky enough to have jobs is $12,000 at best, that we must dip deeper into their pockets and those of their grandchildren to finance these disaster relief efforts?

My district is a disaster with plants closing down and moving south and my constituents being socked with annual heating bills of $2,000 and more due to these devastating, subzero winter weeks on end. Where is the relief for that kind of disaster?

Yes, we are all humanitarians and we all feel the pain of those who are left homeless and jobless by floods, fires, hurricanes, and earthquakes.

But there is a growing sense among many in the population that Uncle Sam can somehow pick up the tab for everyone and every kind of damage. We are contributing to an attitude that people do not need to worry about things like flood insurance or earthquake insurance, or more rational siting of their homes and businesses.

And the more we contribute to that growing dependency on Government, and undermine the ethic of individual and community responsibility, the more our deficit and public debt will grow.

We will stifle any real opportunities for economic growth and job creation.

Mr. Speaker, we just cannot continue down this road. It is a road to economic disaster for which there will be little or no relief.

We must begin to turn things around by making some hard choices and tradeoffs—by facing up to fiscal realities.

The Nussle-Penny-Kasich-Condit amendment, which fully offsets the cost of this bill by reducing Government spending elsewhere is a clear signal that we are ready to accept our responsibility both for relieving disaster situations while addressing the deficit disaster that endangers this Republic.

Mr. Speaker, I want to join my colleague, the gentleman from California [Mr. DREIER] in urging that we defeat the previous question to allow for three other types of amendments. One by Mr. DELAY of Texas to exempt the Federal projects in these disaster areas from the Davis-Bacon requirements of higher constructions costs. That alone will provide additional millions in real disaster relief for the affected victims.

Second, the amendment of Mr. SAM JOHNSON of Texas to remove the emergency designation and apply any breach of the existing discretionary caps to next year's spending cap.

And third, an amendment to allow Members a simple motion to strike any paragraph of this bill—a right that should always be ours on appropriations bills under our constitutional power of the purse.

I think these are modest yet necessary additional steps we can take to ensure that fiscal sanity will be considered alongside our humanitarian responsibilities. Vote down the previous question on this rule and for the Dreier amendment to the rule to give the House a vote on those three additional things.

□ 1140

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Indiana [Mr. MYERS] a hard-working member of the Committee on Appropriations, who was before the Committee on Rules last night.

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise today to thank the Committee on Rules, the chairman, and all the Members, for making in order in this rule some cost accounting that has been long overdue. Years ago, I never voted against a rule of this House, because I thought they were always fair. I do not mean to be critical today, because I appreciate the fact that they were very generous, in fact, there are 150 pages of generosity here.

However, this year and last year I had to vote against some of the rules that I wish I did not have to vote against, because I felt I had to give everyone the opportunity. I appeared late in the evening last night before the Rules Committee, and I guess spent over an hour, and they listened to me very tentatively. The gentleman from California and I appeared, representing the Committee on Appropriations.

I ask for an opportunity to present for the House and the American people an amendment that would be a fair amendment, that would cut spending where we could, not painlessly, and the committee made that in order. For that reason I shall support today, and I thank the Members for that.

I realize they worked late into the night last night, but we do not want to delay, and I know each of the Members in this committee and each of the Members of this body does not want to delay any effort for California, but we simply do have a responsibility, an obligation to the taxpayers of this country to make certain we pay for it in some way.

To the gentleman from Ohio, if he is still here, and I guess he is not, if he will agree to the amendment that I shall offer later today, I do not want to take highways or bridges out. I think those are high priorities. However, we cut the Government. The Government should trim its sails, should start living within its means.

There are many agencies, and I have learned again this morning of more money we could take out if the rule should provide that, but in reading the rule, I find it does not permit me to add more money to the cuts.

What I shall offer later this afternoon, because the rule permits this, is an opportunity to cut $7.4 billion from this already large appropriation bill, which I shall be talking about under the appropriation time. Then the remainder, I think we can cut that by unnecessary spending, hopefully supporting the amendment of the gentleman from Massachusetts [Mr. FRANK] and that of the gentleman from Indiana [Mr. BURTON], which would knock out some unnecessary spending in the Defense Department going to Somalia, going to Bosnia, going to Iraq. There are other cuts we can make that just simply do not belong in this bill.

Mr. DREIER. Mr. Speaker, I thank my friend for giving that very helpful comment, and I appreciate his amendment.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DELAY].

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

Mr. Speaker, I am rising in opposition to the rule, because an amendment that I had offered was not allowed under the rule. In this country right now we have a provision, a labor standard called Davis-Bacon. What Davis-Bacon does is basically inflate the cost of Federal construction projects by mandating that a particular wage is paid on Federal construction jobs, and that is usually the union wage.

During Hurricane Andrew, then-President Bush, by Executive order, waived the Davis-Bacon provisions on construction projects to rebuild Florida, because of Hurricane Andrew. Now President Clinton, the minute he got into office, reversed that, I guess under pressure from the labor unions.

That does not seem to me to make a whole lot of sense, to not waive that provision. In fact, other regulations are being waived by this bill. The Secretary of HUD, Mr. Cisneros, came in and asked our committee to waive all regulations other than fair housing, nondiscrimination, the environment, and labor standards.

Why labor standards? Why inflate the cost of these construction projects? It makes no sense. We are holding back moneys that could go to restore the damage that was done by the earthquake. Why? To line the pockets of the unions in California.

The SPEAKER pro tempore (Mr. TUCKER). The time of the gentleman from Texas [Mr. DELAY] has expired.

Mr. DREIER. I yield the gentleman from Texas an additional 30 seconds. In so doing, I will say that this is a very important amendment. If we defeat the previous question on this, we will be able to make in order this amendment.

Mr. DELAY. Mr. Speaker, it has been estimated that on Federal construction projects, Davis-Bacon inflates the cost of those projects for anywhere from 10 to 30 percent. OK, I will accept 10 percent. If we apply 10 percent to this bill, we could save from the deficit about $500 million, and for those Members who want to spend the money, we could take the $500 million and use it to restore the damage in California.

Vote no on the rule. Do not line the pockets of labor unions. Get the money to those that deserve it.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from California [Mr. MCKEON], who represents an area that was very, very hard hit by the earthquake.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

The SPEAKER pro tempore. The gentleman from California [Mr. MCKEON] is recognized for 4 minutes.

Mr. MCKEON. Mr. Speaker, while we have all seen the pictures of the physical destruction, it is also important to highlight the impervious human spirit. Hours after the earthquake, waves of volunteers poured out to assist in emergency disaster relief. In the early hours of the disaster, we saw the greatest need for help. And the best possible response.

As daylight broke and people began to uncover the massive destruction, thousands rushed to local hospitals, police stations, and Red Cross shelters to help those injured and left homeless, leaving their own families, to help where it was needed.

As I toured the Henry Mayo Newhall Memorial Hospital in Santa Clarita, I saw physicians, like Dr. Darrell Carpenter, who had been on call for 30 hours straight working in an overwhelmed emergency room. And I was told of two young 15-year-old girls who rushed to the hospital in the early hours of the earthquake to volunteer their time. They were immediately pressed into service and cleared a darkened basement filled with old medical records and equipment to make room for emergency medical supplies.

The morning after the earthquake, I visited Jim Menzi, a burn victim, who refused to go to the hospital to treat his injuries until he could help his neighbors. Jim put his own life in danger to help others survive the earthquakes of that morning.

And in Northridge, firefighters and local residents told me about the brave tenants of the Northridge Meadows Apartment Building who repeatedly reentered the collapsed building in search of neighbors who had not been accounted for. At that complex we lost 16 lives, but dozens of others were saved because of the courageous efforts of volunteers and concerned neighbors.

I also saw the hundreds of police, deputies and firefighters who immediately reported to their headquarters to aid the victims of this disaster. Many of these dedicated public servants left homes that were severely damaged and families that were shaken, to aid other earthquake victims.

And, of course, I saw first hand the collapsed freeway that claimed the life of Los Angeles Police Officer Clarence Dean who was rushing to duty in the aftermath of the earthquake.

As I stood there and here today, I am in awe of those who gave so much of themselves.

Now, it is our time to aid those victimized by this terrible disaster. Most here today did not have their homes damaged and lives turned upside down, but we can now help to alleviate the human suffering by funding the necessary disaster assistance to rebuild people's homes, businesses, and lives.

It is a small step when you consider what price has already been paid in human suffering. Mr. Speaker, I urge my colleagues to stand with me, my constituents, and all Americans as we take this first step in comforting those affected by this disaster and advancing the recovery.

□ 1150

Mr. DREIER. Mr. Speaker, I thank my friend, who is the former mayor of Santa Clarita, for his very helpful contribution, and I want to say on behalf of all of the Members that we are very, very concerned about the plight of his constituents.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON] the author of a very important amendment that unfortunately was denied, but if we defeat the previous question we will be able to make it in order.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the benevolence of the gentleman in yielding time.

This is not a partisan issue. We need to get out there and help the people that were involved in that earthquake. But I think, and I think all of my colleagues agree, that Congress has to realize there are two emergencies facing this Nation. One of them is the devastating earthquake that hit southern California, and we need to help them now. The other and more important I think is the emergency facing the Nation of our national debt.

The current debt stands at over $4 trillion, and the interest alone is $213 billion. Congress kind of wastes that interest on America. Over the last 4 years in emergency aid we have designated about $50 billion. The emergency nature of this stuff does not need offsets, it needs to be debated among us and put on budget and paid for.

I think that it is pretty simple. If the previous question is defeated we can get the amendments in there and can put it on budget and give us a chance to debate it. If we cannot do it this year, we can push it to next year under the provisions of the amendment I propose.

I think all Americans want, need and deserve fiscally sound decisions by this Congress. I think we need to vote now on the previous question and put these amendments in order.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my friend, the gentleman from Indianapolis, Indiana, [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding the time to me, and want to say that I appreciate the Rules Committee allowing an amendment sponsored by the gentleman from Massachusetts, [Mr. FRANK] and myself to deal with some cuts totalling about $1.2 billion. I was very impressed with the way the Rules Committee was discussing this last night, particularly the gentleman controlling the time. Although I wish it were an open rule, it was a step in the right direction.

I would just like to say that the problem in California falls heavily on all of us. We hate to see that kind of suffering, and I am certainly going to support this legislation and support the aid to those people. I also supported the aid to the hurricane victims and to the people in the flood that we had in this country last year.

But the problem is that a lot of these people are not insured for a number of reasons. What we need to do is to have a Federal reinsurance program like in the Norman Mineta bill, which I am cosponsoring, which will allow insurance companies to go into every area of the country where we have had huge losses and still provide coverage, and in addition to that, the people who live in these areas ought to be required to have insurance in these high-risk areas like the earthquake areas, or flood areas or the hurricane areas. The reason for that is because if they do not have, the Federal taxpayer has to come to their aid.

The reason a lot of them do not have it is because the cost is so high. I talked to some of my friends from California and they said that the cost of earthquake insurance is astronomical. That is because everybody does not have it. If the local State or community required that these people have insurance, the law of large numbers, which is a term used in insurance, would drive the costs down, and if it drove the costs down, then everybody could afford it. That, coupled with the Federal reinsurance program, would take a lot of this burden off of the Federal taxpayer. We cannot continue to spend $90 billion to $100 billion every time we have a catastrophe. So this Government ought to be urging the States to urge everybody to get insurance in these catastrophic areas, No. 1, and No. 2, we ought to provide a Federal reinsurance program to make sure insurance companies are capable of going into those areas.

If we do those two things, we will provide the kind of coverage that is necessary to protect these people and take this burden off of the taxpayers' back.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts, [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, this legislation represents important relief for Americans who are hurting across our country. We must act swiftly to help our neighbors who have become victims of natural disasters.

My own State of Massachusetts has been a victim of the bitter cold which has seized much of our country this winter. Fuel demand is up by over 25 percent this winter, and over 130 people have died because of the deep freeze.

This legislation provides up to $200 million to be used for emergency fuel assistance in those States which have been hit hardest.

Millions of Americans rely on the LIHEAP Program for help in heating their homes each year. To take away heat from low-income seniors, the disabled, the working poor in this bitter weather would be a gross injustice.

In this emergency the reliance of millions of people on LIHEAP has been starkly highlighted, and intensified. I am grateful to Chairman NATCHER for his help in addressing this need, and I will continue to work with the chairman, my colleagues, and the administration to see that this program receives adequate funding in the future.

I urge my colleagues to support this rule and this legislation.

□ 1200

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS], a hard-working member of the Committee on Appropriations who has worked diligently on this issue.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate and thank my colleague for yielding me this time.

I rise to express my deep appreciation to the Committee on Appropriations and the House for the very rapid way in which they are responding to the people in southern California.

Much of the debate today will swirl around a series of amendments that address the question of offsets to the cost of this disaster. Many Members have ideas as to how we might best cut individual programs to pay for the expenditure that must go forward in order to address this tragedy.

I want the House to know that in the past I have voted against offsets that relate to other disasters like the one in Florida or the flood relief. Everybody has their own idea as to which program ought to be cut to pay for a disaster. When the country faces a crisis, it is very important that the Congress respond and not slow down that response by what can be an endless debate about Federal spending and deficit priorities.

Indeed, the Speaker is in the process of establishing a task force that will take on the responsibility of trying to develop such formulas relative to national disasters. I wish that task force had already met and completed its work. It has not. Their work will go forward, and it will be very important work.

In the meantime, I would urge the House to be very cautious about what is the best formula to offset this disaster expenditure. Indeed, those ideas themselves could become controversial, and could slow down the process

in the Senate, could delay the delivery of this very, very important assistance to the people of southern California.

The people of California have a very unusual challenge and crisis, but it is not the last disaster that we will face in the country. Your State or your community may be next in line. At that point in time, I would hope we will respond without essentially pounding our chest and suggesting that we have got a mechanism for balancing the budget as we go about providing assistance to Americans who desperately need it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Manchester, IA [Mr. NUSSLE], the courageous gentleman who dealt with the issue of the disaster in the Midwest last summer.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me this time.

First, I want to thank the Committee on Rules for their diligent work in bringing this to us as quickly as possible. I wish it was an open rule, too, but I believe this is a good start, and I commend both the Democrat and minority members for their help in doing this.

I want to thank my amendment cosponsors for their work in bipartisan solution to this problem.

There are really three goals, I think, we need to achieve here today. Goal 1 is to provide assistance to the people of the earthquake, the people of the flood. We need to get it out there as quickly as possible. We can do that. Goal 2, pay for the assistance. I think we can do that by supporting the Nussle amendment. It pinches everybody and cuts the low-priority problems out of there. It sets priorities.

Ask yourself this question: Are any of the things we cut so important that they should not at least wait a few moments while we provide assistance to the victims?

A third goal is fix the system so that we never have to spend any more time dealing with this in the future. We obviously have to provide predictability for the victims themselves as well as for us as the taxpayers' guardians here in the Congress of the United States.

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

Mr. Speaker, let me just close by saying that I believe very sincerely that California is one of the greatest places in the world. I am very privileged to be able to represent California here in the Congress along with my colleagues who have spoken earlier.

I want to express my appreciation to the taxpayers of this country and the membership of this body for understanding the urgent need that we have in our State, and I hope very much that we will be able to defeat the previous question so we can provide even more in resources by making amendments like the DeLay amendment, the Johnson amendment, the striking amendment in order.

Mr. Speaker, I urge a no vote on the previous question.

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

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

I thank my colleague for his good comments.

I do want to tell the Members that I think this is a fair rule. It makes in order the major efforts to pay for this particular proposal, and I think Members have a good choice amongst these various things to vote on if the rule is approved.

Mr. MINETA. Mr. Speaker, the devastation caused by the earthquake in Los Angeles may be hard for many who sit here, 2,500 miles away, to fully grasp. But I can tell you from having spent days on the ground and in the air over the devastation that it is immense. It has destroyed lives and livelihoods, and it has damaged a significant part of our national economy. It is, depending on which estimates you believe, either the costliest or the second costliest natural disaster in our Nation's history.

We cannot sit idly by. This is not just an issue of suffering and devastation in one area, it is a national issue with national impacts. We are all diminished if we do not repair and restore as much as we can.

I want to address here two issues in particular.

First, some have said that expenditure for this disaster should not be allowed to proceed unless equal cuts are made in the budget we have already adopted. Nothing in this rule would deny those who want to argue that proposition from doing so. But I want to make it absolutely clear that we have never before required offsetting cuts when making a supplemental appropriation for a disaster. Never—not for Andrew, not for Iniki, not for the Midwest floods, not for Hugo, not for Loma Prieta—never. To now require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory.

The budget we adopt after long and tortuous debate is a planning document. Disasters cannot be planned and we know that at the time we adopt the budget. We know that major disasters might happen which would require us, in the urgency of that situation, to spend additional dollars on disaster relief. We cannot, when disaster strikes, tell the people suffering from it that we will be sending aid just as soon as we redebate and refigure the entire Federal budget—look how long it takes us to adopt a budget in the first place. It simply is not practical to say we will rewrite the Federal budget before we aid anyone in a major disaster. This is exactly the kind of red-tape runaround and delay we have been trying to get away from in disaster relief.

Second, what makes adoption of this rule and bill particularly urgent is that between the Mississippi floods and the Los Angeles earthquake we have now completely depleted the emergency relief fund of the highway program. In fact, we have depleted not only all the cash in the fund but also all its legally permitted borrowing power. That means that not only can no more commitments be made for on-system highway repairs in the Mississippi flood areas and in the Los Angeles area, but no funds could be committed for highway damage in any State if a disaster were to strike tomorrow. We need to move this rule and this bill now not only for the good of southern California, but for the good of the entire country.

Mr. Speaker, I urge a "yes" vote on the rule.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. 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 244, nays 168, not voting 21, as follows:

[Roll No. 6]

YEAS—244

Abercrombie	Danner	Hefner
Ackerman	Darden	Hilliard
Andrews (ME)	de la Garza	Hinchey
Andrews (NJ)	Deal	Hoagland
Applegate	DeFazio	Hochbrueckner
Bacchus (FL)	DeLauro	Holden
Baesler	Dellums	Hoyer
Barca	Derrick	Hughes
Barcia	Deutsch	Hutto
Barlow	Dicks	Inslee
Barrett (WI)	Dingell	Jefferson
Becerra	Dixon	Johnson (GA)
Beilenson	Dooley	Johnson (SD)
Berman	Durbin	Johnson, E. B.
Bevill	Edwards (CA)	Johnston
Bilbray	Edwards (TX)	Kanjorski
Bishop	Engel	Kaptur
Blackwell	English	Kennelly
Bonior	Eshoo	Kildee
Borski	Evans	Kim
Boucher	Farr	Klein
Brewster	Fazio	Klink
Brooks	Fields (LA)	Kopetski
Brown (CA)	Filner	Kreidler
Brown (FL)	Fingerhut	LaFalce
Brown (OH)	Flake	Lambert
Bryant	Foglietta	Lancaster
Byrne	Ford (TN)	Lantos
Cantwell	Frank (MA)	LaRocco
Cardin	Frost	Laughlin
Carr	Furse	Levin
Clay	Gejdenson	Lewis (CA)
Clayton	Gephardt	Lewis (GA)
Clement	Geren	Lipinski
Clinger	Gibbons	Lloyd
Clyburn	Glickman	Long
Coleman	Gonzalez	Lowey
Collins (MI)	Gordon	Maloney
Condit	Green	Mann
Conyers	Gutierrez	Manton
Cooper	Hall (TX)	Margolies-Mezvinsky
Coppersmith	Hamburg	Markey
Costello	Hamilton	Martinez
Coyne	Harman	Matsui
Cramer	Hayes	

Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Pastor
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
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Andrews (TX)
Bentley
Browder
Chapman
Collins (IL)
Crane
Ford (MI)
Hall (OH)
Hastings
Kennedy
Kleczka
Lehman
Lewis (FL)
Meek
Mfume
Murphy
Payne (VA)
Reynolds
Shepherd
Smith (OR)
Spence

□ 1225

Mr. FARR of California changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TUCKER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 65, not voting 26, as followed:

[Roll No. 7]

AYES—342

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roemer
Rogers
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff

NOES—65

Allard
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Barton
Boehner
Bonilla
Buyer
Callahan
Coble
Coleman
Combest
Cox
Crapo
DeLay
Diaz-Balart
Doolittle
Dornan
Duncan
Ewing
Fawell
Fields (TX)
Franks (CT)
Gilchrest
Grams
Greenwood
Hancock
Hansen
Hefley
Herger
Hobson
Houghton
Huffington
Inhofe
Istook
Johnson, Sam
McCollum
McHugh
Mica
Paxon
Pombo
Portman
Pryce (OH)
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sensenbrenner
Shaw
Shuster
Smith (MI)
Stearns
Stump
Thomas (WY)
Torkildsen
Upton
Vucanovich
Young (AK)
Young (FL)
Zimmer

NOT VOTING—26

Andrews (TX)
Bentley
Chapman
Collins (IL)
Crane
Hall (OH)
Hastings
Hutto
Kennedy
Kopetski
Lehman
Lewis (FL)
McCurdy
Meek
Mfume
Murphy
Owens
Payne (VA)
Reynolds
Rose
Schaefer
Sharp
Shepherd
Smith (OR)
Swift
Tauzin

□ 1243

The Clerk announced the following pair:

On this vote:

Mr. Andrews of Texas for, with Mr. Smith of Oregon against.

Mr. FRANKS of Connecticut changed his vote from "aye" to "no."

Mr. SMITH of Texas changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 3759, Emergency Supplemental Appropriations Act of 1994.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF AMENDMENT BY MR. TRAFICANT TO H.R. 3759

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that my amendment be in order, debatable for 10 minutes, to be equally divided between myself and a Member opposed. This amendment shall not be subject to amendment, and shall be in order as if printed in the Committee on Rules report, House Report No. 103-416, as amendment No. 4 in part 1, and that all points of order against the amendment be waived.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, as I understand it, this is a sense-of-Congress resolution and is nonbinding. It is a sense-of-Congress resolution; is that correct?

Mr. TRAFICANT. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. BURTON of Indiana. Mr. Speaker, I can support this.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WALKER. Mr. Speaker, reserving the right to object, we have just been trying to work out an accommodation that might speed up the schedule a little bit. The gentleman from Ohio [Mr. TRAFICANT] would add 10 minutes to the schedule.

Mr. Speaker, can we get some assurance that we will hold the time to even less than that, if possible?

Mr. TRAFICANT. Mr. Speaker, if the gentleman will yield, I will give such assurances.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand the reason for doing this is because there was an oversight concerning this amendment by the Committee on Rules; that is what we are being told.

Mr. Speaker, I am wondering, was there also an oversight on the amendment offered by the gentleman from Texas [Mr. DELAY] and the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON], and could we also get some assurance that maybe they could have the same kind of consideration?

Mr. TRAFICANT. Mr. Speaker, if the gentleman will yield further, at this particular point, everybody supports my amendment and has no objections to its inclusion. These other matters are nonrelated to this particular matter.

The SPEAKER pro tempore. The Chair cannot comment on that at this time.

Mr. WALKER. Mr. Speaker, further reserving the right to object, a unanimous consent request similar to this one would be in order for those particular amendments at this juncture?

Mr. TRAFICANT. Mr. Speaker, if the gentleman will yield further, I think the gentleman from Pennsylvania [Mr. WALKER] could bring unanimous consent upon the conclusion of this, and would have all the right to do so.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is correct. The gentleman from Pennsylvania [Mr. WALKER] can bring a unanimous-consent request at any time before we go into the Committee of the Whole.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. TRAFICANT]?

There was no objection.

REQUEST TO MAKE IN ORDER CONSIDERATION OF AMENDMENTS OF MR. DELAY AND MR. SAM JOHNSON OF TEXAS TO H.R. 3759

Mr. WALKER. Mr. Speaker, I ask unanimous consent, similar to that just asked by the gentleman from Ohio [Mr. TRAFICANT], with regard to the time allocations and the subject matter for the amendment offered by the gentleman from Texas [Mr. DELAY] as presented to the Committee on Rules, and the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON] as presented to the Committee on Rules.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I object.

Mr. SPEAKER pro tempore. Objection is heard.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 336 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3759.

□ 1247

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 consideration of the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

Madam Chairman, today we bring to the floor, H.R. 3759, the fiscal year 1994 emergency supplemental appropriations bill. Initially, I introduced a bill, H.R. 3735, developed in response to the earthquake that occurred on January 17 in southern California. This bill was cosponsored by many of the California delegation. Since that time, estimates for disaster assistance for that terrible event have risen significantly. In addition to revised earthquake recovery estimates, the President asked the Congress to consider all other identified emergency funding needs.

In light of these increased funding requirements, the Committee on appropriations reported H.R. 3759 to the House that includes funding for all pending emergency requirements.

It includes $7.77 billion to respond to the southern California earthquake. It includes $1.2 billion for the Department of Defense to pay for our unfunded requirements because of our humanitarian assistance, peacekeeping, and peace enforcing missions around the world. It includes $435 million for increased recovery costs due to the Midwest floods of 1993. It also includes $315 million for highway reconstruction because of the Loma Prieta earthquake that has been delayed.

Some of the major items in the bill for southern California earthquake recovery are: $4.7 billion for FEMA disaster relief, $1.35 billion for highway reconstruction, $1.1 billion for SBA disaster loans, $500 million for unidentified needs, $325 million for housing programs, $250 million for community development block grants, and $245 million for education programs.

Madam Chairman, the Committee on Appropriations has acted rapidly in bringing this bill to the floor. The bill has been developed in a manner similar to other emergency supplemental bills. All funding in this bill is declared an emergency requirement and is exempt from the 1990 Budget Act allocation restrictions. Emergency requirement designations in cases like this have always been used. This procedure was developed for exactly the situation we are in. It responds to our people. We are doing it right, and we are doing it quickly.

Later on, two amendments will be offered that will propose more than $7 and $9 billion in rescissions, respectively. The House has already passed H.R. 3400, which included $2.56 billion of rescissions. That bill is pending in the Senate. Further rescissions will have a major impact on the programs funded by discretionary appropriations. We will discuss these impacts at the proper time. However, attempts to offset an emergency bill should not be made now and delay assistance. Rescissions need to be looked at very carefully.

I urge you to reject these first two rescission amendments and let us continue with our deficit reduction efforts by adding only the rescissions we have already passed under H.R. 3400. This can be done by adopting the Fazio amendment.

Madam Chairman, when the President made his request, he asked we move this bill quickly. I strongly urge adoption of this bill today so that relief from the devastation from this earthquake will not be interrupted.

□ 1250

Madam Chairman, I reserve the balance of my time.

Mr. McDADE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I open my remarks by expressing my deep gratitude to my dear friend from Kentucky, the distinguished chairman of the Committee on Appropriations, who has, on this bill and all the other bills that have come before the committee in my 31 years as a Member of this body exercised the greatest traditions of the House in fairness and bipartisanship in considering all matters. I thank him from the very bottom of my heart. He is a credit to all of us in the House.

Madam Chairman, I rise in support of H.R. 3759, providing emergency assistance to the victims of the California earthquake and other natural disasters and for humanitarian and direct peacekeeping efforts in three of the most troubled parts of our globe.

The committee and the House of Representatives have a long history on a bipartisan basis of helping victims of natural disasters, of doing what it takes to put people back on their feet. There is also a long history of providing at least what the administration requests.

The administration is in the field running the relief effort, together with a lot of Members of the House and State officials and city officials. Their people are on the ground making the assessments. And so, by and large, what the administration requests is usually and historically what Congress has provided.

This bill provides $8.5 billion for disaster relief, of which $7.8 billion is for the Los Angeles earthquake. This is, I think, the most we have ever provided for any natural disaster in this country. But on the other hand, my colleagues, the Los Angeles earthquake is the most costly natural disaster in our Nation's history, surpassing Hurricane Andrew in 1992 and the Midwest floods in 1993.

FEMA has already processed 230,000 applications for assistance, while the Los Angeles area struggles to respond not only to individual needs but to put its infrastructure, roads, schools, and water, back into working order.

This bill also provides, Madam Chairman, $1.2 billion requested by the administration to cover the incremental expenses of ongoing humanitarian assistance in Somalia and Bosnia and to enforce a no-fly zone in both Iraq and in Bosnia.

Currently, the costs of these operations are unbudgeted and financed by borrowing from the operating budgets of the services, the funding for training, for equipment repair, and for operating bases here in the United States and overseas. Unless we provide these funds, it is the Nation's readiness that will suffer. And we will move yet another step closer toward a hollow force.

If we undertake these missions, as a nation, we have got to provide the resources.

Madam Chairman, the issue that we will spend a lot of time on today, when we get into amendments, is the extent to which, as these disaster bills get larger and larger, we try to find places to reduce spending elsewhere. There are a number of legitimate views expressed by colleagues as to how to handle emergency spending, and it appears we are at a point where we need to allow the House to express the will of its Members.

For purposes of this bill, there are at least three choices as to spending reductions, skewed somewhat by the rule which allows the last amendment adopted under the king-of-the-hill procedure to prevail, regardless of whether it is the most well-supported amendment in the view of colleagues in the Chamber.

For the long term, a task force recently announced will explore the options and make recommendations as to how emergency funding will be handled in the future.

Madam Chairman, at the end of the day, with spending reductions or without, I hope we will move forward with this bill to provide the resources for the victims of natural disasters at home and to pay for the humanitarian efforts of our Armed Forces abroad. I hope that we will soon come to a new consensus as to how we will provide emergency appropriations so that we can respond in a timely way, and hopefully a less contentious way, to events that may occur and will occur in the future.

□ 1300

Madam Chairman, I reserve the balance of my time.

Mr. NATCHER. Madam Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I support this bill wholeheartedly. The purpose of government is to help so that people, combined through the instrument of government, can do what individuals cannot do. This emergency supplemental bill is as good an example of the reason and the purpose of government as anything we could have. Government is for the purpose of permitting people to combine together under a rule of law, not only to protect ourselves from threats from abroad, but also to help people from serious threats to their well being at home.

Now we have a debate about triggering the emergency designation in this bill. It said we should have reserves, instead of having a special emergency designation. I want to point out that we had a reserve for SBA disaster loans. From 1977 to 1990, we had reserves for all the Federal loan accounts in the form of revolving loan funds. Ninety-six percent of the loans made from SBA's Disaster Loan Fund were being repaid. Those repayments went back into the SBA Disaster Loan revolving fund.

However, under the Budget Act of 1990, that revolving loan fund was eliminated. The balances were put into the general fund of the Treasury, and at the end of each fiscal year, as repayments of loans come back in, they are put into the general fund of the Treasury. Somehow that change in 1990 was supposed to be a way to save money, but it does not save money.

Under the previous arrangement, Congress at times had to pass supplementals for additional capital for the Disaster Loan Fund; however, I think we would be able to take care of most of the emergencies if we still had that reserve SBA revolving loan fund and other revolving loan funds accounts.

I hear a lot of Members who now say we should have those revolving loan fund accounts, who voted for that 1990 Budget Act, because we have had 43 of these disasters since Hurricane Andrew. We could have taken care of most of those, except the 1993 Midwest floods and the California earthquake, with the SBA Disaster Loan Fund. We would still have needed a special supplemental for Hurricane Andrew, for the 1993 Midwest floods, and for the California earthquake. We are still going to need an emergency designation from time to time for these kinds of catastrophic disasters.

Madam Chairman, there is a problem with getting offsets, whenever we have a big disaster. For example, here we are in the fifth month of the current fiscal year. At this point, for every reduction in expenditures of $1, we need to cut $2.

We would have to reduce SBA, for example, at a time when they need more personnel for this emergency. Also, for example, cutting out all of the new add-ons we had last year means, for example, that we would have to cut out the airplane and related equipment provided to the National Weather Service so they can more accurately locate where hurricanes are going to land. That would be cut out under these offsetting amendments. That airplane is the kind of investment we need to reduce the kinds of expenditures that we must make for some of these disasters.

I want to point another thing out, Mr. Speaker. Under the crime bill in the Senate, it is proposed that the savings from the 252,000 reduction in personnel be used to fight crime.

If we take that savings to offset this supplemental emergency appropriation as proposed in these offsetting amendments, then we are voting against having more money to fight crime. It is not easy to find offsets for this emergency. We should not try to find offsets on this kind of emergency supplemental bill.

Mr. McDADE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, the No. 1 priority should be to provide the aid, not only to the earthquake victims, but to the flood and hurricane victims. However, most Americans feel that this aid, this No. 1 priority, should be offset by a lesser priority spending.

The gentleman just spoke about crime being cut. If we keep increasing the national debt of $4.3 billion, estimated to go over $1 trillion in the next 5 years, we will not have any money. At $1.3 billion per day interest, we can provide a lot of crime and education and other things that we need. The priority should be to reduce that debt and put these things on budget.

Without these offsets, they do not count on the deficit. It is easy for the President to say, "Look what I have done for the deficit," and it does not count, but the money still goes on the debt. That is a priority.

We would like the offsets identified on the House floor. We would also like, and I think the gentleman from Missouri [Mr. GEPHARDT] has asked for, a bipartisan task force to identify future problems we may have. There may be additional. With the failure of any other of these amendments for offsets, we would ask the committee on rules to grant us a freestanding bill at a later time, bipartisan, to make these offsets, because these are important, and the debt is the number one enemy of this country.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL].

Ms. DANNER. Madam Chairman, will the gentleman yield?

Mr. BEVILL. I am delighted to yield to the gentlewoman from Missouri.

Ms. DANNER. Madam Chairman, I would like to engage in a colloquy with the gentleman from Alabama, the distinguished chairman of the Subcommittee on Energy and Water.

Madam Chairman, the Corps of Engineers has denied assistance to levees damaged during the flooding of the Midwest which did not meet the corps paperwork requirements but met all other requirements. However, I am precluded by the rule from offering an amendment to the bill which would correct this deficiency in the corps program. Mr. Chairman, to the extent possible, would you assist me in addressing this issue during the conference committee on this bill?

Mr. BEVILL. Madam Chairman, I can assure the gentlewoman from Missouri that I will provide whatever assistance I can.

Ms. DANNER. I thank the gentleman very much.

Mr. BEVILL. Madam Chairman, I rise in support of H.R. 3759 as reported by the Committee on Appropriations on February 1. This bill, as we know, provides urgently needed disaster relief to the people of Southern California. The bill also provides for the continued recovery from last year's midwestern floods, emergency funding for humanitarian assistance and peacekeeping activities and emergency funding for the continuing recovery from the Loma Prieta earthquake.

Chapter IV of the bill includes $70 million, as requested by the President, for the U.S. Army Corps of Engineers, which falls under the jurisdiction of my Subcommittee on Energy and Water Development of the Committee on Appropriations. These funds will be used by the corps to complete the repairs to the eligible levees within the Upper Mississippi River Basin that were damaged during the severe flooding that occurred in the region in 1993.

Last summer, in Public Law 103-75, we appropriated $180 million to the Corps of Engineers for disaster recovery activities associated with the Midwest floods. At that time the levees were still partially covered by water, and since that time the corps has been able to give us a more accurate estimate of the cost to repair the levees. They have found that another $70 million will be necessary to complete those repairs and to put them back in order. If they are not completed and put back in shape, then, of course, the people are subject to additional floods in these areas.

I urge my colleagues to support this bill recommended by the committee.

Mr. McDADE. Madam Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Chairman, I thank my friend and colleague, the distinguished gentleman from Pennsylvania [Mr. McDADE], for yielding. I want to thank the committee chairman for his leadership in this legislation.

Madam Chairman, I rise today because of my concern not only about our willingness to support those who are the victims of this disaster, but the process that we are using to fund the support for those individuals.

As most of my colleagues in this body and the other body know, I have been on every major disaster in this country over the past 7 years, from the Loma Prieta earthquake to the wildlands fires in Yellowstone, the *Exxon Valdez*, the World Trade Center, and the L.A. fires a few months ago. I have a real compassion for people who are hurt, and I want to help them, too.

My question and my concern is not about helping them, it is about why we are where we are today. One year ago, Madam Chairman, I wrote to the President of the United States asking him to empower a Presidential task force on disaster preparedness response, including financing. No response.

□ 1310

That letter was signed by my colleague, ROB ANDREWS.

Over a year ago I introduced legislation to create a select committee in this body with a sunset provision to look at the whole issue of disasters, to talk about how we prepare and deal with them, because I said there was a crisis in the country that no one was listening to. That was ignored. Finally the Speaker just recently declared that he was going to acknowledge the request to establish a task force, not just to look at financing, but the whole issue of disaster preparedness and response in this country. I say it is about time.

The key concerns that I have relate to what we are talking about in dollars today. We all know that the cost of responding to this disaster is going to range between $15 billion and $30 billion. Only $1 billion is insured. Where is the other $14 billion to $29 billion going to come from? It is going to come from homeowners, property owners, or the taxpayers.

Do we know in this body that during a 5-year time period of SBA guaranteed loans that were supported in response to disasters that $5 billion out of $15 billion went belly-up, and we had to eat that as taxpayers.

I say to my colleagues we have got to reform the way that we finance disasters in this country. I applaud the chairman, the gentleman from California [Mr. MINETA] for his leadership in introducing a natural disaster bill that will set up a nationwide reinsurance program. It has been cosponsored by 100 of our colleagues in this body and supported by most of our State insurance commissioners and most of the industry groups to reduce the costs for flood insurance, reduce the costs for earthquake insurance, and spread the risk so that people can afford it, so that we do not have to come into this body to support massive supplementals that either raise the deficit up or take money away from other programs.

We need to have compassion. But most importantly, we need to deal with these issues up front.

So I urge my colleagues in debating this bill today and in looking to the future to study seriously the ways we can avoid having to come before us as we are doing today to fund this through a supplemental. If we had taken this step a year ago I say we could avoid some of the costs that we are going to be bearing today.

Mr. NATCHER. Madam Chairman, I yield 10 seconds to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Madam Chairman, I just want to point out that I do not know where the gentleman got his figures, but 96 percent of the SBA disaster loans are being repaid, 96 percent. I do not know where he got that figure.

Mr. MCDADE. Madam Chairman, I yield 15 seconds to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Chairman, I will insert in the RECORD an article from the New York Times which summarizes a study done from 1977 to 1990 that says that one-third of $15 billion in loans went belly-up, and we had to eat it.

The article referred to follows:

[From the New York Times, Jan. 21, 1994]

EARTHQUAKE INSURANCE GAINS SUPPORT

(By Michael Quint)

Federal legislation that would require homeowners in California and other earthquake-prone areas to buy quake insurance—and thus reduce the taxpayer funds needed to help victims without insurance—is gathering support in the wake of the Southern California earthquake.

A bill before Congress has been cosponsored by nearly 100 legislators, with more expected when Congress reconvenes later this month, according to Jack Weber, director of the Natural Disaster Coalition, a group backed by insurance companies, consumer groups and disaster specialists that supports the bill.

And John Garamandi, California's insurance commissioner, this week endorsed the proposed Congressional legislation, joining the insurance commissioners from 17 other states who already support the approach.

Hearings on the bill, scheduled for next week, may be delayed because of the earthquake in Los Angeles, but the sponsors of the bill say the interest in the legislation will increase. "I expect that support will grow stronger when people see the cost to the Government of not having arrangements to move the costs of disasters to the private sector," said Senator Ted Stevens, a Republican from Alaska who is sponsor of the bill.

Norman Y. Mineta, a Democratic Representative from San Jose, Calif., said the Clinton Administration seemed to favor the bill so far, although the Office of Management and Budget has not analyzed it in detail.

Some conservative legislators, who said they were usually suspicious of Federal programs, have embraced the disaster protection bill as a way to lessen the drain on the Federal budget.

"You have got to have compassion for people who are suffering from a disaster, but it is not fair to expect taxpayers in other parts of the country to keep picking up the tab," said Curt Weldon, a Republican from Pennsylvania. "This bill provides incentives for local governments and homeowners to protect themselves against the risks they know exist."

Some consumer groups have also signaled their support. "We have mandated insurance to drive a car and to purchase a home; this is just one more area where the needs of society call for insurance," said Linda F. Golodner, director of the National Consumer League in Washington, who said some homeowners would prefer to do without it.

Because many homeowners in California do not buy insurance that covers earthquake damage, only a small part of the losses in Los Angeles are covered by insurance. Although estimates of the losses range as high as $15 billion to $30 billion, the cost to insurance companies has been estimated to be as low as $1 billion or slightly more. The difference will be absorbed by individuals and businesses, or covered by state and Federal funds.

REDUCTION SEEN IN SPENDING

From 1977 to 1990—a period that does not include such costly disasters as last year's floods in the Midwest and Hurricane Andrew in 1992—spending by the Federal Emergency Management Association totaled $4.9 billion, while other Federal agencies spent $2.4 billion. About a third of the $15 billion in disaster loans made by the Small Business Administration and the Farmers Home Administration before 1992 have defaulted, adding another $5 billion in Federal spending.

Coopers & Lybrand, the accounting firm, in a study prepared for the Natural Disaster Coalition, estimated that the disaster protection bill could reduce disaster spending and reduce the Federal budget deficit by at least $700 million, and perhaps as much as $7.2 billion, over five years.

The Federal Treasury would also gain if the broader use of earthquake insurance resulted in fewer casualty loss deductions on individual tax returns, or if the damage from earthquakes was reduced by precautions like the adoption of tougher building codes.

PREPAREDNESS AFFECTED

Robert E. Hoyt, a professor of insurance at the University of Georgia, said Federal disaster assistance also tended to reduce the incentive for homeowners, businesses and local governments to prepare for catastrophes. "There is nothing wrong with that if we want society to subsidize people living in high risk areas," he said. "But the problem with that is if you insulate people from the full cost of their decisions, they may not make good decisions."

He said local governments eager to increase their tax base by encouraging development were more willing to adopt lax building codes and skimp on spending for emergency planning and earthquake-proof roads if they knew that Federal aid would be provided after a disaster.

The linchpin of the disaster protection bill is a special fund, created by insurance companies based on how much business they do in areas that are vulnerable to disasters like hurricanes and earthquakes, that would be used to keep the insurers solvent if the losses from a catastrophe are too large.

EXPANDING BASIC PROTECTION

If the fund proves inadequate, the companies could borrow from the United States Treasury, but would have to repay the loans with interest. If the companies want that protection, as most of the industry does, they would be required to include coverage for earthquakes, volcanic action and tidal waves as part of the basic coverage for homeowners across the country—not as an extra option, as is now the case.

In some states like North Dakota, the cost of the extra coverage to homeowners would be negligible and they would not be expected to subsidize Californians, who would pay a higher price.

Insurance companies estimate that collecting premiums for earthquake insurance from all the homeowners in California, rather than the minority who choose to buy the coverage because they live in particularly risky areas, would allow them to cut the cost of earthquake coverage to $55 for each policy, from an average now of $240.

The disaster protection bill calls for 5 percent to 10 percent of homeowners' premiums due to earthquake coverage to be used for grants to states and local governments for better enforcement of building codes and other measures that would reduce the damage and costs of disasters. Governments that failed to enforce appropriate building codes and develop emergency plans would not be eligible for the grants, and could be denied some kinds of Federal disaster relief.

Although California began requiring insurance companies to offer earthquake insur-

ance in the early 1980's, the combination of a high price and lack of zeal on the part of those selling the insurance has left most homeowners and businesses unprotected from losses due to earthquakes. Only 25 percent of the state's residents buy coverage, though that rises to about 40 percent in some areas like Los Angeles where quakes are most frequent and the risks are the greatest.

COVERAGE 'UNDERPRICED'

"If people ask for it, we sell earthquake insurance if the building meets standards, but we don't go out and push it very aggressively because we think our aggregate exposure to loss is too high," said George Ramsdell, chief underwriter at Continental Insurance. "From the simulation studies we have done, it appears to us that earthquake coverage is underpriced relative to the potential losses."

The state insuranoe department in California is also aware of the losses that could occur in a big earthquake. After the quake in San Francisco in 1989 the insurance department blocked the creation of a state earthquake insurance fund that would have provided $15,000 of coverage to every homeowner, with a $1,000 deductible and an annual premium of $60.

"Our analysis showed that in the event of a really big quake, the fund would have been bankrupted," said Bill Schulz, a spokesman for the California state insurance department.

Mr. SMITH of Iowa. Those are not disaster loans.

Mr. WELDON. These are disaster loans guaranteed through the SBA.

Mr. NATCHER. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. DIXON].

Ms. HARMAN. Madam Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentlewoman from California.

Ms. HARMAN. Madam Chairman, I rise in support of the emergency supplemental.

If your district has never experienced a massive natural disaster like the Northridge earthquake, you should consider yourself fortunate. For my family and me, the earthquake was a unique and terrifying experience. At 4:31 a.m. on January 17, I stood with my husband and our 11-year-old son under a doorway of our Marina Del Rey home, and heard the sounds of breaking glass and creaking walls around us.

I spent that day surveying my district, talking to local officials, and visiting police stations, and was relieved to find that, by and large, the South Bay escaped with some shattered glass and shattered nerves. In fact, as part of the LA County emergency response plan, many of the fire trucks in my district had been sent to Northridge.

Unfortunately, parts of Los Angeles and Ventura were not so lucky. Beyond the terror of the moment, the destructive power of this earthquake was unprecedented. Seeing businesses destroyed, homes condemned, and a lifetime of possessions burned is painful. And yet, the courage and perseverance of the people of southern California is staggering. We have all read the stories about strangers coming to each other's aid and people's heroic determination to rebuild. What impresses me is the measurable desire to prove that the cumulative tragedies our area has undergone over the past several years—recessions, earthquakes, fires, floods, droughts, riots—have not broken our spirit. Under the inspired leadership of Mayor Riordan, Police Chief Williams, and Fire Chief Manning, the city faced this tragedy with courage and determination. Chief Manning put it best in a briefing at the LA City Hall Operations Center attended by many members of the California delegation and an A+ team from the administration who had flown in the day of the quake, when he said, "the word 'hero' is not big enough for these people."

I experienced some of that heroism in a special way—the largest domestic facility for Harman International, my husband's company, is located in Northridge at the very epicenter of the earthquake. It is a stunning place of almost 1 million square feet which has impressed every visitor who has ever been there. In recent months those visitors have included former President Carter and our majority leader DICK GEPHARDT. Each of them has characterized it as a state-of-the-art facility—a model for America. Yet, on that awful morning it was dealt an awful blow. Massive machines were walking, great racks of material were tossed about like feathers, and along with collapsed roofs, the entire facility was under 3 inches of water.

Everybody at Harman, including my husband, moved with incredible speed and determination to put that facility back together again. It boggles the mind to imagine how 1,400 people with no prior experience and, by their own admission, inadequate planning were somehow mobilized to achieve a miracle. Within 1 week that place was operating fully—everybody was back to work. To quote Mannette Watts, a line supervisor in the automated electronics facility: "When I look at the factory today, one week after the quake, I say to myself, 'It looks so beautiful. I feel as proud as a first time grandma.'"

The Congress must not respond to this kind of heroism with bickering about finding budget offsets for these vital recovery funds. As a deficit hawk who voted for over $400 billion in spending reductions last year, I see a clear distinction between this sort of spending and what might be called our operations budget. As the recent declining deficit figures have demonstrated, the work of fiscal conservatives like myself is beginning to pay off. But there is a specific exemption in the Budget Act for emergency supplemental spending, and nobody can doubt that this is an emergency. The Meyers and Nussle amendments that the House will consider would pay for the earthquake recovery by cutting the very programs that are helping Los Angles create an economic recovery.

Mother nature can move in arbitrary ways, and this mother cannot turn her back when tragedy strikes. I urge this House to pass the emergency earthquake funds.

Mr. DIXON. Madam Chairman, I rise to urge my colleagues to support the swift passage of H.R. 3759.

I witnessed first hand the devastation that the Northridge earthquake had on Los Angeles County. I can report that the pictures many of you saw on television do not begin to do justice to the physical damage done to homes, businesses, and the infrastructure of our communities.

Over 60 people are dead; 21,000 homes and apartments are uninhabitable, and 55,000 other residential structures have been damaged. Nearly 230,000 people have applied for disaster assistance—31 emergency shelters remain in operation.

I want to express my thanks to President Clinton, First Lady Hillary Rodham Clinton, and the many members of the Cabinet—Secretary Cisneros, Secretary Peña, Secretary Ron Brown, Secretary Jesse Brown, Secretary Shalala, and OMB Director Panetta—for coming to Los Angeles, for their expressions of support, and for their leadership in relief efforts.

I also want to thank FEMA Director James Lee Witt and his Agency for their quick response and their continuing actions to assist the victims of this disaster. FEMA and its employees have done an extraordinary job in their relief efforts, and they deserve our praise and commendation.

Thousands of individuals and families must now begin to rebuild their lives in the aftermath of the earthquake.

The devastation, confusion, pain, and suffering of those affected by this disaster continues. We must take care in this body not to overlook that fact—the people of Los Angeles, Ventura, and Orange Counties need Federal help immediately.

Today the House takes the first step in providing that vital assistance. California is now faced with the staggering costs of this disaster—the largest in our Nation's history. Estimates of the damage range between $15 to $30 billion.

The $7.7 billion for emergency assistance of California makes up the bulk of this emergency package. These funds will help to alleviate the widespread suffering that many individuals and families now face. They will also assist in rebuilding the area's infrastructure that is so vital to the economy of southern California, the State, and the country.

We have faced two major controversies in bringing this emergency supplemental to the floor.

Nowhere in the country is the debate on illegal immigration more complicated and volatile than in my State of California. I would have preferred that this issue not be made a part of the debate over these emergency funds. I think that there are far more appropriate vehicles for a rationale discussion and debate of immigration reform.

However, it was clear to me that this issue could not be avoided. For that reason, I have worked with my colleagues on the appropriations committee to include language in H.R. 3759 concerning emergency assistance to undocumented persons.

Let me make clear—the provisions dealing with undocumented persons

maintain this country's commitment to helping all those in need of short term emergency assistance in the face of the devastating conditions which they now face.

The other major controversy surrounding deliberations on this emergency aid, we face today on the floor. Do we offset the funds appropriated in this bill by cutting other areas of the budget?

I regret that we face these decisions today. I had hoped, and still hope, that this emergency relief package would be treated as all those in the recent past have been treated—off-budget as emergency expenditures.

I understand the concerns of many of my colleagues. As the country faces disaster after disaster, it is obvious and prudent that some thought be given to the way in which we finance future disasters. I emphasize future.

I do not believe it is prudent, wise, or fair to change the rules of the game in the midst of our efforts to provide emergency relief.

The speaker is in the process of forming a task force to address the problems of funding future relief efforts. I believe we should deal with this issue in a comprehensive manner, not during this emergency situation.

For these reasons, I urge my colleagues to oppose the Myers and Nussle offset amendments to this bill. We will soon face difficult decisions over our fiscal year 1995 budget. Many programs will face cuts and/or elimination. We will have an opportunity to debate and examine those cuts. We do not have the opportunity to debate and examine the specific cuts included in either the Myers or the Nussle amendment.

Many of my colleagues will argue that we must begin today to show how fiscally responsible we can be. I too believe we should be fiscally responsible, however, I do not believe that this is an appropriate vehicle on which to make that statement.

I support my friend and colleague Representative FAZIO'S efforts to find a middle ground in this debate. The Fazio amendment recognizes the concern of members who desire offsets in spending. At the same time it takes the wise course of including cuts on which the House has already adequately deliberated.

After surveying the damage, President Clinton states that "this is a national problem" and "we have a national responsibility."

It is my fervent hope that Members of Congress will keep in mind that this is indeed a national problem as we consider this emergency supplemental appropriations to aid in relief efforts and rebuilding.

The people of the Los Angeles area deserve to be beneficiaries of the same goodwill and swift emergency relief that the Congress has demonstrated in the face of the Nation's other recent natural disasters. I urge the Congress to act expeditiously to ensure that this is the case.

Mr. MCDADE. Madam Chairman, I yield 4 minutes to the able gentleman from California [Mr. LEWIS], a member of the Committee on Appropriations.

Mr. LEWIS of California. Madam Chairman, I wanted to speak on this bill just following my colleague from Los Angeles, JULIAN DIXON. I certainly hope the people of California appreciate the work and the leadership of JULIAN DIXON on this matter. He has been extremely helpful as we have tried to expedite this process.

The disaster that faces the people of California is only a reflection of the kinds of disasters we have experienced across the country. One of the great things about serving in this body is that we respond to the needs of our people regardless of where they might live. I'm grateful that Chairman NATCHER and the others in this body have recognized that the damage estimates continue to roll in. Your flexibility in revising the package to reflect that should not go unappreciated.

I too want to express my great appreciation for the cooperation and response of government agencies at all levels. The city of Los Angeles and the mayor have done a fantastic job in cooperating with the State and Federal agencies, and the State in turn has been on top of this from the very moment we knew of the disaster. No one that I have heard in any responsible forum has done anything but give great praise to FEMA for their immediate response.

There have been 194,765 SBA loan applications that have been completed. There are 91,000 disaster housing applications that have been filed. As of Monday there were some 232,051 individuals registering in person or by phone at disaster assistance centers. The number of homes, individual homes that have been totally destroyed are well in excess of 11,000. Some 55,000 homes or apartments, single family dwellings have been damaged or destroyed in this process.

This horrendous event is a national crisis. But I must say it also provides a demonstration project of just how well America responds for its own when we have this kind of challenge and this kind of circumstance. I think it is very appropriate that the Speaker's task force move forth quickly with a more comprehensive approach for the House in dealing with these very difficult policy circumstances.

I would urge the Members to be most cautious as we look at amendments to be discussed later today on offsets. All of us know that we must meet the challenge of trying to balance the budget. But to suggest that the moneys that will go to this specific disaster are going to be significant in terms of our efforts to balance the budget would almost be laughable if there was not so much pain involved. It concerns me that the debate about offsets could in one way or another begin to divide people and to slow down the process. And if it should get in the way of expediting the efforts we have here today, then, in turn, it could create problems on the Senate side. And it occurs to me, Madam Chairman, that it is very important that we move forward quickly on a nonpartisan basis. To get involved in a divisive debate about balancing the budget on the backs of the people who are facing this crisis in southern California, can only confirm those who assume the worst about this House. The other body will be considering this matter in their own fashion. We will then go to conference. The faster we move the better. And I would urge my colleagues to remember that most of us are committed to making sure that we do something about our deficit. The time to beat our chest and pretend we are solving that problem is not when we are attempting to deal with a crisis now facing the people of my State.

Again, I appreciate my colleague yielding me the time.

□ 1320

Mr. NATCHER. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Chairman, I thank the distinguished chairman of the full committee for yielding this time to me.

Madam Chairman, I rise in strong support of H.R. 3759, the Emergency Supplemental Appropriations Act of 1994. Chapter VII provides $5,365,600,000 in emergency funds requested by the administration for the Federal Emergency Management Administration, Department of Housing and Urban Development, and Department of Veterans Affairs to respond to the southern California earthquake.

The $5.4 billion consists of: $4.5 billion for FEMA's disaster relief fund; $250 million for HUD's community development grants program; $225 million for HUD's annual contributions account—primarily for rental housing assistance for an estimated 15,000 dislocated families; $100 million for HUD's flexible subsidy fund to repair federally insured and/or assisted multifamily housing projects; and $66.6 million for VA to cover costs associated with the closing of hospital at Sepulveda.

On January 31, the VA, HUD, and Independent Agencies Subcommittee held meetings with the Acting Director of FEMA, the Secretary of the Department of Housing and Urban Development, and the Deputy Secretary for the Department of Veterans Affairs. At these briefings, the impact of the earthquake in southern California and the administration's request for funds to assist in recovery efforts were discussed. It appears that the magnitude

of the damage caused by the earthquake will not be known until surveys are completed. Although magnitude is not known, it appears to be the largest disaster in our history. Additional funds may be required when the full extent of the damage is known.

To enable, FEMA, HUD, and VA to provide assistance at the earliest possible time, the bill includes the requested amounts for each of the three agencies. All of the funds in chapter VII are to cover emergency expenses arising from the recent Los Angeles earthquake.

As requested, all of the funds are being designated by the Congress as emergency requirements pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The President has also designated the entire amount requested as an emergency requirement. This is an emergency which requires immediate attention. This is the way we have handled funding for other recent disasters and it is the way we should proceed now.

Madam Chairman, I urge Members to support H.R. 3759.

Mr. HOLDEN. Madam Chairman, will the gentleman yield?

Mr. STOKES. I am happy to yield to the gentleman from Pennsylvania.

Mr. HOLDEN. We know, Madam Chairman, on the same weekend as the Earthquake in Los Angeles, there was an earthquake in my district in Wyomissing, PA, which caused several million dollars in damage to homes, roads and municipal infrastructure. Governor Casey has already declared this area a disaster area and has requested assistance from President Clinton. Assuming the President and FEMA approves the request, are there sufficient funds to cover eligible activities?

Mr. STOKES. Madam Chairman, in answer to the gentleman's question, at this time, there is sufficient funding in FEMA's disaster relief fund for other disasters. Currently $700 million remains unallocated for the disaster relief fund and available for disaster assistance.

Mr. HOLDEN. I thank the gentleman for the colloquy.

Mr. McDADE. Madam Chairman, I yield 3 minutes to the able gentleman from Indiana [Mr. MYERS], a member of the Committee on Appropriations.

Mr. MYERS of Indiana. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise to address what I think is a problem with what we are trying to do here. Last month we were all shocked to learn that there had been another earthquake in southern California, and we were saddened and further shocked when we began to realize the magnitude, the thousands of people that were affected, the lives that were lost, the tremendous loss to property including bridges, highways, buildings.

In true American fashion, we came to their assistance. Churches started collecting money, individuals sent money to give assistance, we had help from various government agencies including Federal, State, and local, rushing to the aid.

Last week, the President sent a request for just a little under $7 billion to give more help to those who were in need. Yes, it is true, we have done this before. We have always done it this way or usually have done it this way. Just after the floods in the Midwest last year, which affected me personally, and I had a lot of friends affected by the floods in the Midwest, I thought it should be paid for, rush the aid to them, but pay for it. We were promised by many including, I understand, the President, who promised we would do something about paying for it in the future, and the Speaker talked about a task force, and Leon Panetta, our colleague, the Director of Management and Budget, said there would be something in place.

This has happened very quickly. But if it is not now that we start being responsible, when? When are we going to do it?

Now since the President sent his original request, this request for emergency appropriations has grown by more than 40 percent and is still growing.

We all recognize the emergency, but as someone else mentioned here, we have a hemorrhaging national debt which affects every taxpayer in this country. Our ability to help people in the future, and there will be future disasters unfortunately, but our ability to affect them in the future is impacted by irresponsibility if we do not cut spending someplace else.

So today I say I am going to offer an amendment, thanks to the rule, that is a responsible amendment. It does not cut any program that is absolutely essential to our country, and it does not try to cut into programs that had been provided for in the past in earthquakes or other national emergencies.

I did notice that Loma Prieta was a disaster 4½ years ago to a highway in California. I am not singling out California.

But this is an emergency bill. Who has been driving on that highway? How did we prepare 4½ years ago for an earthquake? What has happened in the 4½ years? It has never shown up, to my knowledge, in an appropriation request.

This is just one example that if the back door of the Treasury is open or the cash register is open, everybody wants to rush in.

I think if not now, when? We hear in this body of a responsibility, an obligation to the American taxpayer, not only the people of California, to be responsible.

Today is the day to start doing it.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I just want to highlight the fact that this bill has $1.6 billion in it for highway reconstruction, and I think we were all startled by the visuals coming out of the TV cameras from California about highways and the Santa Monica Freeway falling down and the other damage that we saw to the infrastructure of California.

This bill will help repair that and do it in a very quick manner.

The Committee met with the Secretary of Transportation, not in a formal hearing, but in an extensive briefing about these costs. We are going to monitor those as we go through the year.

I want to point out as well that the FEMA section contains $315 million for transit. Under our practice, we have FEMA contracting back to the Federal Transit Administration the obligation for granting out the $315 million. I want to point out though that there is one area of concern, and we are asking FEMA not to waive any of the laws that would govern labor-management relations. Those laws are in place. We see no need to waive them in an emergency fashion.

The Federal Transit Administration could not waive them, but because the money is being funneled through FEMA, not directly to the Federal Transit Administration, there is a worry that FEMA may try to waive the laws that relate to the relations between labor and management in the transit area. So we want to urge FEMA not to waive those laws, section 13(c) and section 3(e) of the Federal Transit Act.

Mr. LEWIS of California. Madam Chairman, will the gentleman yield?

Mr. CARR of Michigan. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Madam Chairman, I appreciate my colleague yielding.

In the full committee, my colleague raised this point, and, indeed, amended the bill to see that FEMA got that message. I think it helps to expedite this process, and I appreciate my colleague's words in that regard. It is my understanding that the committee has not taken any action that would impose additional legal or statutory requirements on FEMA in obligation of funding under this bill.

Mr. McDADE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Chairman, I intend to support the legislation with grant aid to the victims of the earth-

quake in California, and I do so for several reasons.

In 1972 President Nixon personally, during the great disaster that befell Pennsylvania during the Agnes storm that made the Susquehanna River rage and there was property damage and lives disrupted for a long time, President Nixon and the Congress came to the aid of Pennsylvania then.

That would be reason enough for me to now support the Californians who back in that era through their Representatives in the Congress aided Pennsylvania. That is one thing.

But, secondly, I also regard, as a Member of this body, that natural disasters and national security are the two basic reasons that we serve in this body. Everything else is second or third, or tertiary, level, but national security and national disasters must bring about the wide area of support in the Congress of the United States.

But I am troubled about another thing. I, too, want to see methodology developed for paying for this disaster as I do for anything else that comes along. But is it not dumb for us to have to vote for a measure to cut spending in an area like hurricane prevention measures or flood-warning measures that might be in one of the amendments that is going to call for offsets? We have one that the gentleman from Iowa described about hurricane prevention.

□ 1330

Should we be dumb enough to cut that kind of spending when we are talking about natural disasters; that is, preventing future spending of the type we are going to vote for today? I believe it is possible that one of those amendments has in it the very Susquehanna River that I spoke about previously, a reduction in funding for a flood warning system that we have worked for every year since 1972 to put in place in order to prevent further damage of the proportions that we suffered in 1972.

So I have to weigh that very carefully. An amendment of the type that the gentleman from Indiana [Mr. MYERS] is offering might be more attractive, but one that would cut prevention of disaster is simply dumb.

Mr. NATCHER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the chairman for yielding this time to me.

Madam Chairman, I would just say that those of us who have been touched by disaster, as we were in the Midwest during the flood, understand that the good Lord has dealt us a pretty tough hand in the last year. First, the flooding in the Midwest, which many of us thought would be our greatest natural disaster for many, many years to come; followed just a few months later by the Los Angeles earthquake.

Madam Chairman, I want to salute the people both in my region of the country and those across the United States who have faced these disasters. They have demonstrated the kind of courage, the kind of sensitivity and compassion for their fellow man which characterizes us as a Nation.

The President saluted them, and I would join as well.

But I am saddened today to be standing here engaged in the same debate that we engaged in a few months ago during the Midwest flood. It is hard to believe that there are people today in southern California homeless, unable to go to work, perhaps critically injured, wondering if they are going to get a helping hand, who, if they turn on C-SPAN, will hear us droning on in congressional debate.

The people in southern California do not need a congressional debate; they need a helping hand from this Nation, a hand that was extended to my neighbors in the Midwest, that should be extended to the people of southern California.

Many have said that we need to look at this problem of financing this disaster on a long-term basis. I could not agree more.

So that the record is clear, I am happy to have been designated by the Speaker and majority leader to serve as cochairman of a bipartisan disaster task force to look at the very questions which bring us to this debate today. I am honored to be joined by my colleague, the gentleman from Missouri [Mr. EMERSON], who is going to cochair this task force, in an effort to find a solution.

Ladies and gentlemen, do not believe for a moment that if a task force had been created the day that the flood began in the Midwest, that they would have a solution today. This is a difficult and challenging problem, one that will require the very best resources and spirit of cooperation to find a public policy solution.

For those who think that they can cobble together today some string of budget cuts and come to this floor and solve the problem, I tell them, "You didn't do the job." Each and every one of these cut packages suggested by my friends, when inspected closely, cuts back on employees and services that are essential to this country and essential to victims of disasters we now face.

Please, take the long-term view; we need a solution. Do not do it at the expense of the California earthquake victims or the Midwest flood victims. We would like to help these people. We do not help them with protracted debate. We do not help them with uncertainty about their future.

We help them by taking the situation and this challenge seriously, working together on a bipartisan basis for a long-term solution.

I implore you, support this assistance bill, join with us on the task force in finding a real long-term solution to financing future disaster assistance.

Mr. McDADE. Madam Chairman, I am pleased to yield 3 minutes to the able gentleman from New Mexico [Mr. SKEEN], a member of the Committee on Appropriations.

Mr. SKEEN. I thank the gentleman for yielding this time to me.

Madam Chairman, it is deja vu all over again, as Yogi Berra would say; ever since I have been in Congress we have had a repeated disaster almost every session. Now, I do not know whether it is because I am in Congress or it just happens that way.

The administration has sent up a $6.6 billion emergency disaster request to help the victims of the Los Angeles earthquake. It is appreciated, it is very timely, and it has got to be done. These people need and deserve assistance right away. These people need not suffer long because of the debate that we are going to enter into in this body. The people need assistance right away. But, however, once we begin this debate, we are getting into this business of how do we pay for it?

In addition to that, the administration sent up an additional $3.1 billion in spending that has occurred over the last 4 years. Those who suffered the tragedy of the Loma Prieta earthquake, the Midwest floods, and the Los Angeles fires also need Federal assistance. They need it now, and they have been waiting for some time.

At some point Congress has got to find a better way to respond to natural disasters, a more budget-conscious approach that could save taxpayers money. Today we will consider a number of those proposals identified by various sponsors, which clearly encompass the use of offsets to do it. Can this be done? I think it can be done, and I suspect that we will do it.

But the most important thing to remember in all these discussions is that we must get the money to those who are hurting, we must get it to them right away. Obviously, Congress needs to reform this process of dealing with disaster aid in the future.

Over the last 5 years, Congress has approved 8 extraordinary spending bills, totaling $23 billion, plus interest. Spending money in this manner creates a much larger burden for future generations, as has been repeated time and time again. I believe a majority of the Members of the House will vote to adopt this emergency relief with some form of an offset. Additionally, other Members have suggested that Congress offer the private insurance groups incentives to include disaster insurance to cover hurricanes, earthquakes, tornados, et cetera, and collect premiums and spread the risk and bring down the cost.

Another suggestion which has gained a certain amount of interest is that we take a certain percentage of funding

from each Federal agency and create a rainy day fund.

With all this discussion on the subject, I commend to the House leadership thanks for creating the task force to study the disaster issue response. The selection of my chairman, the gentleman from Illinois [Mr. DURBIN], and the gentleman from Missouri [Mr. EMERSON], has renewed my faith that Congress has finally come to the realization that we have got to do it now if we are going to be able to handle this in the future, because we are not able to continually take it out of one pocket and put it into another pocket and give the kind of assistance that people involved in a disaster have to have.

We have to tackle the tough issue like disaster funding at a time when we are not confronted with a disaster, and in that way a reasoned approach to this issue will not get sidetracked by the emotions and passions which erupt time after time when we deal with this disaster approach.

As ranking member of the Subcommittee on Agriculture of the Committee on Appropriations, I am going to be directly involved with the gentleman from Illinois, Chairman DURBIN in dispensing these Federal funds in the future. It is my hope that by the time the next disaster hits, Congress will have a better way of responding.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. I thank the chairman for yielding this time to me.

Madam Chairman, I stand today to support the bill's provision releasing $200 million for the low-income home energy assistance program.

Maine's hearts go out to the victims of the great natural tragedy of the earthquake in California. But there is another natural tragedy gong on across this Nation, ladies and gentlemen. You do not read about it in the headlines or dominating the evening news, but it is causing real suffering, it is causing real hardship, real life-and-death emergencies in this country. It is called the bitter cold that has gripped much of this country, including my State of Maine. We have seen the lowest temperatures ever recorded in my State in the month of January. It has caused real suffering, real tragedy.

In just the past few weeks, my office has learned, for example, of the young woman huddled with her young son in her bedroom because it is the only room in her house that she can heat. She is asking desperately for help. Or the young man huddled in a sleeping bag, saying that if he does not get help tonight in his apartment, he will be read about in the obituary column of tomorrow. People are literally being forced from their homes so they can get to the safety of a place that is warm.

Madam Chairman, this is real suffering, ladies and gentlemen of the House, real hardship. It is a real emergency requiring an emergency response from this Congress.

□ 1340

While we remember and recognize the tragedy going on in California, Madam Chairman, let us remember and recognize the tragedy going on in the State of Maine, and in the Northeast and other areas gripped by this bitter cold. Let us support the provision in this bill supporting this very important LIHEAP program. Let us support these people who are suffering by forces well beyond anyone's control.

Madam Chairman, I thank the gentleman from Kentucky [Mr. NATCHER] for his support of this program, and I support the committee in its work in this area.

Mr. MCDADE. Madam Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Madam Chairman, I want to thank my colleague, the gentleman from Pennsylvania [Mr. MCDADE], for yielding this time to me.

Madam Chairman, we have spent a lot of time today arguing over how much aid to provide the victims of the California earthquake and how best to pay for it.

But I believe we must also consider the types of nonfinancial assistance which would benefit the people of southern California.

That is why today I am introducing the Depository Institutions Disaster Relief Act of 1994. This legislation would provide much-needed regulatory relief for lenders and consumers in those areas affected by the earthquake—especially those concerned about restructing loans and avoiding foreclosures because of late payments. It is identical to legislation which I introduced last year with the chairman of the Banking Committee to assist the victims of the midwest flooding and which was signed into law by the President.

I strongly urge my colleagues to cosponsor the DIDRA 1994 legislation—and provide additional help to the people of California without costing the U.S. Treasury a cent.

Mr. NATCHER. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentleman from Kentucky [Mr. NATCHER] for yielding this time to me, and I am interested in helping the people of California. What I object to is the caboose on this train because it is a very expensive caboose. It is $1,200,000,000 additional for the Pentagon. People should understand this is simply to fund; it has got nothing particularly to do with any agreements about peacekeeping. It is simply money to give additional funds for the Pentagon. I understand that they would like it; so would every other department. The argument is that because they had to go into Somalia, and Bosnia, and Haiti, they need extra money.

Madam Chairman, to be honest, I thought that is what the budget was for. I thought we gave the Defense Department a budget so they could send the Armed Forces places when they are needed. I did not realize that was basic and anything else they did they get compensated for as extra piecework.

For instance, this says they need $47.8 million additional because they sent a boat to Haiti and brought it back. They did not even spend the night. I do not think they should get $47.8 million per diem if they did not even spend the night there.

I understand their desire to have more money, but I say, Madam Chairman, if you give $1.2 billion extra to the Pentagon, you either add to the deficit or take it away from every other program.

Mr. MCDADE. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Chairman, I rise to applaud the action of the Appropriations Committee in adopting section 602 of this bill. For the first time in history, an appropriations bill differentiates between the aid available to citizens and legal residents on the one hand, and illegal aliens on the other. This is a major step forward, and a vindication for those of us who have been working for years under severe personal attack to exclude illegal aliens from tax-paid benefits. Ultimately, the principle needs to be that we will help everyone with their immediate needs in the wake of a disaster, but then those who are here illegally will be sent home.

That is eventually a principle we should adopt, but under this bill I am certain that the authors of the compromise, the gentleman from California [Mr. DIXON] and the gentleman from California [Mr. PACKARD] agree with me, that under this bill, that with certain specified exemptions aimed at short-term emergency needs, illegal aliens will be excluded from long-term disaster assistance. That section, 602, which is the compromise, excludes illegal aliens from the section 8 housing voucher program that provides rental subsidies for up to 18 months. That section, 602, makes illegal aliens ineligible for small business loans to rebuild residences and businesses under the SBA program. That section, 602, the compromise, excludes illegal aliens from receiving, in response to the earthquake, any further food stamps beyond those that they have received between the date of the earthquake, which, after all, was a long time ago now, several weeks ago, and the date of enactment of this bill.

Madam Chairman, this compromise, this push for a responsible government in the wake of a disaster, is a major victory for sane government spending. It is a victory for people who are willing to use their hearts to reach out to those people in an emergency situation, even if they are illegal aliens, and help them, but to ensure that the long-term funds, the limited long-term funds that we have available for emergency relief in this country, will go instead of to people who are here illegally from other countries, who may be wonderful people, but those limited funds should be going to U.S. citizens and legal residents, people who are part of the great American family that we love so much that includes people of all ethnic backgrounds and races and all religions.

So, Madam Chairman, I see this compromise, and I applaud the gentleman from California [Mr. DIXON] and the gentleman from California [Mr. PACKARD] for a compromise that I believe is a step, a major step, in the right direction during this time of emergency.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Madam Chairman, I well remember back in last year, in the timeframe of July, August, September, when we worked on the Midwest floods. As one whose district was inundated by both the Missouri and Mississippi Rivers, we worked very hard, and with the same committee, to bring about relief for those flood victims. This legislation now is another disaster, and it is aimed at the people basically of California, and I strongly support it. I feel that they are entitled to assistance just as much as others in the past have received, whether they have been tornado victims, hurricane victims, flood victims, or earthquake victims, and I think they are entitled to it, and they are entitled to it now, not next week, next year or any other time.

As a result of that, Madam Chairman, I strongly support the legislation, and also I want to commend and thank the chairman of the committee and the members of the committee for also including funds, additional funds, for our assistance in the Midwest, for our flood victims, especially for our farmers in the bottom lands, and I would like to say, Madam Chairman, that I think that this House should reject, strongly reject, the Penny-Kasich amendment and go on and get the disaster assistance to the people of California, not clutter it all up. We should do it just the same way as we have done with other disaster assistance, and that is to do it cleanly.

So, I rise in strong support of the legislation and in strong opposition of Penny-Kasich.

Mr. MCDADE. Madam Chairman, I yield 1 minute to the very able gentleman from California [Mr. PACKARD], a member of the Committee on Appropriations.

Mr. PACKARD. Madam Chairman, I appreciate the chance to say a few words.

Madam Chairman, the people of California are hurting. All of us in this body, and most of the Nation, saw the live pictures CNN broadcast showing the devastation of the earthquake.

The earthquake in California caused many kinds of heavy damage. Besides the loss of life, people's homes were destroyed, their businesses were crippled, their psychological well-being was shaken. I know that this is an emotional issue.

This is why we must move this bill quickly. I commend all my colleagues for recognizing that bringing quick assistance to the people of California is the most important bottom line.

However, the debate in committee about whether illegals should qualify for long term assistance is also important. I commend by colleagues on the committee for working with me on a bipartisan basis to craft acceptable language.

The earthquake relief bill before us is the largest this body has ever considered. I urge that my colleagues show the same compassion to the people of California that they have shown to the victims of other disasters in our Nation. Let's have an honest open debate, but let's move this legislation.

The CHAIRMAN. The Chair will make it known that the gentleman from Kentucky [Mr. NATCHER] has 3 minutes remaining and the gentleman from Pennsylvania [Mr. MCDADE] had 3½ minutes remaining.

Mr. MCDADE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Madam Chairman, while our focus today is on the horrible plight and the tragedy of California, I would like to remind all of my colleagues of the snow, and ice, and record-setting Arctic temperatures that have caused serious, life-taking and life-threatening problems across the entire Nation. With the end of the winter another 6 to 8 long weeks away, millions of low-income seniors and families with young children remain in grave danger.

Madam Chairman, in 1969 singer Paul Simon wrote "Bridge Over Troubled Water," a timeless song familiar to us all. This winter, 25 years later, Mother Nature has shaken us, as a nation, off the bridge and into the troubled water below.

The last year has wrought floods, earthquakes, and an unprecedented arctic cold. While the focus may be the horrible plight of sunny California, I believe all of my colleagues are aware that more people have died over the past few weeks due to freezing temperatures in the Northeast than due to the disastrous earthquake in California.

Our Government, in an attempt to address both emergency situations, has responded by providing nearly $7 billion in earthquake assistance and a suspect $200 million for energy assistance. In my estimation, and in the estimation of millions of very cold Pennsylvanians, New Yorkers, and New Englanders, as well as resident of New Jersey, this offering is tragically inadequate.

The need for Pennsylvanians and the entire Northeast to keep their families warm and out of danger is at an all-time high. In many cases, the struggle to stay warm has turned into a struggle to stay alive. Not only is this relentless weather putting millions of families in danger, it is rapidly exhausting the funding for the Low Income Home Energy Assistance Program [LIHEAP].

The mission of LIHEAP is to provide financial assistance to unfortunate families who are unable to pay their energy bills. The weather of late, however, has dramatically increased the demand for this already suffering program. It is with this in mind I urge the President to declare an emergency and release the $600 million in emergency funding made available and designated by Congress as part of the fiscal 1994 appropriations bill for the Departments of Labor, HHS and Education.

Countless individuals have already succumbed to this year's cold and unforgiving winter. With a lack of additional assistance, citizens of Pennsylvania, the Nation's second leading recipient of LIHEAP funding, and the entire Northeast will continue to suffer.

If our Government is going to throw a life-preserver to Americans who suddenly find themselves in need because of Mother Nature and natural disasters, its assistance had better be large enough to rescue everyone in danger.

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Mr. NATCHER. Madam Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Madam Chairman, I want to thank the chairman of the committee for yielding this time to me.

Madam Chairman, I rise in support of this measure to provide aid to the victims in California. We, in Louisiana, suffered through Hurricane Andrew, and we are still recovering. Hurricanes are quite frequent in our area.

I want to commend the folks in California who are struggling now to recover from their own natural disaster. I take this moment on the floor to remind the Members that in the flood plains of this country we are required to buy flood insurance. It is subsidized by the Federal Government, but our citizens are making a contribution up

front to cover the cost of the disasters that come their way.

There are bills in this Congress to make it more difficult for our people to afford that flood insurance. I urge the Members, please, as they consider this disaster in California, not to buy the argument that we ought to make it harder for people to buy insurance. If anything, we ought to help our friends in California buy earthquake insurance. We ought to consider our friends who live in tornado zones and encourage them to have wind and damage insurance. We ought to be helping each other in this country.

Madam Chairman, as this body and this Government rose to help my friends and neighbors in Louisiana, in St. Andrew, I urge the Members to help these folks in California.

Mr. McDADE. Madam Chairman, I yield 1 minute and 30 seconds to the distinguished gentleman from California [Mr. McKEON], to close the debate on our side. This is a Member whose district was most heavily impacted, and he has worked tirelessly on this bill.

Mr. McKEON. Madam Chairman, I want to thank the gentleman for yielding this time to me.

Madam Chairman, I would like to give the members a personal perspective on the devastating 6.6 earthquake that rocked Northridge and the surrounding area at 4:31 a.m. on January 17. Most of the damage you saw on TV and read about took place in my district and those of my neighboring colleagues. I visited and toured the Northridge Meadows apartment building in the San Fernando Valley where 16 people lost their lives. I visited hospitals where doctors and nurses worked around the clock—one treating 385 patients and one treating 350 patients in the first 24 hours. I heard countless stories of tragedy and heroism. Two teenage girls showed up at one of the hospitals at 5:30—it was still dark—and wanted to know what they could do to help. They put them down in the basement to sort badly needed supplies. Red Cross workers and volunteers worked countless hours to house, feed, and otherwise care for elderly and other displaced persons. Federal, State, county and city employees rallied to help. Utility companies worked to restore power, gas and water. So much has been done by so many, now it is our turn to rally and help. We cannot restore the lost lives or many personal treasures of people, but we can and must help with dollars for the rebuilding process and I implore my colleagues to do this as expeditiously as possible.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Madam Chairman, as we wrestle with this difficult decision today, trying to balance the interests of the taxpayers against the interests of Californians who so desperately need relief, I think we first need to recall the tremendous progress we have made in deficit reduction in the last year and a half. Nineteen months ago we were running a deficit at the rate of $331 billion a year. It is now expected the deficit for the next fiscal year will be below $200 billion. Many decisions made in this body, on the floor of this House, were responsible for bringing that deficit down. We can be proud of that, and we should be proud of that.

We are making more progress in deficit reduction than we had made since the Truman administration, as the President indicated the other day during his State of the Union Address. So today let us not forget what tremendous progress we have made.

Let us also not forget the plight of those Californians. I will not argue that. I am not from California. Others will deal with that issue much more effectively than I can. But clearly we have had a disaster of major proportions and we need to attend to it. I intend to vote for this supplemental appropriations today because I believe we simply have got to get those funds out to those people as quickly as we can. I think we should go ahead as quickly as we can. I think we should go ahead and invoke our emergency powers to do that.

We are going to be facing terrible cutting decisions in the next couple of months. The Wall Street Journal reports that the President is going to bring in a budget next week that is going to abolish or zero out over 100 Federal agency programs. That is serious, tough medicine. We are going to have very, very difficult decisions to face in deciding what to do about that budget, and let us not let those serious decisions get in the way of getting relief to these people who need it so desperately.

Finally, let us recall also that the Speaker has commissioned the majority leader to set up a bipartisan commission to develop long-range solutions for these problems. My colleague, the gentleman from Nebraska [Mr. BEREUTER] has suggested reform of the National Flood Insurance Program. We also need to have earthquake insurance imposed on those who live in earthquake zones so we will not have such government exposure in the future.

Mr. WAXMAN. Madam Chairman, I rise in strong support of H.R. 3759, Emergency Supplemental Appropriations for Disaster Assistance, which include $7.77 billion for disaster relief and $1.1 billion in additional Small Business Administration [SBA] disaster loans for the victims of the Los Angeles/Northridge earthquake.

The Los Angeles/Northridge earthquake is the costliest natural disaster in our Nation's history. As we consider this important legislation, we still do not know what the full extent of the damage and cost of the disaster will be. The ongoing aftershocks, some of them significant earthquakes in their own right, are continuing to add to the list of injuries and property damage.

We have an obligation to help the the victims of this earthquake without delay; 57 people have been killed and more than 6,500 people have been injured, 55,000 homes have been damaged or destroyed, and 21,000 structures have been declared uninhabitable, 230,000 people have applied for disaster assistance. Jobs have been lost; hospitals, schools, and businesses have been closed; major thoroughfares have collapsed; and any regained sense of personal security is under attack with each new aftershock.

In my own district, residential and commercial areas have been devastated. Many owners and tenants have no insurance to cover their losses. St. John's Hospital, which is an important health facility worth approximately $25 million, has been condemned and closed. This hospital was the largest single employer in Santa Monica, and its closing caused an immediate loss of 2,000 jobs at the hospital and another several hundred ancillary jobs.

Many of the buildings of Santa Monica College, a large community college serving the Santa Monica Bay region and west Los Angeles, sustained major structural damage.

UCLA. with a student population in excess of 35,000, is continuing its seismic inspections. Indications are that older buildings, which were constructed in 1924 and never retrofitted for earthquake safety, may have suffered irreparable structural damage. These structures include the main auditorium, Royce Hall, and one of the two largest libraries, Powell Library.

A major portion of the Santa Monica Freeway, the major east-west artery running immediately south of my district, has collapsed and will not be operational for at least 1 year.

My constituents and all other Californians affected by the earthquake are anxious to reclaim their lives, restore their livelihoods, and rebuild their communities. We have a huge task ahead of us, and it will probably cost more in resources and time then we imagine today. President Clinton and his administration have provided outstanding leadership and expeditious assistance during this time of crisis. I look forward to continuing to work in the spirit of partnership and cooperation we have experienced from the outset.

Enactment of H.R. 3759 is absolutely critical to the people of my district and to the State of California. I urge my colleagues to vote for passage.

Mr. ROSTENKOWSKI. Madam Chairman, I rise in support of H.R. 3759, which provides vital supplemental funding to assist victims of the recent California earthquake. It also provides additional needed funding for victims of last year's Midwest floods and critical assistance to low-income Americans fighting to stay warm during this bitterly cold winter.

I am pleased to see a reallocation of $200 million to fund the Low Income Home Energy Assistance Program [LIHEAP]. LIHEAP urgently needs more money if it is to help thousands of low-income Americans get through one of the coldest winters on record. In the city of Chicago alone, 115,000 households are served by LIHEAP assistance; 50 percent of

those households have an annual income of less than $5,000. Throughout the State of Illinois, 238,573 households receive LIHEAP assistance. Almost 37 percent of those households include at least one child. More than 75 percent are headed by single women, and 50 percent include an elderly or disabled person. All count on LIHEAP to keep their homes at a livable temperature in the face of the bitter cold.

Madam Chairman, Americans are calling on us to help them restore their lives to normal. The supplemental appropriation before us today represents the last hope for many people whose lives have been torn apart by nature. I urge strong support for this life-saving measure.

Ms. SNOWE. Madam Chairman, I rise in support of H.R. 3759. The American people have a long tradition of responding to tragedy and disaster with kindness and generosity. And we must continue this tradition in responding to the terrible damage wrought by the recent earthquake in Los Angeles.

Fortunately, this bill also seeks to extend American generosity to the millions of citizens who have been suffering through a severe, record-breaking winter in the Northern States.

In my district in central Maine, the average temperatures this winter have been 10 degrees below normal. Northern Maine is experiencing the coldest winter on record. As the temperatures plunge, the heating bills soar. And the increased heating costs begin to strain family budgets. For the poor, it becomes a matter of survival, of food, rent, and clothing—or heat.

How do our less fortunate citizens cope with these conditions? During a typical winter, they rely on the Low-Income Home Energy Assistance Program or LIHEAP. But LIHEAP, thanks to repeated cuts since 1985, is one of the most underfunded programs in the budget, despite being one of the most essential. Even a normal winter can be harrowing for low-income citizens thanks to inadequate heating assistance. A winter like this one qualifies as a disaster.

H.R. 3759 rightly addresses this serious problem in the context of disaster aid. It gives the President the authority to disburse up to $200 million for LIHEAP upon declaration of an emergency. Unlike a similar, existing authority, these funds are not automatically distributed to every State, but only to those States that have truly suffered from severe winter cold.

Helping those facing the devastation of the earthquake in Los Angeles is the right thing to do. Helping those suffering from the unprecedented cold is the right thing to do. In times of need, Americans have always done the right thing. I ask my colleagues to join me in supporting H.R. 3759.

Mr. BROWN of California. Madam Chairman, I would like to thank the distinguished chairman of the House Appropriations Committee for bringing this bill so quickly to the floor. Disaster relief is desperately needed in the regions affected by the quake. About 21,000 homes and apartments are uninhabitable; 55,000 residential structures have been damaged; and nearly 230,000 people have applied for disaster assistance. People are moving back into their homes, where they can, but the cleanup has just begun. I applaud the distinguished gentleman for their prompt response to this crisis and their attention to detail in crafting this legislation.

While the damage from the earthquake was the largest in U.S. history, the fact is that it could have been much larger. Much effort has gone into our understanding of the hazards posed by earthquakes and the ways that we can mitigate the damage to buildings and other structures. It is hard to measure the number of buildings and bridges that could have fallen down, but remained standing because stricter codes and reinforcement techniques were implemented. However, many structures withstood the quake due to reinforcement.

Much of this increased understanding has come from cross-agency efforts under the National Earthquake Hazards Reduction Program [NEHRP]. Since 1977, this program has sponsored the development of earthquake-resistant designs and construction methods, model codes, understanding of the scientific aspects of earthquakes, and education programs for the public. This long-term effort has contributed to the earthquake resistance success we have today, all over the United States.

It is important that we continue to support this program, in times of emergency as well as calm. So I am very pleased that the Committee on Appropriations has allocated $15 million to NEHRP efforts in response to this most recent earthquake. These postearthquake investigations can reduce the loss of lives and property in future quakes. Through this forward-looking expenditure, we can learn more and suffer less.

My committee, for its part, is working with the administration to continue to strengthen NEHRP. To this end, I sent a letter on November 10, 1993, to the President along with eight other members of the Science Committee and the Natural Resources Committee, both Democrat and Republican, requesting a high-level review of NEHRP and its activities. I look forward to the inception of this review.

I am encouraged that our Nation can reap lessons from our suffering in this earthquake and that these lessons can be applied to reduce our losses in future quakes. While we can only be saddened, indeed traumatized, by the results of the Northridge earthquake, we can take heart in the hope that in the future we may suffer less for what we have learned.

Ms. SCHENK. Madam Chairman, I understand the concern about increasing our deficit. I understand the importance of cutting spending. I was one of a handful of Members who voted for the budget only if more spending cuts were forthcoming before the end of the first session. I helped draft and voted for the Penny-Kasich spending cuts amendment which was narrowly defeated last year. And I stood right here and urged my colleagues to do the same.

But there is a right way and a wrong way to debate our Government's spending priorities and I do not believe that this is the time to debate controversial spending cuts. When we drafted Penny-Kasich we spent weeks crafting a thoughtful package of cuts. Emergencies by their very nature preclude this same kind of thoughtfulness.

The people of Los Angeles County need this money for immediate emergency assistance and to repair roads, sewers, and communication networks. We are certainly not talking about trying to make people whole for the personal and financial losses they have suffered.

Like many of my colleagues, I too am concerned about the way our country deals with emergencies. I do not believe deficit spending is the best solution but this is not the time to argue about the best way to deal with natural disasters. This is a time for Members of Congress to put aside partisan differences and to come together to help the people of California.

Mr. MINETA. Madam Chairman, I rise in support of H.R. 3759, the Emergency Supplemental Appropriations Act of 1994.

There should be no misunderstanding—the Northridge earthquake is a national disaster and we must treat it as such—as we have in the aftermath of the Midwest flooding last year, Hurricane Andrew, and the Loma Prieta earthquake in 1989. We must not lose sight of the fact that H.R. 3759 responds to the Los Angeles earthquake in the same way that past efforts, which many of us have supported, have responded to other national disasters.

Disasters are a national issue. Today, it's California. Before, it was the Virgin Islands, Florida, Hawaii, and the Midwest. Tomorrow, it may be your State or your district.

National issues require a national response. H.R. 3759 is premised on the best of intentions—to meet the needs of our citizens and our Nation.

Make no mistake about it, the Northridge earthquake inflicted economic devastation, and I witnessed it first hand.

We all know of the tragically high death and injury totals. The earthquake left tens of thousands homeless. Lives have been changed forever. For many, the trauma will never be forgotten. How can we put a price tag on emotional and psychological stress? How can we put a price tag on the loss of a loved one—a wife, a single parent, a friend? How can we forget the TV pictures of the collapsed apartment where so many died and so many of us shared in the sorrow?

Another kind of destruction with longer term dilemma is the condition of that region's basic physical foundation; its infrastructure. Roads, water distribution systems, and power utilities have been affected severely.

Perhaps the hardest hit facet of the Los Angeles region was its freeways—we all saw the pictures. In addition, there was tremendous damage to schools, utilities, and neighborhood streets.

As a result of the earthquake, my concerns have been these: First, how to provide immediate relief to the victims of the earthquake. My specific interests have been in my capacity as Chair of the House Public Works and Transportation Committee. Second, what are the longer implications for the State—not only in terms of rebuilding the transportation network in southern California, but in terms of ensuring that its economy, just now edging out of recession in some places, is not crippled. And third, any implications for the bay area—whether in terms of our regional transportation system, earthquake preparedness, or its economic situation.

H.R. 3759 addresses these concerns. For example, it provides $1.66 billion for emer-

gency relief to repair the damaged highways and bridges, not only from the Northridge earthquake, but also Oma Prieta. This is not money that would be added to an already existing slush fund. The fact is that between the Mississippi floods and the Los Angeles earthquake we have now completely depleted the emergency relief fund of the highway program. We have depleted not only all the cash in the fund but also all it legally permitted borrowing power. That means that not only can no more commitments be made for on-system highway repairs in the Mississippi flood areas and in the Los Angeles area, but no funds could be committed for highway damage in any State if a disaster were to strike tomorrow.

Mr. Chairman, I want to emphasize, this is truly an emergency situation. Some have said that expenditure for this disaster should not be allowed to proceed unless equal cuts are made in the budget we have already adopted. But I want to make it absolutely clear that we have never before required offsetting cuts when making a supplemental appropriations for a disaster. Never—not for Andrew, not for Iniki, not for the Midwest floods, not for Hugo, not for Loma Prieta—never. To now require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory.

The budget we adopt after long and tortuous debate is a planning document. Disasters cannot be planned and we know that at the time we adopt the budget. We know that major disasters might happen which would require us, in the urgency of that situation, to spend additional dollars on disaster relief. We cannot, when disaster strikes, tell the people suffering from it that we will be sending aid just as soon as we redebate and refigure the entire Federal budget—look how long it takes us to adopt a budget in the first place. It simply is not practical to say we will rewrite the Federal budget before we aid anyone in a major disaster. This is exactly the kind of red-tape runaround and delay we have been trying to get away from in disaster relief.

Mr. Chairman, now is the time for leadership on this issue; now is the time for responsiveness; and now is the time for compassion. If H.R. 3759 is the most we can do to meet the devastation of the Los Angeles earthquake, it's the very least we must do. Together, through H.R. 3759, we can make it happen, and I urge adoption of the bill.

Mr. ANDREWS of Texas. Madam Chairman, I rise today in support of the President's quick and compassionate response to the devastation left by the Los Angeles/Northridge earthquake. The administration's role was evident through the immediate relief actions by the Federal Emergency Management Agency, and the firsthand support given to the victims by Secretaries Cisneros and Peña.

As the full extent of the damage to homes, hospitals, businesses, and highways became more visible, there was little doubt the Nation must help our fellow citizens in southern California. I support the desperately needed emergency assistance package detailed in H.R. 3759. The request by the administration is necessary to repair the far-reaching devastation of the area's infrastructure.

The bill provides loans for homeowners and small business owners to rebuild, and rent subsidies for dislocated low-income families. It includes funds to repair the highway systems that the region so heavily depends upon. Disaster relief funds will be used to reconstruct public facilities such as schools, public utility systems, and to support families requiring temporary housing. The measure also provides help to the neighborhoods affected by the earthquake through the Community Development Block Grant Program.

This bill exemplifies the American spirit that so often follows disasters and tragedies—a compassionate, yet strong, hand to those in need.

Mr. MONTGOMERY. Madam Chairman, I want to commend my friend, the very able chairman of the Appropriations Committee, Mr. NATCHER, and the distinguished ranking minority member of the committee, Mr. MCDADE, for bringing this supplemental before the House. The bill will offset some of the costs and relieve some of the hardships brought upon so many people in the Los Angeles area by the recent earthquake there. Like so many other natural disasters, it has caused billions of dollars in physical damage to thousands of buildings, bridges, schools, homes, and other structures. It has also brought much pain and suffering to millions of people throughout southern California. So I will join my colleagues in support of the bill.

Madam Chairman, I am very disappointed that the administration has not included in the bill funds to repair all of the damage to one of the major VA medical centers in Los Angeles. The damage to the Sepulveda hospital was so severe that all patients had to be moved to other VA and private hospitals in the area. According to preliminary VA estimates, it will cost at least $150 million to repair damage to the main hospital bed tower and surrounding buildings. VA requested these funds from the White House, but without any explanation to our committee, full repair costs are not included in this bill. This means that veterans must go to hospitals further away and I fear that many will have to look for their care elsewhere.

This bill contain $45.6 million to repair some of the damage to the buildings at Sepulveda. These funds will be used to repair broken water and sewer lines and other utilities in the surrounding buildings as well as cleanup costs. But patients will not be able to move back into the main hospital. On Tuesday, Secretary Jesse Brown acknowledged that funds in this bill are insufficient to fully restore the facility. When pressed, he suggested that additional funds might be available through the $500 million discretionary amounts contained in the bill. I do not hold out much hope that this is a viable option. Given the commitment to repair other public facilities, I am disappointed that the Secretary could not assure us that funds will be provided.

I regret the administration did not place a higher priority on restoring the Sepulveda VA Medical Center. By not including all of the funds necessary to restore the facility, veterans will have to wait months, and maybe years, before being able to obtain their health care where they live.

I will ask our Hospitals and Health Care Subcommittee to take immediate steps to authorize all of the funds necessary to repair or replace the hospital when the committee meets to mark up its authorization bill in April or early May. I will work closely with my distinguished colleague, the Honorable DON EDWARDS, the ranking member of our committee; the Honorable MAXINE WATERS, and the Honorable BOB FILNER, members of the Veterans' Affairs Committee, and our other California Members to get the hospital back to normal as quickly as possible.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 1, 1994.

Hon. WILLIAM H. NATCHER,
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: As your Committee takes up the earthquake supplemental appropriation bill, I wanted to share my concern over the Administration's failure to request construction funds to repair the incapacitated VA Medical Center at Sepulveda, California. Like so many earthquake-damaged structures in the Los Angeles area, the full extent of structural damage to this important facility has not yet been determined. The extent of that damage is sufficiently grave, however, to have compelled officials to shut the facility down. Surely the sudden loss of a 350 bed public hospital that provides for the medical, surgical, psychiatric, and rehabilitative needs of the area's veterans is a disaster requiring an appropriate Federal emergency response.

Mr. Chairman, I am advised that the VA's best estimate of the costs of replacing the severely damaged main hospital building and repairing other badly damaged support facilities would exceed $170 million. Although VA officials have not yet briefed us on the specific damage findings they have compiled to date, I wanted to alert you that the obvious need for very major construction work at this facility represents a substantial cost which has inexplicably not been included in the Administration's request.

Sincerely,

G.V. (SONNY) MONTGOMERY,
Chairman.

Mr. MANZULLO. Madam Chairman, I stand ready to assist in the final passage of this earthquake disaster assistance package. I know what disasters are all about. All six of the counties in the 16th Congressional District of Illinois were under water last summer. I especially appreciate the willingness of the Appropriations Committee to add $750 million to complete the job with previous disasters, including the Midwest floods.

Madam Chairman, this legislation once again only shows the necessity to prioritize Federal spending. I applaud the bipartisan spirit among those who came up with the spending cut amendments, especially those from the freshman class.

Last year, I voted 151 times to cut $127 billion in lower priority Federal spending. A mere fraction of that amount could have paid not only for this bill but previous disaster assistance packages. It's time, Madam Chairman, to go forward with your pledge to find ways to pay for future emergency relief packages. I am willing to work with you and the administration in a cooperative, bipartisan spirit toward that end.

Mr. BALLENGER. Mr. Speaker, I must express my deep disappointment with this body's failure to offset the $9.7 billion in new spending for emergency aid to victims of the Los

Angeles earthquake. I voted for the spending because I believe we have a responsibility to our fellow Americans to assist them in their efforts to rebuild, restore and heal. However, contrary to what some Members think, voting to offset new spending does not preclude compassion. In fact, to not offset this new spending will move us one step closer to the economic earthquake threatening our well-being and the well-being of our children and grandchildren.

This is only the most recent in a series of natural disasters that have proved to be a heavy financial burden to the American people. And yet the leadership of this body has repeatedly refused to take steps to prepare, in advance, for disasters that we cannot, with accuracy, predict, but anticipate. In the past, efforts to set aside funds for disaster relief have been rebuffed as unnecessary and burdensome. Well, Mr. Speaker, it's obvious where the burden lies—with future generations of Americans. To continue adding to the enormous debt, while ignoring the opportunity to pay for new spending, is simply ludicrous—it is irresponsible and foolish.

Members from both sides of the aisle bemoan spiraling deficits. The solution lies in control of Federal spending. We simply must stop adding to the debt with reckless abandon. The bottom line is that Federal resources are limited and tough choices must be made in order to set spending priorities. We had the opportunity to act responsibly and offset this spending. We had the chance to spare our offspring even more debt through minor cuts in existing programs. I can say with confidence that a vote in favor of offsetting the spending was indeed the most compassionate vote, for the earthquake victims—and for the future.

Mr. KYL. Mr. Chairman, I rise in support of H.R. 3759 to aid the victims of the January 17 earthquake in California, and in support of the Penny-Kasich-Condit-Nussle offset amendment.

Mr. Chairman, when disaster strikes and people are left hurting, it is important that our Government step in quickly with the resources needed to restore order, ensure public health and safety, and give people the chance to put their lives back together and move on.

But, as Members of this body, we have another responsibility, too, and that is to make the tough decisions on how to pay for those relief efforts.

President Clinton has proposed that yet another budget emergency be declared so that the additional spending can be exempted from discretionary spending caps and added directly to the budget deficit. The bill, as reported from the Appropriations Committee, would go along with that approach.

Fortunately, we have another choice. The Penny-Kasich amendment would fully offset the cost of providing disaster relief, ensuring that we do not simply pass the costs off again to future generations by adding it directly to the budget deficit. Penny-Kasich will help to mitigate the coming economic earthquake that will result from continuing budget deficits and the exploding national debt.

Let's be responsible in addition to being compassionate. Support the Penny-Kasich amendment.

Mr. RICHARDSON. Mr. Chairman, I rise today in broad support of H.R. 3759, the emergency supplemental appropriations bill. The images of the recent earthquake in southern California, the unbelievable flooding in the Midwest last summer, and other natural disasters that have inflicted amazing damage over the last couple of years should be all the motivation we need to support the legislation.

Each of these disasters has brought out the best of the American people—heroism, teamwork, and sacrifice. This vote must being out the best in all of us. Now is not the time to pit one part of the country against another. California may need our help today—tomorrow, others will.

Like others, I am troubled by certain provisions contained in the legislation. We should not use this earthquake relief to raise or demagog on other issues, specifically the immigration issue.

Nonetheless, I firmly believe that we cannot afford to let these concerns overshadow the goals of this legislation and the good it will do. Tragedy has struck and we, without changing the rules of the game in midcourse, must act.

For these reasons, Mr. Chairman, I urge for final passage.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, $340,500,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISION

Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Bal-

anced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $200,000, to remain available for obligation until September 30, 1996: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER III

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. During the current fiscal year, the Department of Defense is authorized to incur obligations for purposes specified in Section 2350j(c) of Title 10, United States Code in anticipation of receipt of contributions under that section: *Provided*, That, upon receipt, such contributions shall be credited to the appropriation or fund which incurred such obligations.

SEC. 303. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

CHAPTER IV

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $200,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: *Provided*, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000, to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): *Provided*, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: *Provided further*, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: *Provided further*, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multifamily housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: *Provided further*, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California, $250,000,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): *Provided*, That from this amount, the Secretary may transfer up to $50,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: *Provided further*, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VIII

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $500,000,000, to remain available until expended: *Provided*, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IX

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 602. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) The direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety.

SEC. 603. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other

Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1994".

The CHAIRMAN. No amendment is in order except the amendments printed in House Report 103–416 or pursuant to the order of the House of today. Each amendment may be offered only in the order printed in the report, by the Member designated in the report, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

With the concurrence of the minority leader, amendment No. 2 printed in part 1 of the report may be offered in a modified form that is germane to its printed form.

If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted.

It is now in order to consider amendment No. 1 printed in House Report 103–416.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Madam 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. FRANK of Massachusetts:

Page 5, strike line 3 and all that follows through page 8, line 10.

Page 8, line 11, strike "302" and insert "301".

Page 8, strike line 18 and all that follows through page 9, line 2.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Chairman, I will begin by yielding myself 90 seconds.

Madam Chairman, on January 31, according to a letter we just received, the President suddenly decided he needed a supplemental appropriation of $1.2 billion. I think there is some coincidence with the fact that there was a supplemental emergency then going forward. Someone probably suggested that to him. They are not stupid. They said, "We can get $1.2 billion right on to the earthquake," so they sent it in.

It includes, for instance, a request for $478 million to compensate them for all the money we have spent on Haiti.

Madam Chairman, we have simply got a request here from the Defense Department and their allies in the House, who are entitled to do this, to increase the budget for the year. It lists Somalia, Bosnia, Iraq, and Haiti. That is every operation they engaged in. If we adopt the bill as it now is and defeat my amendment, we are accepting the precedent that the military budget is simply for maintenance, and that any time the military actually has to be called into action, no matter how small, as unfortunately it was in Haiti, they get extra money.

It will either add to the deficit, and the National Taxpayer's Union supports this amendment, or it will come at the expense of other programs and perhaps both.

It makes a mockery of the fiscal discipline we have begun to subject ourselves to, to simply say that because there was an earthquake in California, we will give the military an additional $1.2 billion. Could they use it? No doubt. Could HUD use it? Could HHS use it? No doubt. But we should not give it to any at this time.

Mr. MURTHA. Madam Chairman, I rise in opposition to the amendment and ask for time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURTHA] is recognized for 15 minutes.

Mr. MURTHA. Madam Chairwoman, I rise in opposition to the amendment. One of the things that I have been saying for the last year is that the Defense Department is funded at the bare minimum to maintain operational readiness and any additional humanitarian or peace enforcing operations must be funded by supplemental appropriations. In fact, operational readiness could be declining even now.

The President has agreed with that proposition and has requested this supplemental appropriations. I believe that we are now seeing a reduction in readiness all over the country. I have come to the conclusion it would be very difficult for the U.S. forces to be projected forward in a one-front war on a timely basis, let alone a two-front war.

There is no way I can see that we can continue to operate effectively and do humanitarian and peace enforcing operations without additional funding. One of the things that we got an agreement from the White House on last year in our bill was that whenever there is an overseas humanitarian or peace enforcing operation beyond the normal operations of the military we would get a supplemental appropriations. The defense budget has been reduced severely for the past years and additional missions require additional funding.

The President would come to the Congress, consult with the Congress, tell us the cost of the operation, where he is going to get the money, and send up a supplemental. I think it is essential to the national security of this country that those supplementals always be sent up in a timely fashion.

To address Haiti alone, the funds provided in this supplemental are not only to cover the expenses of sending a ship to Haiti and not landing but to enforce the embargo itself. We have an average of six warships standing offshore and we have aircraft flying surveillance missions involving a significant number of military personnel. This costs a lot of money.

The other thing is the Bosnia operation. Involved in the Bosnia operation, we have almost 9,000 troops. I don't think anyone can argue about the tragedy involved in Bosnia. I have been against military involvement in Bosnia because I don't think a military solution can be imposed on Bosnia. I think that it has to be something they work out politically.

But what we must do is contain the fighting. They must understand if it goes beyond the Bosnian borders the United States and NATO will be involved. By putting troops in Macedonia and with our presence in the Adriatic and the humanitarian flights we are flying to support the United Nations, I think that statement is very clear. As a matter of fact, when I was in Europe, we got compliments from the foreign countries about the policy of restraint that the United States has been operating under in Bosnia.

In Somalia, I was opposed to the deployment in the first place. My original disagreement with the deployment to Somalia was that we could not impose a military solution on the people of Somalia, thus we should not get involved. If we got involved we would kill a lot of Somalians, and that is exactly what has happened. We are leaving because we could not impose a military solution. But it was a very expensive operation and an unfortunate operation in many ways.

If we had gotten out in January of last year when we stabilized the situation, I would have said that I was wrong. One of the problems we have in these foreign deployments is the problem we run into with the United Nations to operate and command a situation under hostile conditions.

We have recommended to the White House that they consult with Congress before they allow the United States U.N. representative to vote for a resolution which would imply that the United States supports a particular operation and is willing to commit ground forces.

We also said U.S. forces under no circumstances should be under U.N. command in hostile situations because of the United Nations lack of experience.

I think there are circumstances where the United Nations can run an observer type operation, such as Macedonia. For instance, the commander in Macedonia originally opposed United States forces going into Macedonia in an observer type operation. After he saw our troops operating, he realized the tremendous assets that we brought to his force. He now compliments the actions of the U.S. forces.

I have to say this: I am absolutely amazed at the diversity of missions that the U.S. individual service people are involved in, and the quality of that force. Nevertheless, we are still on the edge of a hollow force. It is important to defeat this amendment, because I am concerned we are on the verge of a hollow force. Every deployment is a cause for concern and takes funds away from depot maintenance, real property maintenance, and the readiness of our troops back at home.

So I would urge the Members to vote against the Frank amendment. It is well intended. I understand the gentleman's priorities. But I think it would be a real mistake and a disservice to our national security to pass this amendment.

I urge Members to defeat this amendment.

Mr. FRANK of Massachusetts. Madam Chairman, to demonstrate that support for this amendment is not necessarily limited to people who endorse all of my priorities, I now yield 5 minutes of my remaining time to dispose of as he wishes to my collaborator, the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN. Without objection, the gentleman is yielded 5 minutes by the gentleman from Massachusetts to control as he wishes.

There was no objection.

Mr. BURTON of Indiana. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the gentleman for yielding me this time. I am happy to cosponsor this amendment with the gentleman, because I feel this is the wrong place to put this $1.2 billion.

This is an earthquake disaster relief bill designed to help the people who are going through a terrible ordeal in California. At the last minute this $1.2 billion was stuck into this bill for military operations in various parts of the world.

Now, I have great admiration for Mr. MURTHA. I support almost everything the gentleman says about defense. I am one of the strongest defense advocates and supporters in the House of Representatives. This is the wrong place to be doing this.

In addition to that, there should be a full and thorough debate on these moneys being spent in these areas. Some people may believe we should spend more money in Somalia, some people may believe we should spend more money in Bosnia, some people believe we should spend more money in Haiti, and some people believe we should spend more money imposing the Iraq no-fly zone. But many people have differences of opinion on some of these issues, and they should have a full and thorough debate, and it should take place in another vehicle besides this particular piece of legislation.

Then another reason why we should be scrutinizing this very closely and taking this $1.2 billion out and passing the Frank-Burton amendment is because we have a tremendous deficit. The national debt is almost $4.5 trillion. It is projected to get over $6 trillion in the next 4 to 5 years, and maybe as high as $7 trillion. We should take every opportunity to economize and cut spending wherever possible.

While I am a strong supporter of defense and support the gentleman from Pennsylvania, Mr. MURTHA, almost 99 percent of the time on defense issues, I strongly believe this is the wrong place to be doing this. I urge my colleagues to support and pass this amendment, and then let's look at this at another time and another vehicle, if necessary.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 1 minute to the gentleman from California [Mr. HAMBURG].

□ 1410

Mr. HAMBURG. Madam Chairman, as a Representative from northern California whose district suffered some of the ill-effects of the Loma Prieta earthquake, I have tremendous concern, tremendous sympathy for the people in Northridge and the surrounding area for what they have gone through. I am fully in support of this emergency supplemental.

But I want to stand with the gentleman from Massachusetts [Mr. FRANK], and I want to stand with the gentleman from Indiana [Mr. BURTON] and say that these expenditures, this additional $1.2 billion on top of a defense budget that is already $265 billion, that these issues need to be discussed in the proper forum. They should not be tacked on to this supplemental.

When I was running for Congress, one of the issues that came up most often with my constituents was, why do these bills go through Congress where they start with one subject and pretty soon they are on to this and this and this. That is Christmas treeing. This is Christmas treeing of a bill that is extremely important.

I believe we diminish the suffering of those people in southern California, who are living on the ground, living in tents, needing immediate attention from this Congress and this administration, when we add to it things that really are extraneous to the purpose of the bill. So while I have tremendous respect for the subcommittee chairman, the gentleman from Pennsylvania [Mr. MURTHA], I believe that in this case we need a different forum to discuss the issue, and we should move forward with the bill with the Frank amendment.

Mr. MURTHA. Madam Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Madam Chairman, I rise today in strong opposition to the amendment offered by my good friend and colleague, the gentleman from Massachusetts [Mr. FRANK].

I would like to read two quotes. One is from Mr. Shalikashvili and Les Aspin, former chairman of the Committee on Armed Services.

> The Department is borrowing from depot maintenance, operating support and training funds to sustain these contingency operations. If you do not approve the Supplemental request, the Department will have to reduce these operations with predictable consequences for military readiness.

That is from the Defense Department.

The President says,

> The Administration strongly opposes the Frank amendment which would strike funding that is essential to support the ongoing humanitarian, peacekeeping and peace enforcing operations for Somalia, Bosnia, Southwest Asia and Haiti. Ongoing military contingency operations are not budgeted in advance. Consequently, the Department of Defense has been borrowing from core maintenance and support resources to fund these operations. Restoring these funds is essential to maintaining the readiness of our forces.

When I first went on the Subcommittee on Defense with the gentleman from Pennsylvania [Mr. MURTHA] in 1979, America, by its own military leadership's self-recognition had a hollow force. Today we are on the verge of having that hollow military back again.

In fact, if Members talk to some of our military leaders, they say it is already there. We are starting to delay key maintenance projects. We are not maintaining our equipment as well. We are having a difficult time with retention. We are having a harder time recruiting people.

We have been cutting defense spending since 1985, and the President of the United States, the other night, said it is time to stop.

What I am asking my colleagues to do today in the House of Representatives is to honor Bill Clinton's request of this Congress, and that is to stop cutting defense spending. This is what this is all about.

If we do not replace this $1.2 billion, we are going to cut further into readiness, training, all of the things that we have to have to have a competent, qualified military. All the money that we spent in the 1980's to build up our readiness and training will go for naught.

This is the first test of whether we are for this policy, the President's pol-

icy, but we are not going to cut defense any further or not. The gentleman from Massachusetts [Mr. FRANK] wants us to eat out of the budget of the services, when there is no funding there for these peacekeeping operations, very minimal. He wants them to take it out of their hide, and they just simply cannot take it out of their hide any further.

I urge this House to defeat this amendment.

Mr. BURTON of Indiana. Madam Chairman, I yield myself 1 minute and 30 seconds.

First of all, I agree with much of what my colleague from Washington just said, and I support him, as I support the gentleman from Pennsylvania [Mr. MURTHA] about 95 percent of the time on defense issues. And I am not for any further cuts in defense. I think that would be a tragic mistake, because we must have our readiness at a top level.

But the fact of the matter is, this is a disaster relief bill for the people who are suffering in California. And the issues of Haiti and Bosnia and Iraq and Somalia should be debated under a separate bill. It should not be in this particular piece of legislation.

If they will bring a piece of legislation, another supplemental to the floor, where we can discuss this in a separate forum, I probably will support most of these additional spending requirements for the Department of Defense. But I say one more time, this is not the vehicle and this is not the time.

Mr. LIVINGSTON. Madam Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Madam Chairman, I thank the gentleman for yielding to me.

The gentleman is familiar with the procedure of the House. We do not have that many vehicles. What we are doing is feeding hundreds of thousands of people all around the world, and the U.S. Armed Forces are sucking up the cost of this great humanitarian effort.

The gentleman can pick and choose as he will as to which vehicle he wants to argue this thing on, but we have got to address this issue. This is not a minor issue.

Mr. BURTON of Indiana. Madam Chairman, let me just say that we have been around here a long time. The gentleman and I have been here for about 10 or 11 years. The fact of the matter is, there will be more appropriation bills. There will be more supplemental bills. We all know that.

If it is necessary to spend this money, and I believe some of this money is necessary because we must have an adequate defense posture, then I will support it. But this is not the vehicle and this is not the time.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume, to reinforce what was just said about the procedure.

Understand that every one of the items mentioned in this letter from the President, Southwest Asia, that is Iraq, Haiti, Bosnia, and Somalia, was underway when we did the budget last year. There is nothing unforeseen here.

What this says is, they do not like the results of the House and Senate budget procedure so they will use this emergency supplemental to reopen the issue.

The gentleman from Washington says we are asking them to eat these contingencies. These were part of the budget request last year. Everything on here was known when Congress voted the budget in September. We did not vote the budget 12 years ago. We voted a budget in September.

They decided, as does every Department down there, that they did not get enough. So they use this opportunity to get more.

It is so urgent, by the way, that the administration asked for it, accordingly to their own letter, on January 31. That was Monday. What was happening Monday? The earthquake supplemental was coming up.

This is seizing an opportunity. They saw the train going. They jumped on.

The fact is, however, very clearly, there is nothing on here that they are asking to be reimbursed for that was not fully known and underway when the budget went through. This is simply a way to bust open the budget and, when they go first, invite every other Department to come afterward.

Madam Chairman, I reserve the balance of my time.

Mr. MURTHA. Madam Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Madam Chairman, I was in Bosnia 2 weeks ago. The airdrops are working. They are bringing supplies to help the people. I met with our U.S. military MASH medical unit in Zagreb, Croatia and they are making a difference.

I only have 1 minute, so let me quickly say that this amendment will be the worst thing that we could possibly do to our military forces and to the world, to tell them that funds for humanitarian assistance and peacekeeping are shut off.

There was a man named Adolf Hitler that wrote a book in the 1930's, "Mein Kampf," and we did not translate the book until 1940. The Russian politician, Zhirinovsky, has also written a book, and we have not yet translated it.

What is taking place in Russia today is unbelievable. A vote for the Frank amendment would signal to the Zhirinovskys of the world that they can proceed with their plans to wreak havoc because the United States won't be involved.

Last, I would say, go see the movie "Schindler's List," which depicts the horrors of the Holocaust of World World II. There is a "Schindler's List" taking place today in Bosnia and a vote for the Frank amendment, I think, only allows this tragedy to continue. A vote against it, I think, would be in the best interest of the United States and freedom around the world.

I strongly urge Members to vote down this amendment. It would not be good for our Nation's defense nor good for world peace.

The CHAIRMAN. The Chair would like to announce that the gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining, the gentleman from Pennsylvania [Mr. MURTHA] has 5 minutes remaining, and the gentleman from Indiana [Mr. BURTON] has 1½ minutes remaining.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Madam Chairman, I strongly support the Frank amendment because I think military spending should be subject to the same rules as other parts of the budget. I have voted for every major spending discipline proposal offered in this Congress, including the Penny-Kasich amendment and the line-item veto. I voted for these proposals because I believe that we must get spending under control and set priorities. I would suggest that if those who voted with me on those proposals want to make an exception for defense, they will have no credibility when arguing against exceptions for urban aid, disasters, unemployment insurance, or any other program someone with different priorities labels "vital."

The national defense must always be a priority, but it should have to live under the same constraints as other priorities. We're being asked to accept cuts in mass transit, low-income energy assistance, and a wide range of programs that help the poor. Then we're supposed to turn around and vote to add to the deficit so the military can have more money for operating costs. Of course the military feels it needs more money. So does every other department. Everyone is going to have to tighten their belts, and the military is no different.

Today's debate is disturbingly similar to the debate we had over last year's supplemental spending bill. We were told that the Pentagon needed to cover unexpected defense costs incurred for operations in Somalia and Iraq. I cannot understand why the Pentagon is unable to pay for these programs out of existing operations and maintenance accounts, especially since some of these operations have been going on for 3 years. The deployment of U.S. forces for combat and peacekeeping operations should reduce the need

for normal peacetime training exercises. Forces rotated into the Middle East or Africa do not need the training time required in peacetime, because they are getting the flying hours and days underway normally accumulated during training in real world operations. Experience in live combat and peacekeeping operations should raise readiness, not lower it. These operations are worthwhile, but we cannot circumvent the budget process every time the Department of Defense decides it wants more money.

□ 1420

Mr. MURTHA. Madam Chairman, I yield 1 minute to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Madam Chairman, I thank the distinguished gentleman for yielding to me. I would say to my esteemed colleague, the gentleman from Massachusetts [Mr. FRANK], as he knows, I have the utmost respect for him, but I think the allusion to "Schindler's List" was, while seeming to many like a stretch, very pertinent and valid in that there is an ongoing genocide going on in Bosnia. The gentleman may or may not agree with that, and he probably does.

Our only participation so far is in the humanitarian airlift and support requirements. President Clinton, when he stood here the other night with his few comments about foreign policy, alluded proudly to the most extensive ongoing humanitarian airlift in history. Probably 10 to 20 percent of the basic rations in Sarajevo, Srebrenica, and elsewhere, are getting through. We must continue to be involved at least as much as we are.

As to my good friend, the gentleman from California, DAN HAMBURG, one of the best talents in the new class, a man I am in awe of, and I support the California money, for him to say this is a DOD Christmas tree I think is a problem, when I would note that it was not much of a Christmas in Bosnia, and the winter goes on.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 30 seconds to respond to the gentleman from Indiana.

Madam Chairman, the gentleman is completely wrong for one reason. Nothing in this amendment would interfere one iota with our ability to carry on our activity in Bosnia. This is not an amendment that requires us to stop what we are doing in Haiti, Bosnia, Somalia, or Iraq. When the budget was passed, we were doing these things.

What this says is that the Department of Defense does not get extra money. This is less than one-tenth of 1 percent. According to them, they wanted $276 million for Bosnia. This is simply not about Bosnia, it is about the Department of Defense living within its budget.

Mr. McCLOSKEY. It is about Bosnia. I refer to the gentleman on that.

Mr. FRANK of Massachusetts. It will not stop them from doing what they are doing with Bosnia.

Mr. BURTON of Indiana. Madam Chairman, I yield myself 30 seconds.

Let me restate one thing, Madam Chairman. I do not believe we should cut the Department of Defense any further. We have cut it too far already. I believe we should keep a strong national defense, but this is the vehicle for this.

In addition to that, they are putting all of these issues, all of these countries, and all of these problems in one big bag, and saying, "Take it or leave it." Some of these things I agree with. Some of these expenditures I agree with. Others I think are totally unnecessary and a waste of taxpayers' money.

That is why it should come down here in a separate appropriations bill, in a separate vehicle, so we could debate these things independently and cut out the waste. If we did it that way, we would save the taxpayers money and still deal with most of these problems.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Madam Chairman, I rise today in strong support of the so-called Frank amendment to delete $1.2 billion in deficit spending for the Pentagon. Once again, Congress seems intent on fueling our constituents' anger over totally unnecessary deficit spending.

The underlying bill was designed to provide vital relief to the victims of the tragic earthquake which struck California, but this bill was not designed to fund military operations which have been going on for up to 3 years. To include this spending makes a mockery of the word "emergency", and demeans the suffering of the quake victims.

The Pentagon has $265 billion a year to spend. It is about time they learned to budget for ongoing operations.

If the Pentagon really needs another $1.2 billion for its budget, at least we should follow normal procedure and properly consider it in the appropriations process this year. We should not sneak it through as an emergency supplemental.

The American people support true compassionate emergency aid for the victims of disaster in California, but they will not and should not support this kind of hidden defense spending. I urge adoption of the so-called Frank amendment.

Mr. MURTHA. Madam Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Madam Chairman, I thank the gentleman for yielding time to me.

I am pleased to yield to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, I rise in mixed emotions, because the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Indiana [Mr. McCLOSKEY] I think have good points. I do not think it should be funded in this way. However, if we do not fund it, I feel that the military did not ask to go to Somalia. It did not ask to go to Haiti, but it has expenses. Historically, those expenses are passed on to DOD.

We took a $50 billion cut in the 102d Congress, with an additional $127 billion in this administration. The President says no more cuts. I am in three different committees, and in every committee they are still trying to cut defense. Those cuts are putting us below a hollow force.

I agree with the gentleman from Massachusetts [Mr. FRANK] that it should not be funded in this way. However, if we do not, the military, I know this House, will not get it in the future, and the military will take the heat.

Mr. McDADE. Madam Chairman, I rise in strong opposition to the amendment offered by my distinguished colleagues, the gentleman from Massachusetts [Mr. FRANK] and my good friend, the gentleman from Indiana [Mr. BURTON]. The funds that are in this supplemental are needed right now, because, as we speak, the operations in Somalia, Yugoslavia, and Iraq have forced the military services to divert hundreds of millions of dollars from other accounts, those very accounts which support the readiness and the quality of life of our young men and women in the field: money for flying hours, money for training hours, money for steaming hours, all being tapped and drawn down to support the operations that the President has put us into in other lands.

Let me just give one example. The Army in Europe, as we speak, is short $300 million in operating accounts, which without relief means training cutbacks of 25 percent. What does that mean to our young men and women who are in harm's way? In means, first of all, threats to their lives and their limbs. Helicopters crash, airplanes crash, when they do not have flying proficiency. Their ability to respond to any kind of an emergency is eroded and destroyed.

The U.S. Air Force is $600 million short, which, if left unaddressed, is going to mean cuts in flying hours and training exercises.

Likewise, as has been alluded to by my dear friends, the gentleman from Pennsylvania [Mr. MURTHA], chairman of our subcommittee, and the gentleman from the Pacific Northwest [Mr. DICKS], all the services are deferring needed maintenance on both equipment and on property.

The bottom line is that all of these operations have so far been run by the Department out of its own hide, at the same time that the administration is pulling down the necessary funding and manpower, which we have seen shrink in dramatic proportions in a very short period of time.

I want to remind my colleagues that we are about $30 billion in expenditures for the security of this Nation less than we were just 2 years ago, $30 billion less, and the same for the force structure. It is down 25 percent from where it was during Desert Storm.

We all know that the administration plans to increase these cuts and keep them going at levels that many of us believe to be wholly inadequate to funding a security system through our Department of Defense that will meet the security of our Nation, while at the same time preserving the fabric of our armed services.

Let us remember this. We just saw the new nominee for Secretary of Defense testify at his confirmation hearings. His estimate was that they are $20 billion short from meeting the bottom-up review requirements over the next 5 years. My own estimate of that number, shared by many others in the Chamber, as I look around me, is that the figure is at least $33 billion and probably higher. We are, under the best of circumstances, heading for a train wreck in the Department of Defense.

Madam Chairman, I think we all understand that. But if we want to take a sure path to disaster, then what we do is lay on additional missions for the military and make them pay for it out of what was budgeted for their normal operational activity, for exercises and training, in training and flying and steaming, and then refuse to replenish those accounts. If you want to return to a hollow force, then that's the recipe.

I submit to my colleagues that a vote for this amendment is a vote for a hollow Army, a hollow Navy, a hollow military. I hope it will be defeated.

□ 1430

Mr. BURTON of Indiana. Madam Chairman, I yield myself the balance of time.

Madam Chairman, I find myself in a very difficult position because I support most of what has been said by the opponents of this amendment. I believe we have cut defense too far. I believe we need to make sure we have adequate military preparedness. But once again, this is not the vehicle for that.

In addition to that, if the President wants additional money for these operations around the world, all he has to do is to ask us and send up a supplemental appropriation. I am sure it would get to the floor in a short period of time and we would be able to debate each and every one of these operations. As I said before, some of the operations I think are absolutely essential, and we should be funding them. Others I think are a waste of taxpayers' money. But when we lump them all together, we take it or leave it, and as a result we waste money. I submit, bring another bill back here that splits it out so that we can look at each one of these operations and cut out the waste. If we do that I will support most of it.

Support the Burton-Frank amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Madam Chairman, when I left California and my city of Los Angeles, as one of the representatives of Los Angeles I came here to try and get emergency relief and aid to all of the people who needed assistance as a result of this particular earthquake. I came here prepared to vote today for a package that would do exactly that, help the people in need.

We also added a chance to help some of the folks that were damaged and were hurt as a result of the floods, and there is some money in there for people who are still hurting from Hugo.

But now we find we are being asked to provide welfare for the biggest queen in this Nation, $1.2 billion for a military defense budget that does not need it. And I must tell Members it makes it difficult for someone from Los Angeles to say that there is a very good chance that this Member will not be able to support emergency relief aid for all of the people who need it because we are bloating a package, we are bloating a package here with things that are unnecessary. And I must tell Members that when we talk about depriving individuals in Los Angeles of aid that is needed as result of an emergency, individuals that many people may not consider fully entitled to such aid, I think we can do nothing more than say that if some people who are humanly affected by this particular earthquake, if they cannot get the aid, then how can we support $1.2 billion going to the military defense budget which is already overbloated?

So I would tell my colleagues to please think very carefully about the bill, but please support the Burton-Frank amendment.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, first I want to reiterate that this has nothing to do with ending operations in Bosnia. The administration's letter does not say that. It says we will continue Bosnia, but we would then not be able to do other things. The only person who said anything derogatory about the operation in Bosnia today was my friend from Pennsylvania who said he thought it was a mistake to get too involved. Nothing in this amendment is going to cut out any involvement.

I apologize, but the gentleman says he said only Somalia. I thought he said Bosnia as well. But we can check it later. But no one here is trying to interfere with the operation in Bosnia.

As a matter of fact, every one of these operations, Bosnia, Iraq, Somalia, and Haiti was going on when we voted the defense budget. There is nothing here that is an emergency in the sense that it came up after the fact. When we voted the defense budget, these things were before us.

The gentleman from Washington said do not cut. This is not a cut. This is an effort to prevent an add-on. Nothing before the Congress today cuts the defense budget. The gentleman from Pennsylvania is seeking to add to the budget that we adopted.

Then we have the procedural question. Members have said, and I respect the integrity of the gentleman from California [Mr. CUNNINGHAM], who was very open about it, he does not like the procedure but he thinks defense needs more money. He is right. He thought they did last time, he simply did not like the budget process.

But Members who vote against this amendment will have a hard time in the future saying we do not like this situation where we use one bill as leverage for another, we do not like these add-ons, because we have an unanticipated earthquake in California and it is being used as a vehicle to raise the defense budget for operations which were ongoing the last time we voted for the defense budget.

And then we get to the question of where we are with discipline. We have begun to see a reduction in the deficit. Now do we send the signal that OK, the heat is off and any department that has felt that the caps that we imposed were too rigid is now entitled on a supplemental here, or there, we all know the niches, maybe a continuing resolution, get whatever piece of legislation that is necessary, and if we start this, Members can imagine what they will do on the other side. So what they are saying is nobody will any longer be considered bound by the budget. We have a budget that we adopted. It left every department dissatisfied and insufficiently funded in many respects. Now for no new purpose, but for purposes all of which were ongoing at the time of the budget, we are being told let us use this appropriation, let us use the need for earthquake relief as a chance to reopen the budget.

We will be dealing with the President's budget soon, and many will be asked in HUD, in HHS, in Labor, and in Transportation and the Environment to take some severe restrictions. We set a very bad example if we say just before we begin considering the President's budget that oh, that is not such a problem. We can get around those things.

If the Defense Department gets $1.2 billion simply for issues that had pre-

viously been before us when we did the budget, then we are inviting every other department to do the same thing. I hope we will show that we are staying on the track of budget restraint and legitimate procedure and vote for the amendment that is supported by the National Taxpayers Union and other groups, and myself, and the gentleman from Indiana.

The Chairman. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 260, not voting 20, as follows:

[Roll No. 8]

AYES—158

Abercrombie
Allard
Andrews (ME)
Archer
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bereuter
Bilbray
Bilirakis
Bonilla
Boucher
Brewster
Brown (OH)
Bryant
Bunning
Burton
Cantwell
Cardin
Castle
Clay
Clayton
Coble
Collins (GA)
Collins (MI)
Combest
Conyers
Coppersmith
Cox
Coyne
Crapo
Danner
Deal
DeFazio
DeLay
Dellums
Deutsch
Dornan
Dreier
Duncan
Edwards (CA)
Ehlers
English
Evans
Ewing
Fawell
Filner
Fingerhut
Flake
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Hamburg
Hancock
Herger
Hoekstra
Hoke
Huffington
Inglis
Inslee
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Kennedy
Kim
Kingston
Kleczka
Klein
Klug
Kreidler
LaRocco
Lazio
Leach
Maloney
Mann
Manzullo
Margolies-Mezvinsky
McDermott
McKinney
Meehan
Menendez
Mica
Minge
Mink
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Owens
Pallone
Payne (NJ)
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Quinn
Ramstad
Rangel
Regula
Ridge
Rohrabacher
Roth
Roukema
Royce
Rush
Sanders
Santorum
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Smith (MI)
Snowe
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Taylor (NC)
Thomas (WY)
Towns
Unsoeld
Valentine
Velazquez
Vento
Washington
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Yates
Zimmer

NOES—260

Ackerman
Andrews (NJ)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barlow
Bartlett
Bateman
Beilenson
Berman
Bevill
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Brooks
Browder
Brown (CA)
Brown (FL)
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Carr
Clement
Clinger
Clyburn
Coleman
Condit
Cooper
Costello
Cramer
Cunningham
Darden
de la Garza
de Lugo (VI)
DeLauro
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dunn
Durbin
Edwards (TX)
Emerson
Engel
Eshoo
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fields (TX)
Fish
Foglietta
Ford (MI)
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Istook
Jefferson
Johnson (GA)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
King
Klink
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Manton
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
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McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
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Miller (FL)
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Moakley
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Mollohan
Montgomery
Moorhead
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Murtha
Natcher
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Packard
Parker
Pastor
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Pelosi
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Pickett
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Price (NC)
Pryce (OH)
Quillen
Rahall
Ravenel
Reed
Richardson
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Scott
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stokes
Stump
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Andrews (TX)
Bentley
Chapman
Collins (IL)
Crane
Hastings
Hilliard
Lehman
Lewis (FL)
Markey
Mfume
Miller (CA)
Murphy
Pomeroy
Reynolds
Shepherd
Smith (OR)
Stark
Underwood (GU)
Whitten

□ 1504

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Smith of Oregon against.

Mr. BLUTE, and Mr. HAYES, and Ms. ROYBAL-ALLARD changed their vote from "aye" to "no."

Messrs. STRICKLAND, KIM, PALLONE, ROHRABACHER, TOWNS, OLVER, GOODLATTE and INGLIS of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HOYER. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. STUDDS) having assumed the chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 2 TO H.R. 3749 FOLLOWING CONSIDERATION OF AMENDMENT TO BE OFFERED BY REPRESENTATIVE FAZIO OF CALIFORNIA

Mr. HOYER. Mr. Speaker, I make this request after consultation with the minority leader and the minority whip to simply give us more time to see if we can work out an issue related to the buyouts regarding Federal employees.

Mr. Speaker, I ask unanimous consent that after the amendment to be offered by the gentleman from California [Mr. FAZIO] is disposed of that it be in order to consider the Clay-Hoyer amendment, No. 2, under the terms specified in the rule.

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

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I do so only to make the observation that we will not on our side object as an act of comity. We do make the observation that, because we have the Reagan-Thatcher dinner this evening, we hope to come back with another unanimous consent request in the very near future on length of time involving some amendments, but, as an act of comity on our side, Mr. Speaker, we do think it makes sense to agree to this unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I do so for further clarification. Some of us have

worked on this for quite some time, and I do not disagree that we ought to work out the differences. Hopefully we can because we all support the concept. But in the event that we have not worked this out at the end of the conclusion of the Fazio amendment, if it is offered, are we certain it will be taken up then or disposed of if not taken up? Will we have further extensions at that time?

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

Mr. MYERS of Indiana. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I will tell the gentleman from Indiana [Mr. MYERS] that I do not expect to ask for further extension, and, if we do not have an agreement, I do not expect to offer it.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 336 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3759.

□ 1507

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Massachusetts [Mr. FRANK] had been disposed of. It is now in order to consider amendment No. 3 printed in House Report 103-416.

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Madam 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. DEUTSCH: On page 19, after line 12, insert the following:

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Federal Emergency Management Agency may not expend any funds appropriated to it, or deny the political subdivision known as Metropolitan Dade County, State of Florida, coverage under the National Flood Insurance Program, for the purpose of requiring Metropolitan Dade County to direct property owners to tear down existing construction of which the Federal Emergency Management Agency was aware on or after August 24, 1992, where Metropolitan Dade County did not give accurate notice to affected property owners of National Flood Insurance Program regulation requirements.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. DEUTSCH] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Madam Chairman, I thank the gentleman from Florida [Mr. DEUTSCH] very much for yielding this time to me in order to have a very brief colloquy with the chairman of the Subcommittee on V.A., HUD and Independent Agencies, the gentleman from Ohio [Mr. STOKES], and I ask if he would be willing to do this.

Mr. STOKES. Madam Chairman, if the gentleman will yield, I would certainly be delighted to join in a colloquy with the distinguished gentleman.

Mr. BROWN of California. Madam Chairman, as the gentleman knows, this bill includes $15 million for the Federal Emergency Management Agency [FEMA] to spend on research, particularly postearthquake investigations under section 11 of the National Earthquake Hazards Reduction Program [NEHRP].

Madam Chairman, this program is very important to our understanding of earthquakes. It is imperative that we help the research teams that are out gathering such information to do their job as quickly as possible. It is also my understanding, Madam Chairman, that all of the investigations will be carried out collaboratively among the NEHRP agencies. In view of the urgency of these investigations, I would like to request that we receive a plan from the agencies on the proposed study within 2 months of the signing of this bill.

Madam Chairman, it is the intent of this provision that FEMA will distribute the funds to the NEHRP agencies as soon as possible after the enactment of this bill, and that my understanding of the uses of the $15 million concurs with the views of the chairman of the VA-HUD subcommittee of appropriations. Is this correct?

Mr. STOKES. Madam Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Ohio.

□ 1510

Mr. STOKES. Madam Chairman, the gentleman is correct.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for his assurances.

Mr. DEUTSCH. Madam Chairman, 18 months ago Hurricane Andrew devastated south Florida. Up to that time it was the largest disaster in our Nation's and probably the world's history. Many residents went through a living hell, and many residents are still going through that same crisis in their lives.

The Federal, State, and local governments should be there to solve problems, not to create them. I want to thank my colleagues who were in this Chamber before I arrived who did such a great deal to help solve some of the problems that south Florida experienced during that period of time.

FEMA, the Federal Emergency Management Agency, has done both good and actually some really awful bad things in its work in south Florida. There are some residents who are still going through a type of living hell. Residents of Royal Harbor Yacht Club in south Dade County are amongst those people.

These are people who had built their homes that were totally devastated in the hurricane, in almost the eye of the storm, and then rebuilt their homes after getting the proper permits, and now have been told by FEMA that they should destroy the homes after they were properly permitted.

For the last 6 months my office, as well as the offices in Dade County of County Commissioner Hawkins and the county manager, has been trying to resolve this issue with FEMA.

I really want to thank the Rules Committee members today for making this amendment in order. Within the last 24 hours we have worked with FEMA, and we have been able to resolve an intractable issue. This should not have ever been to the point of an amendment on the floor of the U.S. Congress. It is an issue which should have been resolved administratively, and it has now been resolved administratively. My hope is that by both offering this amendment and bringing to our attention some of these problems of FEMA, those people who have been victims of natural disasters since Hurricane Andrew, those in the Midwest and those in California today, would not experience the level of frustration and the level of intractable bureaucracies that some people still experience in south Florida.

Madam Chairman, with those comments and again with my appreciation, particularly for the Rules Committee and the members responsible for making this amendment in order, along with the chairman of the subcommittee of the Appropriations Committee, I ask unanimous consent that I be permitted to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Pursuant to the order of the House of today, it is now in order to consider the amendment to be offered by the gentleman from Ohio [Mr. TRAFICANT]. The amendment is debatable for 10 minutes, equally divided and controlled between the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed.

The amendment is not subject to amendment.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . In the case of any equipment or product that may be authorize to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to each recipient of assistance covered under this Act.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Chairman, the amendment is very straightforward. The American taxpayers provide the money for us to run our Government, and when our Government buys goods and services, we should encourage that those moneys be used to buy American-made goods and products.

With that, Madam Chairman, let me say that I appreciate the support of the committee, and I ask that my amendment be agreed to.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to oppose the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part 2 of House Report 103-416.

AMENDMENT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Madam 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. MYERS of Indiana.

At the end of the bill:

(1) Insert the text of H.R. 3511, as reported by the Committee on Appropriations, making rescissions of $2.561 billion: and

(2) insert at the end thereof the following new sections:

SEC. . RESCISSION OF FUNDS CONNECTED WITH REDUCTION IN FULL TIME EQUIVALENT POSITIONS.—Of the aggregate funds made available to executive departments and agencies in appropriations Acts for fiscal year 1994 for purposes of employee compensation, with the exception of the Department of Defense, $750,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts and shall submit to the Congress a report setting forth such allocation.

SEC. . REDUCTION IN ADMINISTRATIVE EXPENSES.

(a) Budget Obligations.—

(1) IN GENERAL.—The amount obligated by all departments and agencies, with the exception of the Department of Defense, for expenses during fiscal year 1994 shall be reduced by an amount sufficient to result in a reduction of $3,200,000,000 in outlays for expenses during fiscal year 1994. The Director of the Office of Management and Budget shall establish obligation limits for each agency and department in order to carry out the provision of this section.

SEC. . RESCISSION OF FUNDS FOR COMMUNITY DEVELOPMENT GRANTS.

Of the funds made available under the heading "Community Planning and Development—Community Development Grants" in the Department of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124) for grants, $400,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR MK-19 GRENADE LAUNCHER PROGRAM.

Of the funds made available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $15,000,000 is rescinded, to be derived from the MK-19 Grenade Launcher Program.

SEC. . RESCISSION OF FUNDS FOR NOAA RESEARCH FLEET.

Of the funds made available under the heading "National Oceanic and Atmospheric Administration" in the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $17,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR EDA.

Of the funds made available under the heading "Economic Development Administration—Economic Development Assistance Programs" in the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $25,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR HOUSE FRANKING.

Of the funds made available under the heading "House of Representatives—Salaries and Expenses" in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), $2,000,000 is rescinded, to be derived from "Official Mail Costs".

SEC. . RESCISSION OF FUNDS FOR WORLD BANK.

(5) "Shipbuilding and Conversion, Navy": $50,000,000 to be derived from advance procurement of LHD-7.

SEC. . RESCISSION OF FUNDS FOR LEGISLATIVE BRANCH.

(a) IN GENERAL.—The funds made available for each account in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), are rescinded by 1.3 percent of such funds.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I hope it will not be necessary for us to take the full hour here. I hope we can complete this debate in less than an hour, maybe something even less than a half hour, because we do have a busy schedule here this afternoon.

I do not know of anyone in this House or anyone in the country who does not want to help the victims of this earthquake in California. Unfortunately, some of us have some difficulty about how we are going to accomplish this without doing more damage to the rest of the country and the rest of our budget. That is the reason I have to offer this amendment. I wish I did not have to do it. I wish we had the mechanism already set up so we would have the means of taking care of disasters like this and helping the people who need the help so badly without doing this to our economy, but unfortunately, through the lack of wisdom of this body, we have not accomplished this through the years. For that reason, I think today is the day we should start taking action to make sure that in the future we will pay for these.

Every one of us and everyone else who is familiar with what we are doing here today has had the experience of having to readjust their budgets. Every homeowner sometime during the year experiences a breakdown of the air-conditioning, or the refrigerator or the freezer or the roof has to be repaired. We do not plan those in our budget, but we cannot continually go to the bank and borrow more and more money. The country and the Government ought to run in just exactly the same way. When we do have these emergencies—and we are going to have them—I think we should be prepared to make adjustments in our budget.

This is not meant to be mean-spirited. I do not bring this in that way. I think we have a responsibility or at least a historic responsibility through tradition to help people who need help, but we also have an obligation and a responsibility to the hard-hit taxpayers, many of whom are right now digging down deep to pay their taxes and are working on those taxes. And there is no hope in sight presently to balance the budget sometime in the future.

My colleague, the gentleman from Illinois [Mr. DURBIN], with whom I serve

on the Appropriations Committee and for whom I have a high regard, expressed earlier today that he was going to be catcher of a task force to find a way to pay for these in the future, and I would say that I hope one of the first things he considers as he looks for ways to pay for it is to make certain that future disasters—and we are going to have them, I am sorry to say; we all recognize this, but I hope they never amount to this proportion again—I hope that one of the first things Chairman DURBIN does is to look to make sure that if we have these in the future, we will not mix other things not related to that particular disaster. We have to very carefully limit the exposure to the American taxpayers, because it is an emergency and they cannot crowd everything else into one bill as we have here.

Thirty percent of this bill has nothing to do with the earthquake in California last month, but in posterity future Congresses are going to remember, and maybe even this same Congress is going to remember this supplemental bill as the southern California earthquake bill of 1994, and they are going to look at it and see the total of $10 billion.

This amendment that I offer will cut $7.4 billion from other spending programs. We have gone down through the list and we have selected items that will do the least damage to our spending practices and do the least damage to the budget, and I think we have a good recommendation. Some of these will be considered in other resolutions or amendments this afternoon.

But of that $7.4 billion that we would rescind from planned spending in 1994, $2,561,000,000 would come from the rescissions that have already passed this House in H.R. 3400 last year and gone to the Senate. We have already agreed to take that money out.

We have two exceptions from that, one of which is the toner that our friend, the gentleman from Michigan, had an interest in, and which is in that bill, to rescind that toner amendment.

The other amendment would be to provide something we have already done for the widow of our former Congressman, the late Congressman, Mr. Henry, for the widow's contribution, as we have always given a 1-year salary. That was taken out in the rescission in that H.R. 3400. What I have done would restore that historic obligation that we have. I think most of us would want to have that.

The second part of my rescission would be the $750 million that we have already agreed, and the President has agreed that we are going to use to cut 252,000 out of the work force. I do take one exception to what we have agreed to, the Defense Department, which has already cut 50,000 people out of its work force, the civilian work force. I would not give the Defense Department a double hit, but we would provide for this 250,000 and we would save those 50,000. We may consider buyouts a little bit later, and that may have some impact on this, but as of this date we have not, at least as of most recently.

The third part of my cut would be $3.2 billion coming out of the overhead costs, traditional costs, of the various agencies, again except defense, because I think all of us recognize we have cut defense right down to the bare bone.

This morning at breakfast, I talked with the Secretary of Defense designee. He said we can't cut defense any more. We are marginal right now. So I would not take the cuts others will take later today of $1 billion out of defense spending. We would cut some in defense, but not the across-the-board $3.2 billion in defense spending.

Let me give you some of the items here that would be cut. One hundred and fifty million dollars from the SPR account. That is the Strategic Petroleum Reserve that has been longstanding. Every recent President has wanted to delete this. I think at this austere time, we do need to take $150 million from that program. It probably is not needed today.

We would cut, and this might be controversial with some, but the community block grants, I would cut $400 million. It takes it back just about to the level we had last year. We did increase this. We would only cut those who are the least needy in the communities. I know a lot of my communities use this. But I also know a lot of them can get along without it. We are in a hard pinch this year. It is a choice of whether we help those communities or help the communities in California who are hurt even worse. So I would cut that program.

We cut ourselves, too. I know most of us say well, we can't cut our franking privilege any further, but I would take another $2 million from our own franking. We have to tighten our belts, too. I would cut $20 million across the board from the legislative, which would be about, as I think, a little over 1 percent. I know we are talking about cutting 4.9 percent. That discussion will come up later.

I would cut $20 million from the World Bank. I think most of us recognize the World Bank has been a good program, but at some point, we just can't continue to be Santa Claus for every program we think of around the world.

Another large one I would cut would be to cut defense by $132 million.

Now, there are some additions. I believe there are seven of them added by the Senate last year in a supplemental appropriations bill. To my knowledge we didn't have hearings on them in the House. I think defense needs to take some cuts. I would cut also the MK-19 grenade launcher, which, as I recall, was maybe $15 million. We could cut some money from that, for which there has been no great demand.

Madam Chairman, I would say to the members of this committee meeting today, we have a severe problem in our country, not only the earthquake in California, but we have not been living within our means. We keep putting off the inevitable. I am sure this task force is going to work very hard. But if we have our backs to the wall, and bite the bullet today, and, yes, we will have to share in that agony of cutting back some spending we will have to make, we will have to share, in this House, as we should, and the other body would have to share. We will have to start today. We just can't put it off, and say this is an emergency.

And, again, I wanted to emphasize here, by enacting my amendment to cut $7.4 billion does not slow down the efforts to help the needy in California. The money would be available immediately after the President signs this legislation. So what I am doing now would just require OMB and others to make the adjustments in our spending practices that we anticipated we would like to make this year. It will not slow the efforts for California. Absolutely not.

I want to close by saying this. You are going to say, JOHN MYERS, you are attacking California. You are asking California to be the first in holding the line and to share the responsibility for these cuts.

Not at all. California will not bear unduly on the cuts. Absolutely not. In fact, I don't think they get quite as many cuts as I would address elsewhere.

But last year when we had the great floods in the Midwest, I tried to do exactly this same thing, that we start biting the bullet and say take it out of the spending programs. So I am not being mean to California. I am not trying to be mean to any of the victims out there. We all want to help them. Our hearts go out to them. We want to put our money out to them. But we don't want to put money out we don't have. We don't want to drive the national deficit up higher. We don't want to drive interest rates up higher. This is the way to be responsible, help people, help every taxpayer in the country.

Madam Chairman, I reserve the balance of my time.

Mr. NATCHER. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. MYERS] and I seek to control the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes.

Mr. NATCHER. Madam Chairman, I rise in opposition to the amendment. The amendment would impose $5 billion of additional rescissions on top of the rescissions included in H.R. 3511.

The impacts of these additional rescissions would be major; however, because a vast majority of the cuts in this amendment are across-the-board type reductions, the specific impacts are not known and cannot be definitely assessed.

These cuts generally apply to personnel and administrative activities. No one knows how and which agencies will be cut and their impacts. We do know the cuts are large—so large that there is no way they won't affect everyone. There will be impacts on law enforcement, air traffic control, drug enforcement, immigration, IRS, education, human services, food inspection, and many others.

More detailed impacts will be offered by others as we proceed.

I want everyone to know that when you take a double count reduction on personnel funding and then restrict travel and other administrative needs you drastically affect the productivity of the work force. New employees are not getting training. What good are new FBI agents if they can't be trained and made productive? What good are new meat inspectors if they can't be trained? What good is cancer research and development if new knowledge can't be transferred effectively to those who need it? What good are researchers if they can't attend seminars to keep up with the latest technology?

Let's not make mindless reductions without a careful analysis of impacts. Adoption of this amendment would have major impacts on Government operations and on the people it serves.

Vote "no" and defeat this approach.

Madam Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Madam Chairman, I yield 2 minutes to the highly respected gentleman from Pennsylvania, the ranking Member [Mr. McDADE].

Mr. McDADE. Madam Chairman, I want to take this time to commend my dear friend, the gentleman from Indiana [Mr. MYERS], for the strong effort he is making to offer the House an opportunity at deficit reduction. The gentleman put in the countless hours that were necessary to develop an alternative that is point specific. He starts with roughly $3 billion that the House has already identified as rescissions, and goes up the hill with additional proposals to a total of over $7 billion, all of them point specific and available for the House to work its will on on the matter of deficit reduction.

In my view, he has addressed the issue responsibly. He persevered, went up to the Committee on Rules, and through the courtesy of the Committee on Rules, was given an opportunity to offer this amendment.

The House has before it the clear choice of whether or not to take the $3 billion that indeed our friend the gentleman from California [Mr. FAZIO] will offer at some time later in this king-of-the-hill process under this contorted procedure.

□ 1530

The gentleman from Indiana [Mr. MYERS] takes that and builds on it and builds it to $7.5 billion. It is a responsible act, and I hope that it will be passed.

Again, I say to my friend from Indiana, he has done a fine job in being point specific about where he would apply this deficit reduction.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. MYERS of Indiana. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. LEWIS].

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 3 minutes.

Mr. LEWIS of California. Madam Chairman, I thank the gentlemen for yielding time to me.

I rise with great reluctance to oppose the amendment of my colleague from Indiana. I oppose it largely for two reasons.

First, this is an urgent bill designed to provide assistance to the victims of the disaster in southern California. To suggest that, when we face such a disaster, one can quickly with much policy forethought effectively offset a sizable number of dollars without having the appropriate hearings, the analysis by the various committees involved, and time to deliberate and perfect, is a bewildering thought to me.

In this specific amendment, there are items that I agree with. There are also items that concern me an awful lot. I'll speak to that later.

To just arbitrarily suggest that we take $400 million out of CDBG's to our local communities, should give us all pause to reconsider. This could very well lead to cuts that could have a significant impact upon towns that I know nothing about. I would be very, very hesitant to just arbitrarily say $400 million is the appropriate figure.

Beyond that, in the past, we have seen across-the-board cuts that suggest, we can take administrative overhead out of the bureaucracy. It is easy to say. Go whack the bureaucracy, but that ignores difficult economies applied in our Committee on Appropriations.

I strongly urge the House to be very careful about an amendment like this.

The second point that I would like to make is that if such an amendment does pass, I am very concerned about what might happen in the other body to such an offset amendment.

When we start battling over which ox ought to be gored in a cross-section of cuts and the other body begins to consider such amendments, that could slow down the process. Indeed, this kind of amendment could be the very factor that delays enough of the process that we will not get this bill to the President's desk by the time we leave here on February 11.

It is critical that we not confuse the issue. I urge a no vote on this amendment.

Mr. MYERS of Indiana. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD], a gentleman who knows something about the earthquake.

Mr. PACKARD. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I support this amendment offered by our colleague, JOHN MYERS. As one of the senior Republican Members on the Appropriations Committee, Mr. MYERS has demonstrated great leadership in his efforts to bring sanity to the budget process. This amendment reflects a responsible, practical approach to this disaster aid bill.

Time after time I hear this Congress talk about how important it is to practice fiscal responsibility and pay for our spending. We have a chance here to show that we actually support that policy.

When the House considered emergency disaster aid for the floods last year, I supported an amendment to offset that spending. I support offsetting spending for the disaster in my State for the same reason I supported offsets for the Midwest floods.

We cannot afford to continually fund disaster aid off budget. Every year this Congress faces a disaster aid bill and every year we try to do it off budget. Although we don't know what disasters might hit this year, we do know that a disaster will hit somewhere. We have to start now to plan for disasters and pay for them as we go.

It's important that aid for this disaster goes forward. I think it's equally as important that we don't stick our children and our grandchildren with the bill.

I strongly urge you to support a reasonable, responsible approach to this bill and support the Myers amendment.

Mr. NATCHER. Madam Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana.

The amendment would rescind $750 million of 1994 salary funds from all Federal agencies, except the Department of Defense. The amendment would also rescind $3.2 billion in administrative expenses—items other than salary costs—from all Federal agencies, except the Defense Department. Both of these rescissions would be distributed by the administration.

Madam Chairman, this amendment would have a disastrous impact. It would cause Federal employees to be furloughed or involuntarily separated—

or in a more understandable term, fired. The agencies under the VA-HUD Subcommittee barely have sufficient salary funds for 1994.

Madam Chairman, because this amendment exempts Defense employees—about 40 percent of the total Federal civilian employment—the reduction is applied to a smaller base. Further, because this provision could not be implemented until the last half of the year, the real impact is doubled.

The Department of Veterans Affairs has a little over 10 percent of the total Federal employment. That number becomes closer to 20 percent when Defense employees are not included. A reduction of this magnitude will simply mean that fewer veterans will receive necessary medical care.

I received a letter from VA Secretary Jesse Brown today urging the Congress to reject any proposal to offset the costs of the supplemental. He is very concerned about any attempt to reduce funds for medical personnel which would result in a large number of veterans not receiving care—both on an inpatient and outpatient basis.

Madam Chairman, we should not be reducing medical care and treatment for veterans.

I urge Members to vote against the Myers amendment.

Mr. MYERS of Indiana. Madam Chairman, I yield myself such time as I may consume.

No one has ever said that this would be an easy process. I do not relish the responsibility I feel I have to come here today to try to pay for it in some fashion. It did not come off the top of my head this morning as I was shaving.

We had our staff go through the various subcommittees of Appropriations to see what priorities were absolutely necessary, what areas we had had hearings, and the necessity of the various programs.

And what we have selected here are those areas that will do the least damage, have the lowest priorities.

The suggestion has been made that we are going to deny assistance in very, very many categories. As an example, the 3.2 funding that the gentleman was speaking about here.

I have asked OMB to give us an example of that. How much money is actually going to be affected by this. OMB said someplace between $50 and $110 billion.

Our own Congressional Budget Office says it would be $78 billion. Let us assume 78, about halfway between.

What we are asking here is a 4-percent reduction. Does anyone deny that these agencies have the selection, not cutting salaries, not cutting people, giving benefits to veterans or giving beds to veterans, patients, we are not asking that at all.

Do Members think that the Veterans' Administration is going to do this? Do they think there cannot be a 4-percent cut made in many areas?

We are asking most of the taxpayers of this country to pay more in new taxes this year than 4 percent. How much consideration did this body give them last year, as we increased gasoline tax more than that last year? Yet today we are asking our own agencies to tighten the belt to the tune of 4 percent.

□ 1540

In many instances, that is not to know what they got in 1993, but only maybe stabilizing where it was. Let me tell the Members what items the OMB tells us would be impacted by this: travel and transportation of persons, we are not going to move some agencies from here to West Virginia or someplace else. We are going to wait to do that.

Travel of persons. We are not maybe going to make quite as many visits, so is that going to be cutting anybody, hurting anybody?

Transportation of things. We are going to have to cut down. We are going to have to economize. We may have to double up, and instead of making two trips a week, and we will put everybody in one vehicle once a week.

Rental payment to others. We could close up someplace. The Department of Agriculture is an example.

One amendment we are going to consider later today takes $13 million out of reorganization of the Department of Agriculture. Those of us on that committee have been wanting to consolidate, colocate. I did not include that, but part of that would be, I think, rental payment to others that we could consolidate and save rental.

Communications, utilities, and miscellaneous, which covers a multitude of sins, miscellaneous.

Printing and reproductions. We have printing; pick up the mail this morning and see the stack of mail there is; printing. We can save 4 percent of that very easily.

Consulting services. That is a catchall. We have more consultants around here than anybody ought to have. Most industries cannot afford what we have, consulting, so I would cut consulting services and other services, the catchalls.

Supplies and materials. That may be more difficult to reduce, but we are not saying that we have to take an arbitrary 4-percent cut. We leave that up to the agency to decide where to make this reduction in spending, but we are not spending, or at least I have no intentions of cutting intended, valuable, needed services by any of the agencies that we have the responsibility of appropriating the funds for, appropriating the money from our taxpayers.

Let us start thinking about our taxpayers instead of ourselves, protecting our own fiefdom here, that we do not want any agency to be pinched a little bit, we do not want to cause them inconvenience, so we will put it on the backs of the taxpayers.

Madam Chairman, I reserve the balance of my time.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Chairman, I want to say, I think this amendment is well-intentioned, and some of the cuts I would personally not differ with, but the fact is if we take it as a whole, what it really does is repair the damage done to California by the earthquake, and transfer the shockwaves to the rest of the country.

I want to give the Members some specific examples of the negative effects this will have. This proposition calls for $3.1 billion in administrative expense reductions. It sounds harmless, but when we take it down to the individual agency level, let me give some examples.

What it means for the Social Security Administration is that they would have to lay off 2,000 FTE equivalents, which, because we are already halfway into the fiscal year, means they would have to lay off about 4,000 people. Those are people who are supposed to process all of the claims under the Social Security Administration.

Do we really want to slow down that process further? Do we really want to erode the service that we are providing to seniors and disabled people? Do we really want to see curtailed hours? Do we really want to increase waiting times to get checks and to get questions answered?

Medicare contractors. Do we really want to slow down that claims process even more? Do we really want to delay additionally the oversight that is done for the waste and fraud? I do not think so.

In education, the gentleman says that this is only a 4-percent cut, but since 1980 the administrative budget for the Department of Education has already been cut by 30 percent, 30 percent. This amendment means that we are going to have to postpone the implementation of the new direct loan program which this Congress just passed. According to the agency, it will also reduce the effort they are trying to make on fraud and abuse in existing programs.

If we think that is a good idea, take a look at the two front page stories in the New York Times the last 2 days, talking about the billions that are being lost in the existing programs right now because we have hollowed out our Government and we have hollowed out the ability of these agencies to oversee the expenditure of the dollars which we appropriated.

Madam Chairman, this amendment in my view, in many cases, is penny wise and pound foolish. Do not do it. It is a big mistake.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Chairman, I would urge my colleagues to vote against the Myers amendment. Let me give two reasons. We first should not be dealing with this kind of last-minute attempt to come up with emergency relief while the people of southern California and those living in the Midwest are waiting for vital disaster services.

That is unfair to the victims who want to get their lives back in order, who want to get back in their homes, who want to see some normalcy in their lives, to be really victimized by our efforts here on the floor of the House of Representatives.

The Speaker has appointed a bipartisan disaster task force to look to funding these disasters in a sensible, long-term fashion, not in the heat of the moment. Cobbling together various cuts in an attempt to try and find some way to deal with each disaster as it occurs is poor policy. That is the thoughtful and sensible way to deal with disasters. This is not.

Second, when we look at the specific things which my friend, the gentleman from Indiana, suggests we do, I am afraid even he does not want to do these things. He has sat very patiently and dutifully in my subcommittee working on the U.S. Department of Agriculture and on the Food and Drug Administration appropriations.

I would say to my colleague and friend, what he is doing with his amendment sounds innocuous, but the gentleman will be cutting back the salaries available to the Farmers Home Administration, which falls in the category of other expenses under the U.S. Department of Agriculture. He is reducing the number of personnel who are trying to help us out of the Midwest flood disaster, when we should be increasing them.

The gentleman is also cutting back on travel expenses for poultry and meat inspectors. If those inspectors are not on the job, the workers at the processing plants cannot go to work each day.

In the Food and Drug Administration, the gentleman is cutting travel expenses for the people who are inspecting mammography clinics, inspecting medical clinics, things which the gentleman and I treasure and value as important for the public health of America.

What appears to be an innocuous amendment is a very dangerous amendment. Let us rely on this bipartisan task force to give us direction on a sensible and long-term response.

Mr. MYERS of Indiana. Madam Chairman, I yield myself 1 minute to respond to both my colleague, the gentleman from Illinois, as well as my other colleague, as far as what we are doing here.

Madam Chairman, other than one section providing for the 252,000, which we did not assign this subcommittee on this action to cut 252,000 people out of a job, what we are doing is reducing those numbers. However, OMB will make the final decision, not us, about who is reduced, what agencies can take the cuts.

I quite agree with the gentleman, the Food and Drug Administration needs additional people. We do not cut the Food and Drug Administration. OMB might. There are other areas that can be reduced where there will not be as great an impact on the safety and security for our constituents.

To the gentleman from Wisconsin, I would say I do not cut education, not at all. Yes, we are going to have to make some accommodations for travel. No doubt about it. However, regarding the programs, it does not cut one education program. It does not cut any of the loans or grants for education. It does not touch those whatsoever.

Madam Chairman, I reserve the balance of my time.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Madam Chairman, my heart goes out to the people of southern California. We clearly need to act and act quickly to provide them much-needed relief. As a strong advocate of cutting spending, ideally I would like to have offsetting cuts for every penny in this emergency appropriation. For that reason, I will support the so-called Fazio amendment, which provides $2.5 billion that I know is also contained in this amendment.

Beyond that, I offered an amendment to the Committee on Rules which would have provided all of the necessary offsetting cuts, some $21 billion over 5 years, without cutting any domestic program. It would have done so by cutting European burden sharing, the space station, helium reserve, the advanced liquid metal reactor, programs such as that. Unfortunately, the Committee on Rules did not allow that amendment.

By contrast, this and other amendments cut critical domestic services. I do not believe we should pay for this disaster by depriving the people of New Jersey of much needed funds for housing, for economic development, for seniors, for highway and transportation projects.

□ 1550

I hope that after this bill is passed we can reconsider my amendment which will give us the necessary offsetting cuts without cutting any critical domestic programs.

I oppose the Myers amendment.

Mr. MYERS of Indiana. Madam Chairman, I yield myself such time as I may consume. I apologize for taking this time, but I know everyone who has spoken against this amendment means well, and I appreciate that criticism. But many things said here are not quite accurate. There has been no intent to cut some programs that were described as being cut, and they will not be cut.

We all want to help the people of California, but we also I feel have to have an eye on the constituents who are still the taxpayers in the rest of the country. I think what I am saying this afternoon, most of the country is in agreement. And there is not a soul today who is aware of what we are doing here who has not had to change their budget during the year. The intention is to spend money a certain way, but because an emergency comes up we have to make adjustments, and that is exactly all we are asking to do here.

In closing, I want to say the arguments that I have heard here kind of remind me of years ago back in rural Indiana where I come from, where things are kind of simple out there and we always reduce them to things that we can understand, maybe a parable sometimes. I remember one time making an argument about something I thought ought to happen in the local community and I said, "Yes, I know we can't afford it, but we cannot afford not to." And there were various arguments, and finally a gentleman stood up and said, "Well, now, what you sound like is a friend of mine who says everybody wants to go to heaven, but nobody wants to die." And I think that is what we are doing here today. Everybody wants to do this, but we do not want to pay the price elsewhere.

Mr. MINETA. Madam Chairman, I rise in opposition to the Myers amendment. It is vague, ill-conceived and onerous.

It is vague because it proposes cuts—nearly $4 billion, for example, in full-time equivalent positions and administrative expenses—that are so general in nature that it is unclear how they would be implemented, and what effect they would have.

It is ill-conceived because it circumvents and prejudges the legislative process. It addresses issues which have not gone through the normal committee process. Much of what is included has not undergone congressional scrutiny, either through hearings or markups. In addition, the end result as provided for in the amendment prejudges that very process.

Lastly, the amendment is onerous because it includes reductions over and above what is contained in H.R. 3511, the rescission bill as passed by the House.

Let me focus on some of the specifics.

How could we possibly approve a $3.2 billion reduction in agency administrative expenses or a $750 million reduction in full-time equivalent positions without knowing what this means? We don't know how that would affect the efficiency and operation of ongoing Federal programs and activities. For example, FEMA, the very agency that is responsible for natural disaster assistance and has people in California today doing just that, would be subject to this reduction. What does it mean for FEMA and for the citizens it serves? Certainly

we don't need to exacerbate the current situation by creating inefficiency where efficiency is critical.

Furthermore, the amendment includes reductions over and above H.R. 3511, some in public works and transportation programs—TVA, $10 million; EDA, $25 million; and aviation education, $13 million—which have no basis in fact and which address areas already targeted for reductions in H.R. 3511.

Madam Chairman, some have said that expenditure for this disaster should not be allowed to proceed unless equal cuts are made in the budget. However, I want to make it absolutely clear that we have never before required offsetting cuts when making a supplemental appropriation for a disaster. Never—not for Andrew, not for Iniki, not for the Midwest floods, not for Hugo, not for Loma Prieta—never. To now require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory. Accordingly, I urge a no vote on the Myers amendment.

Mr. FAZIO. Madam Chairman, I would like to point out the effects of this amendment in the legislature branch.

The amendment to the disaster supplemental rescinds 1.3 percent of the funds appropriated in the fiscal year 1994 Legislative Branch Appropriations Act. Also, House mail is rescinded by $2 million in another section of the amendment.

Penny-Kasich had a comparable 7.5 percent rescission, but earlier in the year. At this point in the budget year, the 1.3 percent will probably equate to close to 3 percent of remaining balances. This assumes an early to mid-February approval of the bill by the President and 1 month to develop an employee and administrative cost-reduction plan to achieve the $34 million savings required.

IMPACT

There are few options in the legislative branch in making reductions to current operations. The resources of the legislative branch are basically people and the computers and other administrative machinery that support the staff.

Our employees are among the lowest in average salary in Federal service.

For the approximately 30,000 legislative branch staff covered by this amendment, and assuming an average annual salary and benefit compensation of $50,000, a $34 million rescission would equate to about 1,360 staff—a 4½ percent staffing reduction.

A proportionate reduction allocation of 1,360 would work out to be:

	Total approximate staff	Reduction required
House staff	10,000	445
Senate staff	7,550	310
Library of Congress	4,800	219
General Accounting Office	4,800	219
Architect of the Capitol	2,000	97
Capitol Police	1,300	67
Total	30,450	1,357

IMPACT ON HOUSE STAFF

Such a personnel reduction would be accomplished by reducing: Members office staff by one per office; committees by an average two to three per committee; House computer personnel by seven to eight; Doorkeepers, finance clerks, floor clerks, and so forth, by 35 plus.

Congressional Budget Office: 10 to 220 staff.

Office of Technology Assessment: 7 to 8 of 205.

Congressional Research Service: 40 of 770.

General Accounting Office: 625 of 4,800. In GAO's case, a much higher proportion of staff will be effected because of the requirements of their employee rights regulations.

Architect of the Capitol: 97 of 2,000; an alternative would be a 1-month furlough for each legislative branch employee.

OTHER IMPACTS

Reduction in reading room hours at the Library of Congress.

Either 50 or so depository libraries removed from program or significant reduction in Federal documents delivery.

Reductions of 3 to 8 percent in braille and audio publications for 700,000 books for blind and physically handicapped patrons of Library of Congress National Library Service.

Other reductions and delays in resolving Federal contractor bid protests—GAO; David-Bacon employee settlements—GAO workload; meeting congressional needs for CBO scorekeeping, GAO audits, CRS services to members and committees; and an unknown cutback in GPO printing of Congressional documents such as the CONGRESSIONAL RECORD, hearings, and so forth; and further delays in processing copyright registrations and royalty payments to copyright owners.

Mail Rescission: A $2 million mail rescission will cause termination of all bulk mailings from Members in about the August timeframe. this account may even now be underfunded at the current appropriation level of $40 million.

Madam Chairman, I yield back the balance of my time.

Mr. NATCHER. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. MYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MYERS of Indiana. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 20, as follows:

[Roll No. 9]

AYES—207

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaRocco
Leach
Levy
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—211

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDermott
McHale
McKeon
McKinney

McNulty	Richardson	Swift
Meek	Roemer	Synar
Menendez	Romero-Barcelo (PR)	Tauzin
Miller (CA)	Rose	Taylor (MS)
Mineta	Rostenkowski	Tejeda
Mink	Roybal-Allard	Thompson
Moakley	Rush	Thornton
Mollohan	Sabo	Thurman
Moran	Sanders	Torres
Murtha	Sangmeister	Torricelli
Nadler	Sarpalius	Towns
Natcher	Sawyer	Traficant
Neal (MA)	Schenk	Tucker
Norton (DC)	Schumer	Unsoeld
Oberstar	Scott	Velazquez
Obey	Serrano	Vento
Olver	Sharp	Visclosky
Ortiz	Sisisky	Volkmer
Pallone	Skaggs	Walsh
Parker	Skelton	Waters
Pastor	Slaughter	Watt
Payne (NJ)	Smith (IA)	Waxman
Pelosi	Snowe	Wheat
Peterson (FL)	Spratt	Whitten
Pickett	Stark	Williams
Pomeroy	Stokes	Wise
Price (NC)	Strickland	Woolsey
Rahall	Studds	Wyden
Rangel	Stupak	Wynn
Reed		Yates

NOT VOTING—20

Andrews (TX)	Hastings	Reynolds
Bentley	Lehman	Shepherd
Chapman	Lewis (FL)	Smith (OR)
Collins (IL)	Markey	Underwood (GU)
Crane	Mfume	Washington
Ford (MI)	Murphy	Weldon
Green	Owens	

□ 1614

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mrs. Collins of Illinois against.

Messrs. ACKERMAN, FARR of California, and KIM changed their vote from "aye" to "no."

Messrs. WILSON, McCURDY, SLATTERY, ROWLAND and BISHOP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NUSSLE

Mr. NUSSLE. Madam Chairman, pursuant to the rule, I offer amendment No. 2, printed in the Report of the Committee on Rules.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NUSSLE: Page 1, after line 2, insert the following:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

Page 1, line 3, strike "That the" and insert "The".

Page 19, line 18, strike "$500,000,000" and insert "$400,000,000".

Page 22, after line 13, add the following new title:

TITLE II—OFFSETTING REDUCTIONS IN SPENDING

Subtitle A—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

SEC. 2101. RESCISSION OF FUNDS FOR PUBLIC LAW 480 FOOD FOR PEACE PROGRAM.

Of the funds made available under the heading "Public Law 480 Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111)—

(1) $69,378,000 is rescinded from the amounts provided for the cost of direct credit agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and the Food for Progress Act of 1985; and

(2) $56,017,000 is rescinded from the amount provided for commodities supplied in connection with dispositions abroad pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954.

SEC. 2102. RESCISSION OF FUNDS FOR AGRICULTURE BUILDING AND FACILITIES ACCOUNT.

Of the funds made available under the heading "Cooperative State Research Service—Buildings and Facilities" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $56,874,000 is rescinded.

SEC. 2103. RESCISSION OF FUNDS FOR DEPARTMENT OF AGRICULTURE.

Of the funds made available for the Department of Agriculture in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $13,000,000 is rescinded. The Secretary of Agriculture shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 2104. RESCISSION OF FUNDS FOR RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT.

Of the funds made available under the heading "Farmers Home Administration—Rural Housing Insurance Fund Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111) for the cost of direct section 502 loans, $35,000,000 is rescinded.

SEC. 2105. RESCISSION OF FUNDS FOR RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT.

Of the funds made available under the heading "Rural Development Loan Fund Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111) for the cost of direct loans, $20,000,000 is rescinded.

SEC. 2106. RESCISSION OF FUNDS FOR RURAL WATER AND WASTE DISPOSAL GRANTS.

Of the funds made available under the heading "Rural Water and Waste Disposal Grants" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $25,000,000 is rescinded.

SEC. 2107. RESCISSION OF FUNDS FOR COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Of the funds made available under the heading "Food and Nutrition Service—Commodity Supplemental Food Program" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $12,600,000 is rescinded.

SEC. 2108. RESCISSION OF FUNDS FOR FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS.

Of the funds made available under the heading "Food Donations Programs for Selected Groups" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $6,000,000 is rescinded.

SEC. 2109. RESCISSION OF FUNDS FOR COOPERATIVE STATE RESEARCH SERVICE.

Of the funds made available under the heading "Cooperative State Research Service" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $30,002,000 is rescinded, including $20,213,000 for contracts and grants for agricultural research under the Act of August 4, 1965, and $9,789,000 for necessary expenses of Cooperative State Research Service activities.

SEC. 2110. RESCISSION OF FUNDS FOR AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE.

Of the funds made available under the heading "Agricultural Stabilization and Conservation Service—Salaries and Expenses" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $12,167,000 is rescinded.

SEC. 2111. RESCISSION OF FUNDS FOR SOIL CONSERVATION SERVICE.

Of the funds made available under the heading "Soil Conservation Service—Conservation Operations" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $12,167,000 is rescinded.

SEC. 2112. RESCISSION OF FUNDS FOR RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM.

Of the funds made available under the heading "Rural Electrification Administration—Rural Electrification and Telephone Loans Program Account" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111) for the cost of 5 percent rural telephone loans, $6,445,000 is rescinded.

SEC. 2113. RESCISSION OF FUNDS FOR HUMAN NUTRITION INFORMATION SERVICE.

Of the funds made available under the heading "Agricultural Research Service" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $11,000,000 is rescinded from the Human Nutrition Information Service.

SEC. 2114. RESCISSION OF FUNDS FOR AGRICULTURAL RESEARCH SERVICE.

Of the funds made available under the heading "Agricultural Research Service" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-111), $16,000,000 is rescinded.

Subtitle B—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies

SEC. 2151. RESCISSION OF FUNDS FOR WEATHER OFFICE CLOSURE CERTIFICATION PROCEDURES.

Of the funds made available under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded, to be derived from the National Weather Service.

SEC. 2152. RESCISSION OF FUNDS FOR NOAA RESEARCH FLEET.

Of the funds made available under the heading "National Oceanic And Atmospheric Administration—Fleet Modernization, Shipbuilding and Conversion" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $77,064,000 is rescinded.

SEC. 2153. RESCISSION OF FUNDS FOR NOAA ADD-ONS.

Of the funds made available under the heading "National Oceanic And Atmospheric Administration" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), there are rescinded the following amounts from the following accounts:

(1) "Operations, Research, and Facilities", $37,800,000.

(2) "Construction", $15,800,000.

(3) "Aircraft Procurement and Modernization", $21,400,000.

SEC. 2154. RESCISSION OF FUNDS FOR EDA.

Of the funds made available under the heading "Economic Development Administration—Economic Development Assistance Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $125,000,000 is rescinded.

SEC. 2155. RESCISSION OF FUNDS FOR PUBLIC TELECOMMUNICATIONS FACILITIES.

Of the funds made available under the heading "National Telecommunications and Information Administration—Public Telecommunications Facilities, Planning and Construction" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $15,000,000 is rescinded.

SEC. 2156. RESCISSION OF FUNDS FOR LEGAL SERVICES CORPORATION.

Of the funds made available under the heading "Legal Services Corporation—Payment to the Legal Services Corporation" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $20,000,000 is rescinded.

SEC. 2158. RESCISSION OF FUNDS FOR SMALL BUSINESS ADMINISTRATION.

Of the funds made available under the heading "Small Business Administration—Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $13,100,000 is rescinded.

SEC. 2159. RESCISSION OF FUNDS FOR ADVANCED TECHNOLOGY PROGRAM.

Of the funds made available under the heading "Department of Commerce—National Institute of Standards and Technology—Industrial Technology Services" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $100,000,000 is rescinded from the advanced technology program.

SEC. 2160. RESCISSION OF FUNDS FOR UNITED STATES INFORMATION AGENCY.

(a) SALARIES AND EXPENSES.—Of the funds made available under the heading "United States Information Agency—Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $6,000,000 is rescinded.

(b) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—Of the funds made available under the heading "United States Information Agency—Educational and Cultural Exchange Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $50,000,000 is rescinded.

(c) NORTH/SOUTH CENTER.—Of the funds made available under the heading "United States Information Agency—North/South Center" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $8,700,000 is rescinded.

SEC. 2161. RESCISSION OF FUNDS FOR DEPARTMENT OF STATE DIPLOMATIC AND CONSULAR PROGRAMS.

Of the funds made available under the heading "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $600,000 is rescinded.

Subtitle C—Department of Defense and Military Construction

SEC. 2201. RESCISSION OF CERTAIN DEFENSE ADD-ONS.

(a) MILITARY CONSTRUCTION.—Of the funds made available under the heading "Military Construction, Army Reserve" in the Military Construction Appropriations Act, 1994 (Pub. L. 103-110), $15,000,000 is rescinded, to be derived from the Georgia-Fort McPherson Command Headquarters, Phase I, project.

(b) DEFENSE PROCUREMENT.—Of the funds made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), the following amounts are rescinded from the following accounts and programs:

(1) "Other Procurement, Army", $15,000,000, to be derived from common hardware and software.

(2) "Other Procurement, Navy", $30,000,000, to be derived from spare and repair parts.

(3) "Other Procurement, Navy", $12,000,000, to be derived from weapons range support equipment.

(4) "Other Procurement, Army", $10,000,000, to be derived from tactical trailers/dolly sets.

(5) "Shipbuilding and Conversion, Navy", $50,000,000, to be derived from advance procurement of LHD-7.

SEC. 2202. RESCISSION OF FUNDS FOR MK-19 GRENADE LAUNCHER PROGRAM.

Of the funds made available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $15,000,000 is rescinded, to be derived from the MK-19 automatic grenade launcher program.

SEC. 2203. RESCISSION OF CERTAIN DEFENSE OPERATION AND MAINTENANCE FUNDS.

Of the funds made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), the following amounts are rescinded from the following accounts:

(1) "Operation and Maintenance, Army", $88,020,000 to be derived from general reduction DBOF, and $15,180,000 to be derived from inventories.

(2) "Operation and Maintenance, Navy", $109,270,000 to be derived from general reduction DBOF, and $27,555,000 to be derived from inventories.

(3) "Operation and Maintenance, Air Force", $94,140,000 to be derived from general reduction DBOF, and $12,265,000 to be derived from inventories.

SEC. 2204. RESCISSION OF FUNDS FOR SPACELIFTER PROGRAM.

Of the funds made available under the heading "Research, Development, Test and Evaluation, Defense-Wide" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $10,000,000 is rescinded, to be derived from the new medium lift vehicle (Spacelifter) program.

SEC. 2205. RESCISSION OF CERTAIN DEFENSE MILITARY CONSTRUCTION FUNDS.

Of the funds made available in the Military Construction Appropriations Act, 1994 (Pub. L. 103-110), the following amounts are rescinded from the following accounts:

(1) "Military Construction, Army", $22,319,000.

(2) "Military Construction, Navy", $13,969,000.

(3) "Military Construction, Air Force", $24,787,000.

(4) "Military Construction, Defense-Wide", $13,663,000.

(5) "Military Construction, Army National Guard", $7,568,000.

(6) "Military Construction, Air National Guard", $6,187,000.

(7) "Military Construction, Army Reserve", $2,551,000.

(8) "Military Construction, Naval Reserve", $626,000.

(9) "Military Construction, Air Force Reserve", $1,862,000.

(10) "North Atlantic Treaty Organization Infrastructure", $70,000,000.

(11) "Base Realignment and Closure Account, Part III", $437,692,000, except that, within funds available for such account for fiscal year 1994, not less than $200,000,000 shall be available solely for environmental restoration.

Subtitle D—Energy and Water Development

SEC. 2251. RESCISSION OF FUNDS FOR MODULAR HIGH-TEMPERATURE GAS-COOLED REACTOR PROJECT.

Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $6,000,000 is rescinded, to be derived from the gas turbine-modular helium reactor program.

SEC. 2252. RESCISSION OF FUNDS FOR FUSION ENERGY RESEARCH AND DEVELOPMENT.

Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $70,000,000 is rescinded, to be derived from the fusion energy program.

SEC. 2253. RESCISSION OF FUNDS FROM SPR PETROLEUM ACCOUNT.

The unobligated balance of the funds in the SPR petroleum account on the date of the enactment of this Act is rescinded.

SEC. 2254. RESCISSION OF FUNDS FROM TENNESSEE VALLEY AUTHORITY FUND.

Of the funds in the Area and Regional Account of the Tennessee Valley Authority Fund, $23,000,000 is rescinded.

SEC. 2255. RESCISSION OF FUNDS FOR APPALACHIAN REGIONAL COMMISSION.

Of the funds made available under the heading "Appalachian Regional Commission" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $35,000,000 is rescinded.

SEC. 2256. RESCISSION OF FUNDS FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES.

Of the funds made available under the heading "Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $97,300,000 is rescinded. Such reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project, or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying such Act.

SEC. 2257. RESCISSION OF FUNDS FOR URANIUM SUPPLY AND ENRICHMENT ACTIVITIES.

Of the funds made available under the heading "Uranium Supply and Enrichment Activities" in Public Law 102-377 and prior

years' Energy and Water Development Appropriations Acts, $42,000,000 is rescinded.

SEC. 2258. RESCISSION OF FUNDS FOR LOW-PRIORITY WATER PROJECTS.

(a) CORPS OF ENGINEERS GENERAL INVESTIGATIONS.—Of the funds made available under the heading "Corps of Engineers-Civil—General Investigations" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $24,970,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) are not economically justified, or environmentally beneficial in a manner commensurate with costs;

(3) are not environmentally acceptable;

(4) are not in compliance with standard cost sharing;

(5) do not have available the necessary non-Federal sponsorship and funding;

(6) represent a Federal assumption of traditionally non-Federal responsibility; or

(7) have not completed normal executive branch project review requirements.

(b) CORPS OF ENGINEERS CONSTRUCTION.—Of the funds made available under the heading "Corps of Engineers-Civil—Construction, General" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $97,319,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) are not economically justified, or environmentally beneficial in a manner commensurate with costs;

(3) are not environmentally acceptable;

(4) are not in compliance with standard cost sharing;

(5) do not have available the necessary non-Federal sponsorship and funding;

(6) represent a Federal assumption of traditionally non-Federal responsibility; or

(7) have not completed normal executive branch project review requirements.

(c) BUREAU OF RECLAMATION.—Of the funds made available under the heading "Department of the Interior—Bureau of Reclamation—Construction Program" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), $16,000,000 is rescinded, to be derived from projects that—

(1) are not continuations of ongoing work under contract;

(2) in the case of new projects, are inconsistent with the priorities of the Secretary of the Interior;

(3) are not environmentally beneficial in a manner commensurate with costs; or

(4) do not have available the necessary non-Federal cost sharing.

Subtitle E—Foreign Operations, Export Financing, and Related Programs

SEC. 2301. RESCISSION OF FUNDS FOR WORLD BANK.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

SEC. 2302. RESCISSION OF FUNDS FOR INTERNATIONAL DEVELOPMENT ASSOCIATION.

Of the funds made available under the heading "Contribution to the International Development Association" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $67,189,143 is rescinded.

SEC. 2303. RESCISSION OF FUNDS FOR FOREIGN MILITARY FINANCING.

Of the funds made available under the heading "Foreign Military Financing Program" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $25,721,000 is rescinded, to be derived from grants.

SEC. 2304. RESCISSION OF FUNDS FOR AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) POPULATION FUND FOR AFRICA.—Of the funds made available under the heading "Agency for International Development—Population Fund for Africa" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $200,000,000 is rescinded.

(b) POPULATION, DEVELOPMENT ASSISTANCE.—Of the funds made available under the heading "Agency for International Development—Population, Development Assistance" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $130,000,000 is rescinded.

(c) DEVELOPMENT ASSISTANCE FUND.—Of the funds made available under the heading "Agency for International Development—Development Assistance Fund" in appropriations Acts for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $250,000,000 is rescinded.

Subtitle F—Department of the Interior and Related Agencies

SEC. 2351. RESCISSION OF FUNDS FOR ARTS AND HUMANITIES PROGRAMS.

Of the funds made available under each of the headings "National Endowment for the Arts", "National Endowment for the Humanities", "Smithsonian Institution", and "National Gallery of Art" in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), 2 percent is rescinded.

SEC. 2352. RESCISSION OF FUNDS FOR DEPARTMENT OF THE INTERIOR.

Of the funds made available for the Department of the Interior in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), there are rescinded the following amounts from the following accounts:

(1) "Bureau of Land Management—Land Acquisition", $6,061,000.

(2) "United States Fish and Wildlife Service—Land Acquisition", $41,327,000.

(3) "National Park Service—Land Acquisition and State Assistance", $30,000,000.

(4) "United States Geological Survey—Surveys, Investigations, and Research", $30,000,000.

(5) "Minerals Management Service—Leasing and Royalty Management", $20,000,000.

(6) "Bureau of Mines—Mines and Minerals", $10,000,000.

(7) "National Biological Survey—Research, Inventories, and Surveys", $20,000,000.

SEC. 2353. RESCISSION OF FUNDS FOR FOREST SERVICE.

Of the funds made available under the heading "Department of Agriculture—Forest Service—Land Acquisition" in the Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138), $32,125,000 is rescinded.

Subtitle G—Departments of Labor, Health and Human Services, Education, and Related Agencies

SEC. 2371. RESCISSION OF FUNDS FOR EDUCATION PROGRAMS THAT HAVE LARGELY ACHIEVED THEIR PURPOSE.

(a) LIBRARY CONSTRUCTION.—Of the funds made available under the heading "Department of Education—Libraries" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), $11,000,000 is rescinded, to be derived from public library construction.

(b) SCHOOL IMPROVEMENT PROGRAMS.—Of the funds made available under the heading "Department of Education—School Improvement Programs" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112)—

(1) $8,300,000 is rescinded, to be derived from the follow through program; and

(2) $6,000,000 is rescinded, to be derived from the law-related education program.

(c) LAW SCHOOL CLINICAL EXPERIENCE.—Of the funds made available under the heading "Department of Education—Higher Education" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), $1,800,000 is rescinded, to be derived from the law school clinical experience program.

SEC. 2372. RESCISSION OF FUNDS FOR DISLOCATED WORKERS ASSISTANCE.

Of the funds made available under the heading "Employment and Training Administration—Training and Employment Services" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), $150,000,000 is rescinded, to be derived from grants to States.

Subtitle H—Legislative Branch

SEC. 2401. RESCISSION OF FUNDS FOR LEGISLATIVE BRANCH.

(a) IN GENERAL.—Of the funds made available for each account in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), there is rescinded an amount equal to 2.8 percent of such funds.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) funds made available under the heading "Congressional Operations—Senate"; or

(2) funds for which amounts are rescinded by section 2402.

SEC. 2402. RESCISSION OF FUNDS FOR HOUSE FRANKING.

Of the funds made available under the heading "House of Representatives—Salaries and Expenses" in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), $5,000,000 is rescinded, to be derived from "Official Mail Costs".

Subtitle I—Department of Transportation and Related Agencies

SEC. 2451. RESCISSION OF FUNDS FOR MAGLEV PROTOTYPE DEVELOPMENT PROGRAM.

Of the funds made available under the heading "Federal Railroad Administration—Railroad Research and Development" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $10,000,000 is rescinded, to be derived from magnetic levitation research and analysis activities.

SEC. 2452. RESCISSION OF FUNDS FOR AIRWAY SCIENCE PROGRAM, COLLEGIATE TRAINING INITIATIVE, AND AIR CARRIER MAINTENANCE TECHNICIAN TRAINING FACILITY GRANT PROGRAM.

(a) FAA OPERATIONS.—Of the funds made available under the heading "Federal Aviation Administration—Operations" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $2,750,000 is rescinded, to be derived from grants to the Mid-American Aviation

Resource Consortium and vocational technical institutions.

(b) FAA FACILITIES AND EQUIPMENT.—Of the unobligated balance of funds made available under the heading "Federal Aviation Administration—Facilities and Equipment" in appropriations Acts for fiscal year 1994 and prior fiscal years, $40,257,111 is rescinded, to be derived from the airway science program.

SEC. 2453. RESCISSION OF FUNDS FOR INTERSTATE COMMERCE COMMISSION.

Of the funds made available under the heading "Interstate Commerce Commission—Salaries and Expenses" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $10,000,000 is rescinded.

SEC. 2454. RESCISSION OF FUNDS FOR GRANTS-IN-AID FOR AIRPORTS.

Of the funds provided under the Airport and Airway Improvement Act of 1982, for grants-in-aid for airport planning and development and noise compatibility planning and programs, there is rescinded $488,200,000 of the amount in excess of the funds made available for obligation in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122).

SEC. 2455. RESCISSION OF FUNDS FOR FEDERAL HIGHWAY ADMINISTRATION.

Of the funds made available for specific highway projects that are not yet under construction, $85,774,222 are rescinded, except that no funds shall be rescinded from any emergency relief project funded under section 125 of title 23, United States Code. For the purposes of this section, a project shall be deemed to be not under construction unless a construction contract for physical construction has been awarded by the State, municipality, or other contracting authority.

SEC. 2456. RESCISSION OF FUNDS FOR FEDERAL TRANSIT ADMINISTRATION.

(a) FORMULA GRANTS.—Of the funds made available under the heading "Federal Transit Administration—Formula Grants" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $250,000,000 is rescinded.

(b) DISCRETIONARY GRANTS.—Of the funds made available under the heading "Federal Transit Administration—Discretionary Grants" in the Department of Transportation and Related Agencies Appropriations Act, 1994 (Pub. L. 103-122), $40,000,000 is rescinded.

Subtitle J—Treasury, Postal Service, and General Government

SEC. 2501. RESCISSION OF FUNDS FOR BATF.

Of the funds made available under the heading "Bureau of Alcohol, Tobacco and Firearms—Salaries and Expenses" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), $2,000,000 is rescinded.

SEC. 2502. RESCISSION OF FUNDS FOR CONSTRUCTION OF NEW FEDERAL OFFICES AND COURTHOUSES.

Of the funds made available under the heading "General Services Administration—Federal Buildings Fund" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), $160,000,000 is rescinded.

Subtitle K—Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies

SEC. 2551. RESCISSION AND TRANSFER OF FUNDS FOR PUBLIC HOUSING NEW CONSTRUCTION.

Of the funds made available under the heading "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124)—

(1) $367,000,000 is rescinded from the total amount under such heading and from the amount specified under such heading for the development or acquisition cost of public housing; and

(2) $230,701,000 of the amount specified under such heading for the development or acquisition cost of public housing shall be reallocated to and merged with the amount specified under such heading for the housing voucher program under section 8(o) of the United States Housing Act of 1937.

SEC. 2552. RESCISSION OF FUNDS FOR NASA.

(a) RESEARCH AND DEVELOPMENT.—Of the funds made available under the heading "National Aeronautics and Space Administration—Research and Development" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $25,000,000 is rescinded.

(b) CONSTRUCTION OF FACILITIES.—Of the funds made available under the heading "National Aeronautics and Space Administration—Construction of Facilities" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $25,000,000 is rescinded.

SEC. 2553. RESCISSION OF FUNDS FOR NATIONAL SCIENCE FOUNDATION ACADEMIC RESEARCH INFRASTRUCTURE.

Of the funds made available under the heading "National Science Foundation—Academic Research Infrastructure" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), $10,000,000 is rescinded.

SEC. 2555. RESCISSION OF FUNDS FOR COMMUNITY DEVELOPMENT GRANTS.

Of the funds made available under the heading "Community Planning and Development—Community Development Grants" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124) for grants, $400,000,000 is rescinded.

Subtitle L—Government-Wide and Other Programs

SEC. 2601. RESCISSION OF FUNDS FOR FEDERALLY SPONSORED UNIVERSITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Of the aggregate funds made available for the accounts specified in subsection (b), $110,000,000 is rescinded, to be derived from university research and development programs. The Director of the Office of Management and Budget shall allocate such rescission among such accounts, and shall submit to the Congress a report setting forth such allocation.

(b) AFFECTED ACCOUNTS.—The funds subject to the rescission made by subsection (a) are the following:

(1) NATIONAL INSTITUTES OF HEALTH.—The amounts made available under the heading "Department of Health and Human Services—National Institutes of Health" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994 (Pub. L. 103-112), for the following accounts:

(A) "National Cancer Institute".

(B) "National Heart, Lung, and Blood Institute".

(C) "National Institute of Dental Research".

(D) "National Institute of Diabetes and Digestive and Kidney Diseases".

(E) "National Institute of Neurological Disorders and Stroke".

(F) "National Institute of Allergy and Infectious Diseases".

(G) "National Institute of General Medical Sciences".

(H) "National Institute of Child Health and Human Development".

(I) "National Eye Institute".

(J) "National Institute of Environmental Health Sciences".

(K) "National Institute on Aging".

(L) "National Institute of Arthritis and Musculoskeletal and Skin Diseases".

(M) "National Institute on Deafness and Other Communication Disorders".

(N) "National Institute of Nursing Research".

(O) "National Institute on Alcohol Abuse and Alcoholism".

(P) "National Institute on Drug Abuse".

(Q) "National Institute of Mental Health".

(R) "National Center for Research Resources".

(S) "National Center for Human Genome Research".

(T) "John E. Fogarty International Center".

(U) "National Library of Medicine".

(V) "Office of the Director".

(2) INDEPENDENT AGENCIES.—The amounts made available in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), for the following accounts:

(A) "National Science Foundation—Research and Related Activities".

(B) "National Aeronautics and Space Administration—Research and Development".

(3) DEPARTMENT OF DEFENSE.—The amounts made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), for the following accounts:

(A) "Research, Development, Test and Evaluation, Army".

(B) "Research, Development, Test and Evaluation, Navy".

(C) "Research, Development, Test and Evaluation, Air Force".

(D) "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 2602. RESCISSION OF FUNDS FOR EXECUTIVE OFFICE OF THE PRESIDENT.

(a) IN GENERAL.—Of the funds made available for each account under the heading "Executive Office of the President and Funds Appropriated to the President" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103-123), there is rescinded an amount equal to 5 percent of such funds.

(b) ADDITIONAL OFFICES.—Of the funds made available for each account under the heading "Executive Office of the President" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), there is rescinded an amount equal to 5 percent of such funds.

SEC. 2603. RESCISSION OF FUNDS FOR ADMINISTRATIVE OVERHEAD.

(a) IN GENERAL.—Of the funds made available in appropriations Acts for fiscal year 1994 to the following agencies for travel and transportation of persons, transportation of things, printing and reproduction, other services, and supplies and materials, the following amounts are rescinded:

(1) Department of Agriculture, $299,570,000.

(2) Department of Commerce, $32,960,000.

(3) Department of Health and Human Services, $343,600,000.

(4) Department of the Interior, $94,540,000.
(5) Department of Justice, $133,790,000.
(6) Department of Labor, $137,470,000.
(7) Department of State, $43,220,000.
(8) Department of the Treasury, $61,060,000.
(9) Department of Education, $16,160,000.
(10) Department of Energy, $137,160,000.
(11) Environmental Protection Agency, $72,360,000.
(12) Department of Transportation, $265,350,000.
(13) Department of Housing and Urban Development $18,970,000.
(14) Department of Veterans Affairs, $143,780,000.

(b) ALLOCATION.—The Director of the Office of Management and Budget shall allocate the rescissions made by subsection (a) among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 2604. RESCISSION OF FUNDS FOR FEDERAL FULL-TIME EQUIVALENT POSITIONS.

Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of employee compensation, $1,575,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, except that no reduction shall be made in Department of Defense accounts and shall submit to the Congress a report setting forth such allocation.

SEC. 2605. RESCISSION OF FUNDS FOR APPLICATION OF DAVIS-BACON ACT.

Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of construction activities under the Act of March 3, 1931 (40 U.S.C. 276a et seq.) (known as the "Davis-Bacon Act") or similar prevailing wage requirements applicable to projects assisted by Federal funds, $62,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 2606. RESCISSION OF FUNDS FOR REPORTS ON CONTRACTS COVERED BY DAVIS-BACON ACT.

Of the aggregate funds made available to executive departments and agencies in appropriations Act for fiscal year 1994 for purposes of construction activities submitted under section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (known as the "Copeland Act"), $55,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

Subtitle M—Coordination of Provisions

SEC. 2651. INAPPLICABILITY OF EMERGENCY DESIGNATIONS.

Notwithstanding any other provision of this Act to the contrary, there shall not take effect any proviso or other provision in this Act that—

(1) designates an amount as an emergency requirement pursuant to, or for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985; or

(2) restricts the availability of amounts to the extent designated as such an emergency requirement by the President in an official budget request or otherwise.

Subtitle N—Related Changes in Law

SEC. 2701. REDUCTION IN PUBLIC LAW 480 FOOD FOR PEACE PROGRAM.

Section 103 of title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end the following:

"(f) MODIFICATION OF TERMS AND CONDITIONS DURING CERTAIN YEARS.—The Secretary shall set the terms and conditions of agreements entered into under this title after the date of the enactment of this subsection so that—

"(1) the length of the loan does not exceed 20 years;

"(2) the length of the grace period does not exceed 5 years;

"(3) the interest rate during the grace period is not less than 3 percent; and

"(4) the interest rate during the payback period is not less than 5 percent.".

SEC. 2702. ELIMINATION OF WEATHER OFFICE CLOSURE CERTIFICATION PROCEDURES.

(a) IN GENERAL.—Title VII of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the repeal made by subsection (a) will not result in a degradation of weather forecasting service.

SEC. 2703. REPEAL OF AUTHORIZATIONS FOR THE AIRWAY SCIENCE PROGRAM, COLLEGIATE TRAINING INITIATIVE, AND AIR CARRIER MAINTENANCE TECHNICIAN TRAINING FACILITY GRANT PROGRAM.

(a) AIRWAY SCIENCE PROGRAM.—All authority for—

(1) the Secretary of Transportation to enter into grant agreements with universities or colleges having an airway science curriculum recognized by the Federal Aviation Administration for conducting demonstration projects with respect to the development, advancement, and expansion of airway science programs, and

(2) the Federal Aviation Administration to enter into competitive grant agreements with institutions of higher education having airway science curricula,

and all authorizations to appropriate funds for such purposes, including all authorizations for which funds were appropriated for such purposes under the heading "Federal Aviation Administration, Facilities and Equipment" in the Department of Transportation and Related Agencies Appropriations Acts, 1994 are repealed.

(b) COLLEGIATE TRAINING INITIATIVE.—Section 362 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1560) is repealed. Notwithstanding such repeal, the Administrator of the Federal Aviation Administration may continue to convert appointment of persons who have been appointed pursuant to such section prior to the effective date of this Act from the excepted service to a career conditional or career appointment in the competitive civil service, pursuant to subsection (c) of such section.

(c) AIR CARRIER MAINTENANCE TECHNICIAN TRAINING FACILITY GRANT PROGRAM.—Section 119 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1354 note; 106 Stat. 4883-4884) is repealed.

SEC. 2704. ELIMINATION OF FUNDING FOR PUBLIC TELECOMMUNICATIONS FACILITIES.

Subpart A of Part IV of title III of the Communications Act of 1934 (47 U.S.C. 390-393a) is repealed.

SEC. 2705. TERMINATION STATE JUSTICE INSTITUTE.

The State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) is repealed.

SEC. 2706. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,053,600 during fiscal year 1994;
(2) 1,999,600 during fiscal year 1995;
(3) 1,945,600 during fiscal year 1996;
(4) 1,895,600 during fiscal year 1997; and
(5) 1,851,600 during fiscal year 1998.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 2707. INCREASE IN THRESHOLD FOR APPLICATION OF DAVIS-BACON ACT.

Subsection (a) of the first section of the Act of March 3, 1931 (40 U.S.C. 276a et seq.) (known as the "Davis-Bacon Act") is amended by striking "$2,000" and inserting "$100,000".

SEC. 2708. ELIMINATION OF CERTAIN REPORTS REQUIRED ON CONTRACTS COVERED BY DAVIS-BACON ACT.

The first sentence of section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (known as the "Copeland Act") is amended by striking "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting "shall furnish, at least once per month, a statement of compliance with the labor standards provisions of applicable law, certifying the payroll with respect to the wages paid employees during the preceding period for which the statement is furnished, covering each week any contract work is performed".

SEC. 2709. SUBSTITUTION OF VOUCHER ASSISTANCE FOR PUBLIC HOUSING NEW CONSTRUCTION.

(a) TERMINATION OF ASSISTANCE FOR CONSTRUCTION OF PUBLIC HOUSING.—

(1) LOAN AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new commitment to make loans under section 4 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(2) CONTRIBUTION AUTHORITY.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may not enter into any new contract to make contributions under section 5 of the United States Housing Act of 1937 to public housing agencies for the development or acquisition of public housing projects by such agencies.

(3) EXISTING COMMITMENTS.—After the date of the enactment of this Act, the Secretary of Housing and Urban Development may make contributions and loans for the development or acquisition of public housing projects only pursuant to legally binding commitments to make such loans or contracts for such contributions entered into on or before the date of the enactment of this Act.

(4) INAPPLICABILITY TO INDIAN HOUSING.—The provisions of this section shall not apply to public housing developed pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(5) DEFINITIONS.—For purposes of this section, the terms "Indian housing authority", "project", "public housing", and "public housing agency" have the meanings given the terms in section 3(b) of the United States Housing Act of 1937.

(b) PERMISSIBLE USES.—Vouchers for rental assistance provided with the amounts made available under this section may be used for the rental of dwelling units or costs of residency, as determined by qualified voucher recipients.

SEC. 2710. REFORM OF HUD MULTIFAMILY PROPERTY DISPOSITION.

(a) FINDINGS.—The Congress finds that—

(1) the portfolio of multifamily housing project mortgages insured by the FHA is severely troubled and at risk of default, requiring the Secretary to increase loss reserves from $5,500,000,000 in 1991 to $11,900,000,000 in 1992 to cover estimated future losses;

(2) the inventory of multifamily housing projects owned by the Secretary has more than tripled since 1989, and, by the end of 1993, may exceed 75,000 units;

(3) the cost to the Federal Government of owning and maintaining multifamily housing projects escalated to approximately $250,000,000 in fiscal year 1992;

(4) the inventory of multifamily housing projects subject to mortgages held by the Secretary has increased dramatically, to more than 2,400 mortgages, and approximately half of these mortgages, with over 230,000 units, are delinquent;

(5) the inventory of insured and formerly insured multifamily housing projects is rapidly deteriorating, endangering tenants and neighborhoods;

(6) over 5 million families today have a critical need for housing that is affordable and habitable; and

(7) the current statutory framework governing the disposition of multifamily housing projects effectively impedes the Government's ability to dispose of properties, protect tenants, and ensure that projects are maintained over time.

(b) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11) is amended to read as follows:

"SEC. 203. MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.

"(a) GOALS.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall manage or dispose of multifamily housing projects that are owned by the Secretary or that are subject to a mortgage held by the Secretary in a manner that—

"(1) is consistent with the National Housing Act and this section;

"(2) will protect the financial interests of the Federal Government; and

"(3) will, in the least costly fashion among reasonable available alternatives, further the goals of—

"(A) preserving housing so that it can remain available to and affordable by low-income persons;

"(B) preserving and revitalizing residential neighborhoods;

"(C) maintaining existing housing stock in a decent, safe, and sanitary condition;

"(D) minimizing the involuntary displacement of tenants;

"(E) maintaining housing for the purpose of providing rental housing, cooperative housing, and homeownership opportunities for low-income persons; and

"(F) minimizing the need to demolish multifamily housing projects.

The Secretary, in determining the manner in which a project is to be managed or disposed of, may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959.

"(2) SUBSIDIZED PROJECT.—The term 'subsidized project' means a multifamily housing project receiving any of the following types of assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) Below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act.

"(B) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act.

"(C) Direct loans made under section 202 of the Housing Act of 1959.

"(D) Assistance in the form of—

"(i) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(ii) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975); or

"(iii) housing assistance payments made under section 8 of the United States Housing Act of 1937 (excluding payments made for tenant-based assistance under section 8),

if (except for purposes of section 183(c) of the Housing and Community Development Act of 1987) such assistance payments are made to more than 50 percent of the units in the project.

"(3) FORMERLY SUBSIDIZED PROJECT.—The term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.

"(4) UNSUBSIDIZED PROJECT.—The term 'unsubsidized project' means a multifamily housing project owned by the Secretary that is not a subsidized project or a formerly subsidized project.

"(c) MANAGEMENT OR DISPOSITION OF PROPERTY.—

"(1) DISPOSITION TO PURCHASERS.—The Secretary is authorized, in carrying out this section, to dispose of a multifamily housing project owned by the Secretary on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate considering the low-income character of the project and the requirements of subsection (a), to a purchaser determined by the Secretary to be capable of—

"(A) satisfying the conditions of the disposition;

"(B) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(C) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(D) providing adequate organizational staff and financial resources to the project; and

"(E) meeting such other requirements as the Secretary may determine.

"(2) CONTRACTING FOR MANAGEMENT SERVICES.—The Secretary is authorized, in carrying out this section—

"(A) to contract for management services for a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), on a negotiated, competitive bid, or other basis at a price determined by the Secretary to be reasonable, with a manager the Secretary has determined is capable of—

"(i) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and maintenance expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(ii) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(iii) providing adequate organizational, staff, and other resources to implement a management program determined by the Secretary; and

"(iv) meeting such other requirements as the Secretary may determine; and

"(B) to require the owner of a multifamily housing project that is subject to a mortgage held by the Secretary to contract for management services for the project in the manner described in subparagraph (A).

"(d) MAINTENANCE OF HOUSING PROJECTS.—

"(1) HOUSING PROJECTS OWNED BY THE SECRETARY.—In the case of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing.

"(2) HOUSING PROJECTS SUBJECT TO A MORTGAGE HELD BY THE SECRETARY.—In the case of any multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of paragraph (1).

"(e) REQUIRED ASSISTANCE.—In carrying out the goal specified in subsection (a)(3)(A), the Secretary shall take not less than one of the following actions:

"(1) CONTRACT WITH OWNER.—Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available, with owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary.

"(A) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING CERTAIN ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subparagraphs (A) through (C) of subsection (b)(2)—

"(i) the contract shall be sufficient to assist at least all units covered by an assistance contract under any of the authorities referred to in subsection (b)(2)(D) before acquisition, unless the Secretary acts pursuant to the provisions of subparagraph (C);

"(ii) in the case of units requiring project-based rental assistance pursuant to this paragraph that are occupied by families who are not eligible for assistance under section 8, a contract under this subparagraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8; and

"(iii) the Secretary shall take actions to ensure the availability and affordability, as defined in paragraph (3)(B), for the remaining useful life of the project, as defined by the Secretary, of any unit located in any project referred to in subparagraphs (A) through (C) of subsection (b)(2) that does not otherwise receive project-based assistance under this subparagraph. To carry out this clause, the Secretary may require purchasers to establish use or rent restrictions maintaining affordability, as defined in paragraph (3)(B).

"(B) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING OTHER ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subsection (b)(2)(D)—

"(i) the contract shall be sufficient to assist at least all units in the project that are covered, or were covered immediately before foreclosure on or acquisition of the project by the Secretary, by an assistance contract under any of the authorities referred to in such subsection, unless the Secretary acts pursuant to provisions of subparagraph (C); and

"(ii) in the case of units requiring project-based rental assistance pursuant to this paragraph that are occupied by families who are not eligible for assistance under section 8, a contract under this paragraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8.

"(C) EXCEPTIONS TO SUBPARAGRAPHS (A) AND (B).—In lieu of providing project-based assistance under subparagraph (A) or (B), the Secretary may require certain units in unsubsidized projects to contain use restrictions providing that such units will be available to and affordable by very low-income families for the remaining useful life of the project, as defined by the Secretary, if—

"(i) the Secretary matches any reduction in units otherwise required to be assisted with project-based assistance under subparagraph (A) or (B) with at least an equivalent increase in units made affordable to very low-income persons within unsubsidized projects;

"(ii) low-income tenants residing in units otherwise requiring project-based assistance under subparagraph (A) or (B) upon disposition receive section 8 tenant-based assistance; and

"(iii) the units described in clause (i) are located within the same market area.

"(D) CONTRACT REQUIREMENTS FOR UNSUBSIDIZED PROJECTS.—Notwithstanding actions taken pursuant to subparagraph (C), in unsubsidized projects, the contract shall at least be sufficient to provide—

"(i) project-based rental assistance for all units that are covered or were covered immediately before foreclosure or acquisition by an assistance contract under—

"(I) section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983) (new construction and substantial rehabilitation); section 8(b) of such Act (property disposition); section 8(d)(2) of such Act (project-based certificates); section 8(e)(2) of such Act (moderate rehabilitation); section 23 of such Act (as in effect before January 1, 1975); or section 101 of the Housing and Urban Development Act of 1965 (rent supplements); or

"(II) section 8 of the United States Housing Act of 1937, following conversion from section 101 of the Housing and Urban Development Act of 1965; and

"(ii) tenant-based assistance under section 8 of the United States Housing Act of 1937 for tenants currently residing in units that were covered by an assistance contract under the Loan Management Set-Aside program under section 8(b) of the United States Housing Act of 1937 immediately before foreclosure or acquisition of the project by the Secretary.

"(2) ANNUAL CONTRIBUTION CONTRACTS.—In the case of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, enter into annual contribution contracts with public housing agencies to provide tenant-based assistance under section 8 of the United States Housing Act of 1937 to all low-income families who are eligible for such assistance on the date that the project is acquired by the purchaser. The Secretary shall take action under this paragraph only after making a determination that there is available in the area an adequate supply of habitable affordable housing for low-income families. Actions taken pursuant to this paragraph may be taken in connection with not more than 10 percent of the aggregate number of units in subsidized or formerly subsidized projects disposed of by the Secretary annually.

"(3) OTHER ASSISTANCE.—

"(A) IN GENERAL.—In accordance with the authority provided under the National Housing Act, reduce the selling price, apply use or rent restrictions on certain units, or provide other financial assistance to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms which will ensure that—

"(i) at least those units otherwise required to receive project-based section 8 assistance pursuant to subparagraphs (A), (B), or (D) of paragraph (1) are available to and affordable by low-income persons; and

"(ii) for the remaining useful life of the project, as defined by the Secretary, there shall be in force such use or rent restrictions as the Secretary may prescribe.

"(B) DEFINITION.—A unit shall be considered affordable under this paragraph if—

"(i) for very low-income tenants, the rent for such unit does not exceed 30 percent of 50 percent of the area median income, as determined by the Secretary, with adjustments for family size; and

"(ii) for low-income tenants other than very low-income tenants, the rent for such unit does not exceed 30 percent of 80 percent of the area median income, as determined by the Secretary, with adjustments for family size.

"(C) VERY LOW-INCOME TENANTS.—The Secretary shall provide assistance under section 8 of the United States Housing Act of 1937 to any very low-income tenant currently residing in a unit otherwise required to receive project-based assistance under section 8, pursuant to subparagraph (A), (B), or (D) of paragraph (1), if the rents charged such tenants as a result of actions taken pursuant to this paragraph exceed the amount payable as rent under section 3(a) of the United States Housing Act of 1937.

"(4) TRANSFER FOR USE UNDER OTHER PROGRAMS OF THE SECRETARY.—

"(A) IN GENERAL.—Enter into an agreement providing for the transfer of a multifamily housing project—

"(i) to a public housing agency for use of the project as public housing; or

"(ii) to an owner or another appropriate entity for use of the project under section 202 of the Housing Act of 1959 or under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

"(B) REQUIREMENTS FOR AGREEMENT.—The agreement described in subparagraph (A) shall—

"(i) contain such terms, conditions, and limitations as the Secretary determines appropriate, including requirements to assure use of the project under the public housing, section 202, and section 811 programs; and

"(ii) ensure that no current tenant will be displaced as a result of actions taken under this paragraph.

"(f) OTHER ASSISTANCE.—In addition to the actions authorized by subsection (e), the Secretary may take any of the following actions:

"(1) SHORT-TERM LOANS.—Provide short-term loans to facilitate the sale of multifamily housing projects to nonprofit organizations or to public agencies if—

"(A) authority for such loans is provided in advance in an appropriations Act;

"(B) such loans are for a term of not more than 5 years;

"(C) the Secretary is presented with satisfactory documentation, evidencing a commitment of permanent financing to replace such short-term loan, from a lender who meets standards set forth by the Secretary; and

"(D) the terms of such loans are consistent with prevailing practices in the marketplace or the provision of such loans results in no cost to the Government, as defined in section 502 of the Congressional Budget Act.

"(2) TENANT-BASED ASSISTANCE.—In connection with projects referred to in subsection (e), make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to very low-income families (as defined in section 3(b)(2) of the United States Housing Act of 1937) that do not otherwise qualify for project-based assistance.

"(3) ALTERNATIVE USES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to notice to and comment from existing tenants, allow not more than—

"(i) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any 1-year period to be made available for uses other than rental or cooperative uses, including low-income homeownership opportunities, or in any particular project, community space, office space for tenant or housing-related service providers or security programs, or small business uses, if such uses benefit the tenants of the project; and

"(ii) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any 1-year period to be used in any manner, if the Secretary and the unit of general local government or area-wide governing body determine that such use will further fair housing, community development, or neighborhood revitalization goals.

"(B) DISPLACEMENT PROTECTION.—The Secretary shall make available tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to any tenant displaced as a result of actions taken by the Secretary pursuant to subparagraph (A), and the Secretary shall take such actions as the Secretary determines necessary to ensure the successful use of any tenant-based assistance.

"(g) AUTHORIZATION OF USE OR RENT RESTRICTIONS IN UNSUBSIDIZED PROJECTS.—In carrying out the goals specified in subsection (a), the Secretary may require certain units in unsubsidized projects to contain use or rent restrictions providing that such units will be available to and affordable by very low-income persons for the remaining useful life of the property, as defined by the Secretary.

"(h) CONTRACT REQUIREMENTS.—

"(1) CONTRACT TERM.—

"(A) IN GENERAL.—Contracts for project-based rental assistance under section 8 of the United States Housing Act of 1937 provided pursuant to this section shall be for a term of not more than 15 years; and

"(B) CONTRACT TERM OF LESS THAN 15 YEARS.—Notwithstanding subparagraph (A), to the extent that units receive project-based assistance for a contract term of less than 15 years, the Secretary shall require that rents charged to tenants for such units not exceed the amount payable for rent under section 3(a) of the United States Housing Act of 1937 for a period of at least 15 years.

"(2) CONTRACT RENT.—

"(A) IN GENERAL.—The Secretary shall set contract rents for section 8 project-based rental contracts issued under this section at levels that, in conjunction with other resources available to the purchaser, provide for the necessary costs of rehabilitation of such project and do not exceed the percentage of the existing housing fair market rents for the area (as determined by the Secretary under section 8(c) of the United States Housing Act of 1937) as the Secretary may prescribe.

"(B) UP-FRONT GRANTS AND LOANS.—If such an approach is determined to be more cost-effective, the Secretary may utilize the budget authority provided for project-based section 8 contracts issued under this section to—

"(i) provide project-based section 8 rental assistance; and

"(ii)(I) provide up-front grants for the necessary cost of rehabilitation; or

"(II) pay for any cost to the Government, as defined in section 502 of the Congressional Budget Act, for loans made pursuant to subsection (f)(1).

"(i) DISPOSITION PLAN.—

"(1) IN GENERAL.—Prior to the sale of a multifamily housing project that is owned by the Secretary, the Secretary shall develop a disposition plan for the project that specifies the minimum terms and conditions of the Secretary for disposition of the project, the initial sales price that is acceptable to the Secretary, and the assistance that the Secretary plans to make available to a prospective purchaser in accordance with this section. The initial sales price shall reflect the intended use of the property after sale.

"(2) COMMUNITY AND TENANT INPUT INTO DISPOSITION PLANS AND SALES.—

"(A) IN GENERAL.—In carrying out this section, the Secretary shall develop procedures to obtain appropriate and timely input into disposition plans from officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

"(B) TENANT ORGANIZATIONS.—The Secretary shall develop procedures to facilitate, where feasible and appropriate, the sale of multifamily housing projects to existing tenant organizations with demonstrated capacity or to public or nonprofit entities which represent or are affiliated with existing tenant organizations.

"(C) TECHNICAL ASSISTANCE.—

"(i) USE OF FUNDS.—To carry out the procedures developed under subparagraphs (A) and (B), the Secretary is authorized to provide technical assistance, directly or indirectly, and to use amounts appropriated for technical assistance under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, or under this section for the provision of technical assistance under this section.

"(ii) SOURCE OF FUNDS.—Recipients of technical assistance funding under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, or under this section shall be permitted to provide technical assistance to the extent of such funding under any of such programs or under this section, notwithstanding the source of funding.

"(j) RIGHT OF FIRST REFUSAL.—

"(1) PROCEDURE.—

"(A) NOTIFICATION BY SECRETARY OF THE ACQUISITION OF TITLE.—Not later than 30 days after acquiring title to a project, the Secretary shall notify the unit of general local government and the State agency or agencies designated by the Governor of the acquisition of such title.

"(B) EXPRESSION OF INTEREST.—Not later than 45 days after receiving notification from the Secretary under subparagraph (A), the unit of general local government or designated State agency may submit to the Secretary a preliminary expression of interest in the project. The Secretary may take such actions as may be necessary to require the unit of general local government or designated State agency to substantiate such interest.

"(C) TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency has expressed interest in the project before the expiration of the 45-day period referred to in subparagraph (B), and has substantiated such interest if requested, the Secretary, upon approval of a disposition plan for a project, shall notify the unit of general local government and designated State agency of the terms and conditions of the disposition plan and give the unit of general local government or designated State agency not more than 90 days after the date of such notification to make an offer to purchase the project.

"(D) NO TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency does not express interest before the expiration of the 45-day period referred to in subparagraph (B), or does not substantiate an expressed interest if requested, the Secretary, upon approval of a disposition plan, may offer the project for sale to any interested person or entity.

"(2) ACCEPTANCE OF OFFERS.—Where the Secretary has given the unit of general local government or designated State agency 90 days to make an offer to purchase the project, the Secretary shall accept an offer that complies with the terms and conditions of the disposition plan. The Secretary may accept an offer that does not comply with the terms and conditions of the disposition plan if the Secretary determines that the offer will further the goals specified in subsection (a) by actions that include extension of the duration of low-income affordability restrictions or otherwise restructuring the transaction in a manner that enhances the long-term affordability for low-income persons. The Secretary shall, in particular, have discretion to reduce the initial sales price in exchange for the extension of low-income affordability restrictions beyond the period of assistance contemplated by the attachment of assistance pursuant to subsection (e). If the Secretary and the unit of general local government or designated State agency cannot reach agreement within 90 days, the Secretary may offer the project for sale to the general public.

"(3) PURCHASE BY UNIT OF GENERAL LOCAL GOVERNMENT OR DESIGNATED STATE AGENCY.—Notwithstanding any other provision of law, a unit of general local government (including a public housing agency) or designated State agency may purchase a subsidized or formerly subsidized project in accordance with this subsection.

"(4) APPLICABILITY.—This subsection shall apply to projects that are acquired on or after the effective date of this subsection. With respect to projects acquired before such effective date, the Secretary may apply—

"(A) the requirements of paragraphs (2) and (3) of section 203(e) as such paragraphs existed immediately before the effective date of this subsection; or

"(B) the requirements of paragraphs (1) and (2) of this subsection, if the Secretary gives the unit of general local government or designated State agency—

"(i) 45 days to express interest in the project; and

"(ii) if the unit of general local government or designated State agency expresses interest in the project before the expiration of the 45-day period, and substantiates such interest if requested, 90 days from the date of notification of the terms and conditions of the disposition plan to make an offer to purchase the project.

"(k) DISPLACEMENT OF TENANTS AND RELOCATION ASSISTANCE.—

"(1) IN GENERAL.—Whenever tenants will be displaced as a result of the disposition of, or repairs to, a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall identify tenants who will be displaced, and shall notify all such tenants of their pending displacement and of

any relocation assistance which may be available. In the case of a multifamily housing project that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of this paragraph.

"(2) RIGHTS OF DISPLACED TENANTS.—The Secretary shall assure for any such tenant (who continues to meet applicable qualification standards) the right—

"(A) to return, whenever possible, to a repaired unit;

"(B) to occupy a unit in another multifamily housing project owned by the Secretary;

"(C) to obtain housing assistance under the United States Housing Act of 1937; or

"(D) to receive any other available relocation assistance as the Secretary determines to be appropriate.

"(l) MORTGAGE AND PROJECT SALES.—

"(1) IN GENERAL.—The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.

"(2) SALE OF CERTAIN PROJECTS.—The Secretary may not approve the sale of any subsidized project—

"(A) that is subject to a mortgage held by the Secretary; or

"(B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.

"(3) MORTGAGE SALES TO STATE AND LOCAL GOVERNMENTS.—Notwithstanding any provision of law that may require competitive sales or bidding, the Secretary may carry out negotiated sales of subsidized or formerly subsidized mortgages held by the Secretary, without the competitive selection of purchasers or intermediaries, to units of general local government or State agencies, or groups of investors that include at least one such unit of general local government or State agency, if the negotiations are conducted with such agencies, except that—

"(A) the terms of any such sale shall include the agreement of the purchasing agency or unit of local government or State agency to act as mortgagee or owner of a beneficial interest in such mortgages, in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such unit of local government or State agency to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and

"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best prices that may be obtained for such mortgages from a unit of general local government or State agency, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.

"(4) SALE OF MORTGAGES COVERING UNSUBSIDIZED PROJECTS.—Notwithstanding any other provision of law, the Secretary may sell mortgages held on unsubsidized projects on such terms and conditions as the Secretary may prescribe.

"(m) REPORT TO CONGRESS.—Not later than June 1 of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a report describing the status of multifamily housing projects owned by or subject to mortgages held by the Secretary, which report shall include—

"(1) the name, address, and size of each project;

"(2) the nature and date of assignment;

"(3) the status of the mortgage;

"(4) the physical condition of the project;

"(5) an occupancy profile of the project, including the income, family size, and race of current residents as well as the rents paid by such residents;

"(6) the proportion of units in a project that are vacant;

"(7) the date on which the Secretary became mortgagee in possession;

"(8) the date and conditions of any foreclosure sale;

"(9) the date of acquisition by the Secretary;

"(10) the date and conditions of any property disposition sale;

"(11) a description of actions undertaken pursuant to this section, including—

"(A) a comparison of results between actions taken after enactment of the Housing and Community Development Act of 1993 and actions taken in years prior to such enactment;

"(B) a description of any impediments to the disposition or management of multifamily housing projects, together with a recommendation of proposed legislative or regulatory changes designed to ameliorate such impediments;

"(C) a description of actions taken to restructure or commence foreclosure on delinquent multifamily mortgages held by the Department; and

"(D) a description of actions taken to monitor and prevent the default of multifamily housing mortgages held by the Federal Housing Administration;

"(12) a description of any of the functions performed in connection with this section that are contracted out to public or private entities or to States, including—

"(A) the costs associated with such delegation;

"(B) the implications of contracting out or delegating such functions for current Department field or regional personnel, including anticipated personnel or work load reductions;

"(C) necessary oversight required by Department personnel, including anticipated personnel hours devoted to such oversight;

"(D) a description of any authority granted to such public or private entities or States in conjunction with the functions that have been delegated or contracted out or that are not otherwise available for use by Department personnel; and

"(E) the extent to which such public or private entities or States include tenants of multifamily housing projects in the disposition planning for such projects;

"(13) a description of the activities carried out under subsection (j) during the preceding year; and

"(14) a description and assessment of the rules, guidelines, and practices governing the Department's management of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession) as well as the steps that the Secretary has taken or plans to take to improve the management performance of the Department.".

(c) EFFECTIVE DATE.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this section. The notice shall invite public comments, and the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

SEC. 2711. ELIMINATION OF EDUCATION PROGRAMS THAT HAVE LARGELY ACHIEVED THEIR PURPOSE.

(a) PUBLIC LIBRARY CONSTRUCTION.—

(1) REPEAL.—Title II of the Library Services and Construction Act (20 U.S.C. 355a et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 4(a)(2) of such Act (20 U.S.C. 351b(a)(2)) is repealed.

(b) FOLLOW THROUGH PROGRAM.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(c) LAW-RELATED EDUCATION.—Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is repealed.

(d) LAW SCHOOL CLINICAL EXPERIENCE PROGRAM.—Part G of title IX of the Higher Education Act of 1965 (20 U.S.C. 1132u et seq.) is repealed.

SEC. 2712. DEPARTMENT OF AGRICULTURE REORGANIZATION.

(a) CLOSURE AND CONSOLIDATION OF OFFICES.—During the period beginning on the date of the enactment of this Act and ending on September 30, 1998, the Secretary of Agriculture shall close or consolidate not less than 1,200 field offices of the agencies of the Department of Agriculture described in subsection (d).

(b) PURPOSE OF CLOSURE AND CONSOLIDATION.—In addition to reducing expenditures of the Department of Agriculture, the closure and consolidation of field offices pursuant to this section is intended to improve services provided to agricultural producers in the United States through the greater use of multipurpose field offices combining the services of more than one of the agencies described in subsection (d).

(c) CORRESPONDING REDUCTIONS AND REORGANIZATION.—As part of the closure and consolidation of field offices under subsection (a), the Secretary of Agriculture shall—

(1) eliminate not less than 7,500 full-time employment positions in the Department of Agriculture; and

(2) reorganize the headquarters corresponding to the agencies described in subsection (d).

(d) FIELD OFFICES DESCRIBED.—The field offices to be closed and consolidated under this section shall be selected from among the field offices of the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Farmers Home Administra-

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tion, and the Federal Crop Insurance Corporation.

The CHAIRMAN. Pursuant to the rule, the gentleman from Iowa [Mr. NUSSLE] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. NATCHER. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. NUSSLE].

Mr. NUSSLE. First, Madam Chairman, I would ask unanimous consent that half of my time, 15 minutes, be given to the gentleman from Minnesota [Mr. PENNY], to be controlled by him.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, first I would like to thank my staff, and I would like to thank Bill Warfield, from the staff of the Committee on Appropriations, and the Budget staff. Madam Chairman, it is very difficult to put together amendments like this with all the specifics we have tried to incorporate in this bill. It takes a lot of good people to put that together, and I want to thank them for their efforts in that regard.

Madam Chairman, I also would like to thank the gentleman from Minnesota [Mr. PENNY], the gentleman from California [Mr. CONDIT], and the gentleman from Ohio [Mr. KASICH] for their help in a bipartisan fashion to try to come up with some ideas about consideration of spending cuts.

Madam Chairman, the issue today is consideration of how to pay for the emergency. There is not anyone in this building who would disagree with the fact that we have an emergency, that we have a situation in this country where victims need our help. I believe that, everybody in this Chamber believes that, I believe. But we have come together in a bipartisan fashion to do one thing, to try to find a way to pay for this now as opposed to putting this onto the backs of our kids and grandkids.

Now, I listened with quite a lot of interest during the Myers of Indiana amendment and listened to the wild charges, "You are taking bread from children," "Mothers will be out on the street," and, "Employees will be thrown out on the welfare lines." What ridiculous charges you are coming up with.

Now, you can try, but there is not a person in this Chamber or listening to this debate who believes, who believes any of these wild charges about cutting a little bit out of our humongous Federal budget.

Just a little bit, to set a priority, to make a statement, to say we believe this emergency is more important than a few other lower priority items in the budget, which is all we are saying.

We are saying that JIM NUSSLE should not be able to send to his children, Sarah and Mark, the bill that I incur today. That Bill Clinton, President of the United States, should not be allowed to send to Chelsea Clinton, the bill he incurs today on our behalf.

There is not anyone here that does not agree with us we have an emergency, the flood victims in the Midwest, the earthquake victims in Los Angeles. All we are suggesting is we set a priority. This is our priority.

All of the cuts considered under the Nussle-Kasich-Condit-Penny amendment, have been voted on before. All of these cuts you have voted on. You are on record. We know where you are. And the organizations such as National Taxpayers, Citizens Against Government Waste, and many others, suggest that you also support this amendment.

Madam Chairman, I want to reemphasize this point. There are no hidden bombs inside this language. These are all cuts that are quite innocuous. It is a big bill. But so is the emergency. And should we not come up with the money? We have tried to do just that.

The National Taxpayers Union, the Concord Association, Citizens for a Sound Economy, Citizens Against Government Waste, the Committee for a Sound Federal Budget, have all endorsed the Nussle budget, for this reason: It is time to start the process we know we are going to have to go through. Instead of putting this on our kids and grandkids to come up with the cuts, do it today. It is very simple.

I wanted to reemphasize one other point, and that is it is our debt that matters in this instance. We are adding to the debt when we pay for these things off budget. And I can tell you that in 1 year, the price per person in this country of that national debt, listen to these figures: On February 3, 1993, the amount of debt per person in this country, if you divide the national debt by each man, woman and child, not even taxpayers, was $16,091. It has now grown until today, 1 year later, to $17,080. One thousand dollars you have added to the backs of my kids, your kids, and your grandkids, because we can't answer a simple question: How much does it cost, and how are we going to pay for it?

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I rise in opposition to the amendment. This amendment would rescind over $9 billion. This amendment has much more serious impacts than the one offered by Mr. PENNY and Mr. KASICH that we already defeated in the House when we considered H.R. 3400 only last November.

This amendment, like the one we just considered, makes double count reductions on personnel funding and other across-the-board type cuts for overhead activities in amounts in excess of $2.3 billion. The same impacts associated with this type cut that were in the Myers amendment would occur because of this proposal, as well.

Additionally, the amendment proposes specific cuts to programs that make our economy grow, like EDA, TVA, and ARC. It also cuts our investment programs in areas like highways, airports, mass transit, and community development grants. It cuts our research, on which the future depends, in areas like NASA, agriculture, NOAA, NIST, nuclear and other energy research as well as the broader research spectrum in the National Science Foundation program.

Others will address the specific impacts of these cuts as we proceed. I want all Members to know that these cuts are large and significant and their impacts have not been fully analyzed or understood.

Madam Chairman, this amendment should be rejected.

Madam Chairman, I reserve the balance of my time.

Mr. PENNY. Madam Chairman, I yield myself 1 minute.

Madam Chairman, we rise to offer this amendment to offset all of the costs of disaster aid. When part of America suffers, all of America ought to come to their aid. That is the premise of this amendment. I am reminded of the movie "Dave" in which a stand-in president sat down with his own accountant to try and find room in the Federal budget for a needed homeless shelter for families in the metropolitan regions of our country. They suggested to the cabinet the following morning a series of spending cuts to make room for that higher priority. As you might expect, the cabinet members began to gripe and grumble.

Dave motioned to one cabinet member and said, "Are you saying that your program is more important than this emerging need?" And the cabinet member said, "No, well, I wasn't saying that." Dave said, "Well, in that case, the decision has been made. We put the money in the new priority."

That is all we are talking about here. These are familiar cuts. We have dealt with this issue in the past. Many of these cuts have been voted on previously. In the past, we have proposed these cuts to reduce the deficit. All we are asking this time around is that we stop increasing the deficit by implementing these offsetting cuts. It is a reasonable plan and one that ought to be adopted.

Madam Chairman, I reserve the balance of my time.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Madam Chairman, I am opposed to this amendment. As I said before, I am not opposed to having a reserve fund for disaster assistance, and we had a reserve fund before 1990. But the Credit Reform Act of 1990 terminated all revolving loan funds. If we are going to reestablish these revolving loan funds, it ought to be done in authorizing legislation, rather than in appropriations bills.

Now, I am going to put in the RECORD under the unanimous consent request the Chairman got earlier, a table that shows specifically what is in this amendment that affects departments and agencies under the jurisdiction of my Appropriations subcommittee. But I want to highlight just a few things, because consistency has never been a virtue in this place, but rarely has inconsistency been so great as it is on some of the items that are in this proposal.

Madam Chairman, if this were to be adopted, the FBI would lose 1,493 people; INS would lose 1,188 and Federal prisons, 1,636. SBA could lose as many as 240 for 3 months, right at a time when the agency needs them to deal with the California earthquake. The amendment would also eliminate a plane that tracks hurricanes that is needed very badly. With respect to the Border Patrol, we had an argument here last fall and added 600 new Border Patrol personnel and they couldn't be added if this amendment passes.

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The Californians were the ones that wanted them added the worst, and some of them, I understand, are now for not adding these Border Patrols. It is pretty difficult to say that one is really for doing something about crime and for doing more about crime and still do it, take it out in this way.

So I say again, it is not that I am against the reserve fund, because I am for a reserve fund. But it ought to be established, we established the way we had it in authorizing legislation and not do it after the fact on an appropriations bill.

I am opposed to this amendment.

Madam Chairman, I submit this table for the RECORD.

COMMERCE, JUSTICE, AND STATE SUBCOMMITTEE—IMPACT OF PROPOSED AMENDMENT TO EARTHQUAKE SUPPLEMENTAL

Dept./Agency/Item	Sec. No./Prop. resc.	Penny-Kasich	Recommended by President	Impact
Department of State/Diplomatic and Consular Program.	Sec. 2161/ − $600,000	Yes	Yes	This reduction was reflected in the FY 1994 budget request and taken in the FY 1994 Appropriations Act. The reduction would reduce State Dept. Marine guard and other security programs at diplomatic missions overseas.
United States Information Agency:				
Salaries and Expenses	Sec. 2160(a)/ − $6,000,000	Yes (− $3M)	Yes (− $3M)	The House has approved a rescission of $2.2 million of USIA's FY 1994 Salaries and Expenses account in H.R. 3400. A further rescission of $6 million in 1994 S&E would greatly disrupt this operating account. In addition to $24 million in program cuts reflected in the FY 1994 Appropriations Act, USIA must absorb $6.4 million in unbudgeted locality pay costs. The agency will also incur substantial unbudgeted costs related to planned consolidation of broadcasting activities and a major restructuring of domestic activities. A furlough of all employees for three days would have to be implemented and systems modernization, equipment replacement, overseas cultural and information programs, and publications and other program support would have to be curtailed if an additional rescission of $6 million were enacted.
North/South Center	Sec. 2160(c)/ − $8,700,000	Yes	Yes	This reduction would eliminate all funding for the North/South Center provided for FY '94 and terminate the program. The cut would eliminate the only research, public policy studies, and information center which carries out a full complement of programs and grants exclusively allocated to finding practical solutions to the major problems confronting Western Hemisphere nations such as: immigration, drug-trafficking, hemispheric economic integration and democratization.
Educational and Cultural Exchange Programs.	Sec. 2160(b)/ − $50,000,000	No	No	This proposed rescission would reduce the FY 1994 appropriation by 21 percent for USIA's and result in a funding level $30 million below the FY 1993 appropriation. The rescission would result in elimination of 2400 grants from the 9800 funded for FY 1994 and would affect all programs, including Fulbright exchanges, International Visitor and Citizen Exchanges and Congressionally earmarked projects. The rescission would be exceedingly harmful to USIA's efforts in the former Soviet Union, the new democracies of Eastern Europe, and in developing countries in Asia and Africa to promote democracy and understanding of American culture and institutions.
Legal Services Corporation	Sec. 2156/ − $20,000,000	Yes	No	The reduction would cut deeply into the Congressional objective of equalizing funding among local programs to address the 16% growth in the poverty population during the 1980's. Local programs experienced huge increases in eligible client population in Texas, California, Florida, Iowa, Kentucky, and many other states. The cut would also: completely eliminate the cost of living adjustment provided all programs in the FY '94 Act; and freeze funding for 105 programs (37 percent of the total).
Small Business Administration	Sec. 2158/ − $13,100,000	No	Yes	This provision would rescind all FY 1994 funds appropriated to SBA for Congressional add-ons to enhance small business development and job creation at specific localities. Of the $13.1 million proposed for rescission, $2.3 million is for ongoing, multi-year projects which would be seriously disrupted if the rescission were enacted. The total list of projects is: $175,000 for a grant to the Ben Franklin Center in Philadelphia, Pennsylvania, to assist small businesses to qualify for and participate in the Small Business Innovation Research (SBIR) program; $750,000 for a grant to the North Carolina Rural Economic Development Center for the North Carolina Small Business Capital Access Program to provide financial development assistance to small businesses; $500,000 for a grant to the Van Emmons Population, Marketing Analysis Center in Towanda, Pennsylvania, for continuation of an integrated small business data base to aid Appalachian Region small businesses; $1,000,000 for a grant to the City of Prestonsburg, Kentucky, for small business development assistance; $680,000 for a grant to the State of Nebraska for a statewide small business data base to facilitate the development of small businesses in rural communities; $100,000 for a grant to the Institute for Economic Development, Western Kentucky University to provide small business consulting services for senior citizens; $5,000,000 for a grant for a National Center for Genome Resources in New Mexico to provide consulting assistance, information and related activities to small businesses; $1,000,000 for a grant to the University of Arkansas, Fayetteville, Arkansas, for the Genesis small business incubator facility; $1,000,000 for a grant to the WVHTC Foundation in West Virginia for build out, equipment and operations costs for a small business incubator facility; $300,000 for a grant to the Economic Development Council of Paducah, Kentucky, to assist in the development of a small business incubator facility; $250,000 for a grant to Grant County, West Virginia, to establish a small business development fund to provide financial assistance to small businesses and grants; and Grants for the following continuing activities at the level designated for these activities under the heading in Public Law 102–395: Hazard Community College in Hazard, Kentucky, to assist in the development of a small business consulting, information and assistance facility; Seton Hill College in Greensburg, Pennsylvania, to provide for a small business consulting and assistance center for entrepreneurial opportunity; the University of Central Arkansas to assist the Small Business Institute Program of the Small Business Administration to establish and operate a National Data Center; and the Iowa Waste Reduction Center, University of Northern Iowa for a demonstration program to assist small business in complying with Federal regulatory requirements (Total, $2,345,000.)
Department of Commerce/National Oceanic and Atmospheric Administration:				
1. Elimination of Weather Office Closure Certification Procedures.	Sec. 2151/ − $20,000,000	Yes	No	The proposed rescission and the accompanying repeal of NWS certification would delay ongoing National Weather Service modernization efforts. In FY 1994 only $1M would be saved by eliminating the office certification requirement. The Weather Service would either: (1) furlough all staff for up to 22 days—clearly unacceptable to public safety; or (2) delay opening up to 19 weather forecasting offices currently planned for staffing in FY 1994 in: Ohio, North Carolina, Georgia, Florida, Alabama, Louisiana, Texas, New Mexico, Nebraska, Wyoming, California, Washington and Hawaii. However, DOC estimates that the legislative repeal could result in outyear savings of $50 million (BA) during 1995–2001.
2. Privatize NOAA Research Fleet.	Sec. 2152/ − $77,064,000	Yes	No	Proposal eliminates all FY '94 funds for NOAA fleet maintenance, repair (including emergency repair) and modernization. This rescission eliminates funding for construction of a new ship in Louisiana and Mississippi, and all additional funds for planning and monitoring NOAA's fleet requirements and/or privatization efforts. Some vessels would be laid up and their crews furloughed. Depending on the availability of FY 1995 funding, the entire fleet could be tied up at a loss of 4000 days at sea, seriously impacting the production of navigational charts, fisheries management and ocean research.

COMMERCE, JUSTICE, AND STATE SUBCOMMITTEE—IMPACT OF PROPOSED AMENDMENT TO EARTHQUAKE SUPPLEMENTAL—Continued

Dept./Agency/Item	Sec. No./Prop. resc.	Penny-Kasich	Recommended by President	Impact
3. Rescind Funds for NOAA Add-Ons.	Sec. 2153/(1) NOAA Operations, Research and Facilities, −$37.8 million.	Yes (−$71.3M)	Yes (−$6M)	This proposal would eliminate funding provided over the budget request for certain NOAA line items, possibly including: Elimination of expanded Coastal Zone Management program; curtail Non-point pollution monitoring; and termination of National Undersea Research Center Program (NURP). RIFs of personnel associated with these various programs and activities could also occur.
	(2) NOAA Construction, −$15.8 million.	Yes (−$29.8M)	Yes (−$4M)	This rescission reduces NOAA support for Columbia River fish hatchery maintenance, delays acquisition of land for National Estuarine Research Reserves, and reduces maintenance and facility repairs at fishery laboratories.
	(3) Aircraft Procurement, −$21.4 million.	Yes (−$43M)	No	Reduces by half funding for new hurricane reconnaissance aircraft. Delaying the acquisition of this aircraft will result in additional outyear spending since the existing P–3 "hurricane hunters" built in 1973 will require replacement aircraft before the turn of the century based on current rate of operations.
Economic Development Administration/EDA.	Sec. 2154/−$125 million	Yes (−$159.9M)	No	This rescission would eliminate all remaining funds for Public Works grants, thus shutting down the program until next year. Up to 250 grants for projects designed to relieve unemployment (average grant amount: $500K) would not be made. Also, $15 million in Title IX Economic Adjustment grants would not be made.
National Telecommunications and Information Administration/Public Telecommunications Facilities Grants.	Sec. 2155/−$15 million	Yes (−$24M)	No	This rescission and the accompanying repeal PTFP authorization would result in a reduction of 60 percent of the program for FY 1994 and essentially shut down the program for the rest of the year, eliminating funding for new-to-service coverage for Public TV and radio as well as the replacement and modernization of public telecommunications facilities.
National Institute of Standards and Tech./Advanced Technology Program.	Sec. 2159/−$100 million	No	No	Approximately 100 grants to private sector and academic consortia would not be made. Only 89 of 1000 applications have been funded to date. This program is a major Administration and Congressional initiative to support economic recovery and competitiveness of U.S industry abroad.
Rescission of Funds for Administrative Overhead.	Sec. 2603.			
(2) Dept. of Commerce	−$32,960,000	No	No	A cut of this amount would result in the inability of various Commerce agencies to carry out their duties and activities required by statute. Specific impacts would include: no additional printing and distribution of Census materials from the 1990 decennial census and ongoing periodic censuses; reduced monthly and quarterly economic and statistical reports; severe reductions in field maintenance of Weather Service equipment; reduced commerce participation in international trade negotiations; and reduced enforcement of export controls. Also, a reduction of this magnitude from these object classes will severely impact the Department's ability to reprogram funds to cover locality pay requirements.
(5) Dept. of Justice	−$133,790,000	No	No	A $133.8 million reduction in administrative overhead for the Department of Justice would have a significant effect on the Department's ability to perform its important criminal justice functions. The Justice Department is already being forced to reduce programs by $162 million in order to absorb unfunded locality pay increases in FY 1994. This rescission will further impact critical Justice programs, as follows: Travel and transportation cuts will halt the hiring of the 66 new Border Patrol agents since the Department will be unable to train the new agents; will reduce the ability of the Marshals Service to transport criminals and illegal aliens, and will effectively halt the FBI's initiative to move Washington headquarters agents back to field offices; Cuts in contract services will reduce the availability of contract detention space resulting in unacceptable and unsafe overcrowding of prisoners; Cuts in supplies and contract services will reduce the availability of medical care to Federal prisoners, and supply/material cuts would reduce the funds available for gasoline and maintenance of FBI/DEA vehicles and for ammunition for all law enforcement personnel.
(7) Dept. of State	−$43,220,000	No	No	This rescission would cut 15 percent of the funds appropriated for these activities for FY 1994. This proposal, if enacted, would have a devastating impact on the Department's ability to maintain vital post operations, particularly in remote and undeveloped areas of the world; to conduct travel of the President and the Secretary of State and supporting staff; to conduct international negotiations; to deliver passport services to American citizens; to meet statutory requirements to publish and distribute foreign policy and international treaty information; and to manage the Department's conduct of diplomatic activities. Specifically, the rescission would significantly delay printing and issuing of passports for American citizens; curtail travel by the President and the Secretary of State necessary for the conduct of our foreign relations as well as all other State Department official travel necessary for the conduct of international negotiations on nuclear non-proliferation and other vital issues; eliminate supplies and materials required for overseas post operations, including vital security and medical supplies to maintain the health and safety of U.S. Government employees, and fuel, repair parts, and generating equipment required at various posts in "hardship areas". In addition, cuts of this magnitude in these administrative areas would have a major impact on the Department's ability to absorb its locality pay requirements.

COMMERCE, JUSTICE AND STATE SUBCOMMITTEE: ACCOUNTS AND AMOUNTS IN THE AMENDMENT PACKAGE THAT WERE IN H.R. 3511—NONE

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Madam Chairman, may I ask the gentleman from Ohio [Mr. KASICH] or the gentleman from Minnesota [Mr. PENNY], is it their intention to do away completely with the Strategic petroleum Reserve account?

Mr. KASICH. Madam Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. KASICH. Madam Chairman, the answer is no.

Mr. YATES. Madam Chairman, with their amendment, they are doing away with it. This amendment would rescind all unobligated balances, approximately $323 million, from the Strategic Petroleum Reserve account.

This would end all oil acquisition. It would take away the money necessary to withdraw oil in the event of an emergency.

Mr. KASICH. Madam Chairman, if the gentleman will continue to yield, all this does is rescind the unobligated balance of this account as of the date of enactment. That does not do away with the Strategic Petroleum Reserve. It just said that that we have not obligated yet we do not need to spend at this point.

We are not giving away the whole project, Madam Chairman.

Mr. YATES. Madam Chairman, they have the oil in the ground, but they do not have any money, if this amendment goes through, to take that oil out of the ground.

Mr. KASICH. Madam Chairman, we are not. The Strategic Petroleum Reserve will still continue to exist. What we are saying is, and it is filled, we are filling it on a regular basis. We are saying, those monies that have been appropriated but not yet obligated for more oil does not need to be used at this point. We can get back to doing more filling come next year to help us pay. We are not doing away with it.

Mr. YATES. Madam Chairman, I point out to the gentleman that he is eliminating a source of money that would be necessary to be able to withdraw the oil from the ground, as was the situation that existed during the gulf war. He is going to do away with the money that is necessary to deal with the question of high temperatures, which is jeopardizing the oil in the ground and has to be corrected.

We will not have the money for that. He is doing away with the money that is necessary to extend the life of existing storage facilities.

I do not think that was the intention of his amendment, but that is going to be the effect of his amendment.

This amendment is created by guess and by gosh. It hits the Interior and Related Agencies appropriation particularly hard. Out of the $13 billion 1994 appropriation, at least $617 million would be eliminated, or nearly 5 percent. And for the most part it comes in areas where the Congress has already made significant reductions or in areas where programmatically it makes no sense.

REDUCTION TO OVERHEAD ACCOUNTS

The amendment reduces so called overhead accounts in the Department of the Interior by $94,450,000. While it seems simple, let's look at what this money buys.

Travel money allows Minerals Management Services auditors to travel to make audits to assure that royalty payments are accurately paid. A travel reduction will ultimately reduce revenues for the Federal treasury.

Office of Surface Mining inspectors must travel to enforce the Surface Mining Act. Does this mean we don't want the law enforced?

If printing is reduced, the National Park Service would have to limit the availability of park brochures for visitors, brochures which have vital information for visitor safety and resource protection in the parks. Cutting printing

also hurts the agencies' ability to communicate their research to the public. Here I include Geological Survey maps and the results of earthquake and volcano research.

The amendment would reduce supplies and materials but many of the Department's program responsibilities are heavily dependent on supplies and materials. For example, school supplies for Indian children, and materials necessary to operate and maintain public facilities and roads in parks and other recreation areas.

I would also point out, that for fiscal year 1994 the President proposed and the Congress agreed to a $42 million reduction in these areas.

STRATEGIC PETROLEUM RESERVE PETROLEUM ACCOUNT

The amendment would rescind all unobligated balances, approximately 323 million. This would end all oil acquisition and take away the money necessary to withdraw oil in the event of an emergency. It would also eliminate a source of money to alleviate problems with high temperatures and gas in currently stored oil and for upgrading and extending the life of existing storage facilities.

LAND AND WATER CONSERVATION FUND RESCISSIONS

This amendment proposes a 50 percent reduction to the fiscal year 1994 appropriation for the Land and Water Conservation Fund. Why? To bow to the god of deficit reduction. But let us look at why we are in the business of land acquisition.

First of all, there are individual citizens who own land within authorized boundaries of our parks, our forests, and our refuges. If these people want to sell, the Federal Government is the only buyer. If the Federal Government can't buy, for lack of money, we are punishing these private landowners who want or have to sell.

Another reason we buy and exchange land is to consolidate holdings to improve management of our Federal lands. In some cases, through the exchange process, land management agencies are able to obtain lands which are adjacent to existing holdings in exchange for lands that are isolated parcels. As a result there are efficiencies gained which help us protect resource values.

We also buy land to protect critical habitat for endangered species; to preserve wetlands; to preserve cultural resources and to preserve natural resources.

Of the $900 million authorized for the Land and Water Conservation Fund, less than 30 percent was appropriated, or $254,277,000 for fiscal year 1994. And the 1994 appropriation is less than the 1993 appropriation of $286,084,000, an 11 percent reduction.

U.S. GEOLOGICAL SURVEY

The amendment would reduce the U.S. Geological Survey by $30 million in a supplemental which is providing up to $15 million in additional funds for this agency which plays the predominant role in research and investigation of earthquakes such as the very one which is the main reason for this supplemental appropriation. What sense does it make to give with one hand and take away with the other? The reduction will also result in delays in the recently begun national water quality assessment, modernization of mapping systems which could reduce the time and manpower necessary to provide the Government's mapping needs, and hazards reduction programs related to earthquakes, landslides, and volcanic eruptions.

MINERALS MANAGEMENT SERVICE

The amendment would decrease the Minerals Management Service by $20 million which amounts to over 10 percent of the $193 million appropriation for the MMS in fiscal year 1994.

The MMS is responsible for the royalty management program within the Department of the Interior. What this means is the MMS manages the collection and auditing of all the rents and royalties associated with onshore and offshore oil and gas and other minerals development on Federal lands. This program is expected to generate $6 billion in revenues to the Federal Treasury and to the States and Indian tribes in fiscal year 1994.

A decrease in the MMS budget will not save money, it will cost the Federal Treasury and the States in the lost revenue. A decrease of $20 million would result in severe downsizing of the royalty collection and auditing programs. There is a statute of limitations on the length of time the MMS can wait before it initiates an audit. If the audit program is downsized, less audits will be initiated. Revenues not only will be lost in the short term, audits that are not begun before the statute of limitations runs out will result in the permanent loss of revenues, not only to the Federal Government but also to the States and the Indian tribes.

For each $1 million reduction to the MMS royalty management program, at least $20 million would be lost in revenues. Thus, a reduction of $20 million in the MMS Program would result in lost revenues of $400 million.

NATIONAL BIOLOGICAL SURVEY

The amendment proposes to rescind $20 million from the new National Biological Survey, 12 percent of this agency's budget. This new agency was formed in an effort to solve natural resource problems before they reach a crisis stage such as we are experiencing in the Pacific Northwest. The northern spotted owl and various salmon species are in trouble there and have caused economic disruption because we were slow to recognize the danger signs. With the National Biological Survey we want to take steps to mitigate these problems before the economic confrontation stage is reached. It is short-sighted to take away a minimal investment to avoid economic problems similar to those we face in the Pacific Northwest.

SMITHSONIAN INSTITUTION

The amendment provides for a rescission of $6.8 million to an appropriation already at the 1993 level. The Smithsonian receives $76 million from private sources with little opportunity to expand income. The amendment would lead to the closing of museum galleries or reduction in hours open to the public and closing of the National Zoo to the public 1 day a week.

NATIONAL GALLERY OF ART

The amendment also provides for a rescission of $1 million to the National Gallery of Art. Under the terms of the gift to the United States of the National Gallery buildings and its original collections, the National Gallery cannot charge entrance fees and would have difficulty in adding to the $12 million in private funds it already receives on an annual basis.

NATIONAL ENDOWMENT FOR THE ARTS

The National Endowment for the Arts is everyone's favorite whipping boy when it comes to reductions. But, not everyone realizes the degree to which the Arts Endowment has already taken budget reductions. The fiscal year 1994 appropriation is already $4,365,000 below the President's request for the National Endowment for the Arts; it is $4,365,000 below the amount this House authorized for 1994; it is already $4,232,000 below the fiscal year 1993 level; and if the Congress had kept pace with inflation since 1981, the appropriation for the arts would have been $261 million. But the Congress has not done that. The fiscal year 1994 appropriation is $170 million, $91 million below what would be needed to deliver the same program level as was available in 1981. This means that the Arts Endowment's ability to provide grants to States and local jurisdictions is already reduced by more than one-third of what it was in 1981.

EMERGENCY EARTHQUAKE SUPPLEMENTAL PENNY/KASICH OFFSET INTERIOR AND RELATED AGENCIES

Agency/account	Fiscal year 1994 enacted	Proposed rescission	Percent reduction
Bureau of Land Management:			
Land acquisition	12,122,000	6,061,000	50
U.S. Fish and Wildlife Service:			
Land acquisition	82,655,000	41,327,000	50
National Biological Survey:			
Research, inventories, and surveys	163,519,000	20,000,000	12
National Park Service:			
Land acquisition and State assistance	95,250,000	30,000,000	31
U.S. Geological Survey:			
Surveys, investigations, and research	584,685,000	30,000,000	5
Minerals Management Service:			
Leasing and royalty management	193,197,000	20,000,000	10
Bureau of Mines:			
Mines and Minerals	169,436,000	10,000,000	6
Department of the Interior:			
General Reduction	0	94,450,000	
Total, Department of the Interior		251,838,000	

EMERGENCY EARTHQUAKE SUPPLEMENTAL PENNY/KASICH OFFSET INTERIOR AND RELATED AGENCIES—Continued

Agency/account	Fiscal year 1994 enacted	Proposed rescission	Percent reduction
Forest Service:			
Land acquisition	64,250,000	32,125,000	50
Department of Energy:			
SPR Petroleum Account		318,800,000	100
Smithsonian Institution:			
Salaries and Expenses	302,349,000	6,047,000	2
Construction & Improvements, Zoo	5,400,000	108,000	2
Repair and Restoration of Buildings	24,000,000	480,000	2
Construction	10,400,000	208,000	2
Total, Smithsonian	342,149,000	6,843,000	
National Gallery of Art:			
Salaries and Expenses	51,908,000	1,038,000	2
Repair and Restoration of Buildings	2,831,000	57,000	2
Total, National Gallery	54,739,000	1,095,000	
National Endowment for the Arts:			
Grants and Administration	140,836,000	2,817,000	2
Matching Grants	29,392,000	588,000	2
Total, NEA	170,228,000	3,405,000	
National Endowment for the Humanities:			
Grants and Administration	151,300,000	3,026,000	2
Matching Grants	26,191,000	524,000	2
Total, NEH	177,491,000	3,550,000	
Grand total		617,656,000	

Mr. PENNY. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Madam Chairman, no matter what the outcome of this is today, I come from California. And I think it is the responsible thing for us to do, is to vote to give funds for relief to California and the victims of the earthquake.

I think that is the responsible position, and the four of us who coauthored this amendment today intend to do just that.

There is really no good choice here today. There is no perfect solution to this. But what we are proposing here today is a responsible solution, and the solution that we are proposing simply means that we pay as we go.

We have heard a lot of discussion today about, we are going to take programs away from other States or we are going to eliminate certain amounts of money from a program and other people are going to get hurt from other areas. Well, the choice we have is to either do the responsible thing by making the cut in the Federal budget or deferring to the national debt, putting that off to a later date. And we have done that plenty around here.

It is sort of "out of sight, out of mind," just add it to the debt.

We believe what we are proposing today is a responsible approach to disaster relief funds.

Let me tell Members, everything on that list they have voted either for or against in Penny-Kasich, with the exception of the cuts to foreign aid. There is nothing new on that list.

For those Members who supported Penny-Kasich, they ought to be able to support this in a breeze. Should be no work for them at all.

The process is flawed. We need to do something different about disaster relief. We need to make changes.

One thing we have done today is to focus on that, that we need to pay as we go. We need to have set-asides, because it is inevitable, we are going to continue to have disasters around the country. That is unfortunate, but that is going to occur. We need to have a process that we can pay for it as we go, and that is what we are doing today.

I ask Members to support this amendment.

Mr. NATCHER. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Chairman, I rise in strong opposition to the offsetting amendment.

This amendment would adversely affect a number of programs under the VA–HUD Subcommittee's jurisdiction.

Part of the amendment would reduce the funds available for salary costs in 1994 by $1.575 billion. The amendment would also reduce administrative expenses by $1.8 billion—including $143 million from VA.

This part of the amendment is similar to the one offered by Mr. MYERS. But it is really more devastating because the reduction in salary funds proposed for rescission more than doubles—from $750 million to $1.575 billion.

The agencies under the subcommittee's jurisdiction—and I think this is true for most of the Federal agencies—did not receive any additional 1994 funds for the so-called locality pay increase. Those costs are being absorbed. In the VA's medical care account, for instance, the cost of locality pay is approximately $130 million.

I received a letter this morning from VA Secretary Jessie Brown—and I mentioned this during debate on the Myers amendment—stating that an amendment of this impact would have a disastrous impact. He indicated that a proportional reduction in the salary rescission would equate to $160 million and that would result in a reduction of 3,300 FTE. Since the Defense Department is now exempted—and it was not exempted in an early version—the reduction for VA would exceed $300 million equating to over 6,000 employees. By the time this would be implemented we would be halfway through the year, that would equate to a reduction of more than 12,000 employees. That will result in 20,000 fewer inpatients receiving treatment and 400,000 fewer outpatient visits.

Madam Chairman, it is not fair to reduce medical treatment for veterans to help pay for the much needed assistance in southern California.

I urge the defeat of the amendment.

Mr. NUSSLE. Madam Chairman, here we go again, with all the wild charges Members put out on the street. Just to give an example of one comment made earlier, all we are doing with the Strategic Petroleum Reserve is reducing it from 20,000 barrels a day to 13,000 barrels a day. All of a sudden, everybody feels all sorts of pain over that. I cannot believe it.

Madam Chairman, I yield 5 minutes to my friend and colleague, the gentleman from Ohio [Mr. KASICH].

Mr. YATES. Madam Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Illinois.

Mr. YATES. Madam Chairman, the gentleman's figures are correct, except that that was done by our Committee on Appropriations. It will not be done by the gentleman.

Mr. NUSSLE. Madam Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Iowa.

Mr. NUSSLE. Madam Chairman, then it should not hurt at all.

Mr. YATES. Madam Chairman, if the gentleman will continue to yield, on

the contrary. The gentleman is eliminating funding for taking the oil out of the ground, should an emergency arise, and also he will do away with the funding to correct the heating conditions.

Mr. KASICH. Madam Chairman, let me, first of all, again, compliment my colleagues on the Democrat side, the gentleman from Minnesota [Mr. PENNY] and the gentleman from California [Mr. CONDIT], who have taken some heat on this, and the gentleman from Iowa [Mr. NUSSLE], who basically was tied to a bumper on the back of a car and dragged around his district because he decided that we needed to be responsible, when he had a flood that affected his district.

Now we have come back, and we have got the gentleman from California [Mr. CONDIT] involved. He is not having a good day either.

But I want to tell Members that the vote we are going to have is nothing new. First of all, none of the entitlement programs that were in Penny-Kasich are contained in here. We use discretionary cuts or slow the increase in discretionary spending to offset the earthquake aid.

We hear about this $180 billion deficit that the President talked about. The deficit for this fiscal year is coming in at $235 billion. The 180 billion is a projection. I hope that is where we end up.

But even if we get to 180 billion in deficits, that is not a reason to pop the champagne corks, because the national debt is going up 38 percent.

□ 1640

There is a 38-percent increase in the national debt, and we all know it is future generations that will pay for this. Let us kind of get to the bottom line in terms of this amendment. We are not devastating any programs. Penny-Kasich, in and of itself, only cut a penny on a dollar over 5 years. This is a tiny little nick. This is a tiny little nick in the massive increase in Federal spending.

I want to tell the Members what I am most concerned about here today. It is kind of a constant murmur that is going on throughout the House. I think we have to think about it as we are headed over here to cast our vote on paying for this program.

Let me tell the Members what it is. The murmur goes something like this: "I am not going to vote. I am not going to vote to nick any spending in my district, to send to those people out there in California."

I say to my colleague, the gentleman from California and I say this not for the purpose of debate, but to make the point to him, can he imagine that there is a murmur among some of our colleagues who say, "Hey, I am not going to let my district be affected to send anything to help those people out there in California."

Let me say, that may be human nature, but that is not the American spirit. Do the Members know what the American spirit is? When somebody's barn blows down, we do not go and plow our own fields the next day. We saddle up the horse, and we go over to their barn. Do the Members know what we do? We raise their barn, together with our neighbors.

When the flood wiped my mother's family out, many years ago in McKees Rocks, PA, the neighbors came in and said, "What can we do to help you?"

In my neighborhood of Westerville, when a neighbor gets sick or when somebody dies in the neighborhood, do the Members know what we do? We stop our routine, we tighten our belt, and we say to those neighbors, "What can we do to help you?" That is what we are talking about here on this vote.

We are not talking about anything other than saying, all of America saying to the people in California, the son of the gentleman from California [Mr. DELLUMS], his condo was wiped out in California. What I want to say to my colleague, Mr. DELLUMS, I want to say, "I am ready to stand up with the people from central Ohio and all over this country in the time of your tragedy, and I am willing to nick, I am willing to nick some of the programs that we have out there to slow the increase in growth of these programs, to help you, because that is the American way. We tighten our belts, we hike up our pants, and we say to those who have been bit by tragedy, "We want to pitch in to help you." That is what this vote is all about. It is part of what may be wrong a little bit with our country.

They say that out in California when the earthquake hit, the people left their homes and they went to run next door to their neighbors, to visit their neighbors, and they found out that they did not know who their neighbors were.

This is the beginning of leadership by this Congress, to say to the American people, "We want to pitch in and help you. We don't want to saddle future generations with a bigger national debt and make somebody else pay."

I would say to the Members, come on, let us come to the floor. Let us come up with the $10 billion that we have provided in a package that Members have already voted for, either in the so-called Penny-Kasich amendment or in the so-called Sabo amendment. The only difference is some foreign aid we have cut back, and slowing some Federal land acquisition.

Come to the floor and let us make a good decision here to help the people of California, a vote that helps future generations, and one that provides some leadership for the way we ought to be to our neighbors, no matter where they live in this country.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY].

Ms. MARGOLIES-MEZVINSKY. Madam Chairman, this has been a difficult winter for many people, from the citizens of California whose lives were devastated by the California earthquake to people who, for lack of money, cannot afford to heat their homes during the cold snap in the East.

Fornuately, Americans are generous.

Today, we are debating how our Government can help. And we should help. But, just as many people are facing a catastrophe because of these natural causes, the American people face another type of catastrophe, a budget catastrophe.

The natural catastrophe we cannot control; the budget catastrophe we not only control, but we have created. Unless we make the difficult decisions today, we only hasten the onset of something far worse tomorrow.

For that reason, I ask all of my colleagues to support this amendment. Let us help the victims of this winter's natural disasters, while also supporting our children and our grandchildren by not burdening them with additional debt.

Let us pass this important aid, but do it in a fiscally responsible manner. Support the Penny-Kasich amendment.

Mr. NATCHER. I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Madam Chairman, I rise in strong opposition to this amendment. This amendment makes significant reductions to many existing programs and activities throughout the Government.

Most of the provisions in this amendment have not had the benefit of public hearings. We have seen no testimony, heard no witnesses, and have had no discussions among the members of the impact on many of these programs.

This amendment contains a number of items under the jurisdiction of my Subcommittee on Energy and Water Development. For example, the amendment includes a proposal to reduce the Department of Energy's magnetic fusion program by $70 million. A reduction of that size would paralyze the domestic fusion research and development program and seriously jeopardize the international program involving Russia, Europe, Japan, and the United States. The proposed reduction would be a serious threat to this program's ability to provide a safe, environmentally attractive, inexhaustible and competitively priced source of energy for our future.

This amendment also includes a proposed rescission of $138,289,000 for Corps of Engineers and Bureau of Reclamation projects which would jeopardize funding for any project in the corps' general investigations and construction, general programs and the Bureau's construction program that did not meet the criteria established by the amendment.

The criteria would have the effect of removing the Congress from the decision making process on individual Corps of Engineers and Bureau of Reclamation projects, and permit the executive branch to make the determination if a project will move forward or stop. The criteria is written so broadly that it would permit the administration to withhold funding for a project even if that project is underway, is authorized, is economically justified, and is being cost-shared as required by law simply because it does not meet certain policies of the corps and/or OMB.

While the amendment does not specify which projects will be terminated, it could jeopardize funding for almost 100 projects included in our fiscal year 1994 appropriations bill.

Madam Chairman, we rejected these proposals last November and we should reject them again. I urge all my colleagues to vote "no" on this amendment.

Mr. NUSSLE. Madam Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Chairwoman, this amendment has many good features.

It reduces funds going to the World Bank by $28 million.

It reduces foreign military aid by $26 million.

It reduces the ICC by $10 million. I do not know anyone the ICC helps, other than those who work for it.

It reduces land acquisition funds by $189 million. The Federal Government owns almost one third of our land already, and cannot even take good care of what it now has.

Most of the savings, over $1.5 billion, come from the 252,000 reduction in Federal employees which has been advocated by President Clinton himself.

Almost all of these reductions are things that the overwhelming majority of our constituents would reduce or cut if given the chance to do so.

However, I need to mention one specific reduction.

The amendment reduces the amount for new Federal buildings by $160 million.

Former Mayor Koch of New York said this in a recent column:

> The federal government is nutty. Given the collapse of the commercial real estate market, vacancy rates are in the double digits in many cities, as high as 25 percent in New York City. So why is the federal government building new federal office buildings in Atlanta, Philadelphia, New York and elsewhere to house government agencies instead of renting or purchasing existing space? It brings to mind the old line, "I'm from the government and I'm here to help you.

This is a relatively small cut percentagewise.

We need to build some buildings—but we do not need some of the lavish ones we are building.

□ 1650

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Madam Chairman, I thank the gentleman for yielding the time.

Madam Chairman, I rise in opposition to the amendment. I was interested in the remarks of the gentleman from Ohio, and I have been listening to his speeches for a long time, and the more he talks the better he gets. But in this particular case, rather than giving a good speech, which he did, I think we ought to examine the content.

We all know that Americans are very charitable, and to help our neighbors who are in distress we do in fact suck it up, tighten our belt and voluntarily sacrifice so that they can be made whole. That, however, is not what this amendment is all about. This amendment is about requiring the Congress and the Federal Government to tell people not that they are going to volunteer their resources to help someone else, but they are going to be forced to sacrifice for someone else.

In the Department of Transportation, this amendment has some dire consequences for the average working American in this country. For example, it includes $250 million from the transit operating expenses. That equates to 46 percent of the unobligated balance remaining in the operating subsidy account. Los Angeles has requested $57 million from the transit administration for operating assistance, and if that is approved, the remaining operating assistance not yet obligated would have to be cut by 52 percent.

Further, cities like Boston and Minneapolis, which have already received their operating assistance funding for the year, would be exempt from the cuts. So Minneapolis and Boston would not be in the mode of forced sacrifice.

But there are other cities that are not so fortunate.

Madam Chairman, I rise in opposition to the amendment.

The amendment would reduce funding available to agencies and activities funded in the Transportation Appropriations Act by more than $1 billion. Of that amount, nearly $700 million has already been rescinded by H.R. 3511. That legislation will be offered as an amendment to this bill by Mr. FAZIO. I support those reductions. It is the additional $500 to $600 million of the Nussle amendment that is so troublesome.

It includes $250 million from transit operating expenses. This equates to 46 percent of the unobligated balance remaining in the operating subsidy account. Los Angeles has requested $57 million from the Federal Transit Administration for operating assistance. If that is approved, the remaining operating assistance not yet obligated would have to be cut by 52 percent. Cities like Boston and Minneapolis that have already received all their operating assistance funding for the year would be exempt from cuts. Others would not be so fortunate. The Chicago area could lose $26 million. Detroit could lose $11 million. San Francisco, $6 million. I have a list that shows the effect of the $250 million reduction for all affected communities. And it is not just large cities. Tucson would lose nearly $1 million. Davenport-Rock Island would lose more than $500,000.

In areas under 200,000 in population where Federal operating assistance averages 20 percent of the total operating expenses, a 52-percent cut would probably result in at least a 20-percent reduction in service. Some systems might be forced to close totally for a period of time. The economic and social disruptions caused by such a cut in service would be enormous.

The amendment would also reduce administrative expenses of the Department of Transportation by $265 million. But the wording of the amendment would cut much more than just true administrative expenses. Major acquisition programs of the Coast Guard and the Federal Aviation Administration would be included. Items that could be reduced or eliminated include aids to navigation, aircraft parts and weather observation equipment. Other items that would be subject to reduction include communications contracts of the FAA, which would directly affect the safety and efficiency of the air traffic control system. Throughout the government, I am sure there would be many more such instances. I can't believe that is the intent of the gentleman's amendment.

The gentleman's amendment also would reduce funding for civilian personnel expenses by $1.6 billion. Apparently, this is supposed to represent the 1994 part of the 252,000 employee reduction. For fiscal year 1994, however, those cuts have already been made. Thus, the gentleman's amendment would take that money twice, resulting in further personnel reductions. For the Department of Transportation, this would mean an additional reduction of approximately $90 million. Coming at this time in the year, such a reduction would be extremely disruptive, probably necessitating a major reduction in force.

Mr. NATCHER. Madam Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Chairman, this is a tough choice. This is a very difficult vote. This is a $20 billion problem since I was elected in 1991, and if this passes, we will have had $20 billion roughly go for disaster assistance, drought assistance, Midwest flood, L.A. riots, Chicago flood, hurricanes in Florida, Louisiana, and Hawaii. It could be another $20 billion in the next 4 years. So I encourage the Members to carefully consider the importance of this vote.

I have worked diligently with the gentleman from Minnesota [Mr. PENNY] and the gentleman from Ohio [Mr. KASICH], and I respect them both deeply. I have worked against rules to defeat budgets that I think are over budget, worked against the advanced solid rocket motor, and the space station, and I will continue to do so be-

cause we have done much on the deficit, but much much more needs to be done.

But I hear my colleagues, when I voted for Penny-Kasich of $90 billion in cuts, say this is the same thing. It is not the same thing. it is not close to the same thing. It is not close to the same thing. This is very different, and it is different in a simple way. Penny-Kasich had a shared sacrifice, a shared benefit for deficit reduction which was good for everybody. This is targeted sacrifice, it is targeted benefit, and it will create other disasters if we set this precedent for policy.

If we cut billions of dollars from Chicago, which is not in my district, for community development block grants and education, and we vote for, and I will vote for a tough crime bill, we will be taking the preventive measures away from these children.

I encourage Members before they vote today to look at the third page of the Washington Post and the Chicago papers and see that in America, not Calcutta, 19 children were fighting for food with rats and lice. This is a tough choice. But make sure that we keep our money in for prevention. Do not vote for this amendment. Let us look for a long-term solution.

I have not been happy with the Speaker's lack of progress on appointing a committee. He finally appointed the gentleman from Illinois [Mr. DURBIN], and the gentleman from Missouri [Mr. EMERSON]. And I hope he appoints the rest of the committee today. I hope we look not just at FEMA, but at a long-term solution for the budget, and a long-term solution for making ways that we pay for this.

I have asked the Speaker for a letter, and he has given me his assurances on many of these things. But politics, ladies and gentlemen, is about tough choices. Do not let anybody tell you that the tough choice is Penny-Kasich. The tough choice is making sure that we come up with a just solution for this very difficult problem.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Madam Chairman, I appreciate the gentleman yielding the time. The gentleman from Indiana, my good friend, is right. This is a very difficult vote and a tough choice, but the good news is that Members do not need to have a long-term memory to understand what is happening here. They can act on their short-term memory, because this is the third time in just three years that we have had massive emergencies that have required us to break our commitments with respect to spending caps.

I was not happy when I went through the list of cuts that are on this amendment. Some of them made me smile because I agree with them. Some of them made me flinch a little bit, and some of them, frankly, made my stomach tight, understanding that they were on the list. But that is the essence of tough choices. That is the essence of bipartisanship.

But I think my friend, the gentleman from California [Mr. CONDIT] had it right at the beginning when he said that there are no good choices here today. But the final choice is whether we pay for this emergency ourselves, or whether we pay for it by asking our children to do so.

I choose to pay for it ourselves.

Mr. NATCHER. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Madam Chairman, I rise in strong opposition to the Penny-Kasich amendment. This amendment would unfairly and drastically cut U.S. development assistance to Africa, the poorest continent on Earth. U.S. aid to Africa is already disproportionately low compared to other parts of the world. To cut assistance further would be seriously detrimental to all we seek to achieve, both politically and economically, in Africa.

The proposed $200 million cut in the development fund for Africa, a 25-percent cut, would force termination of many desperately needed programs such as poverty reduction, child survival, basic education, and nutrition. I emphasize to Members that this most basic level of program is at issue. Do we truly want to cut this type of assistance to a continent stricken by famine, disease, and civil war?

To quote from AID Administrator Brian Atwood's testimony this morning, Penny-Kasich would be "devastating for South Africa." The South African election, scheduled for late April, will cap a remarkable transition from apartheid to nonracial democracy. Yet South Africa will need immediate assistance to ensure that the enormous transition is successful. Does this House really want to endanger the future of nonracial democracy in South Africa?

The American people, even in this anti-foreign-aid atmosphere, know right from wrong. The American people know morality from its opposite.

The right vote, the moral vote, is to defeat Penny-Kasich. I implore Members not to inflict yet more suffering on Africa.

Mr. NUSSLE. Madam Chairman, I yield 1 minute to my good friend and colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, as a Californian I support the need for earthquake relief. But as an American, I believe that we must provide this relief by making offsetting cuts, not by piling on further debt onto the backs of every man, woman, and child in California and in the rest of the United States.

□ 1700

Our national debt is destroying our children's future, and that threat is a much bigger threat than any of the proposed cuts in the list offered by our colleagues in the amendment before us. This amendment starts us off in a new direction by making offsetting cuts.

If we cannot sacrifice by cutting $10 billion in order to provide earthquake relief, we do not deserve to be here. We need to control our spending, Madam Chairman. Let us begin here.

I urge approval of this amendment.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, the disasters which we have witnessed in America in the last 12 months have demonstrated extraordinary acts of courage by Americans and extraordinary acts of political perfidy by this House of Representatives.

Today we are debating whether or not we are going to make substantial cuts in essential services in the Federal Government so that the victims of the California earthquake, who are looking for shelter and food, will receive our assistance. Those who argue that they are showing courage today by putting the fate of these victims on the line, I think, overstate the case. I think what they are suggesting in terms of cuts, in terms of essential services, are wrong, dead wrong. To cut 581 employees from the Food and Drugs Administration means, for every American family within the sound of my voice, we will not see drug approvals coming through as they should; approvals of medical devices to help people who are suffering; the inspection of mammography clinics, and inspection of those laboratories which are life and death in terms of the future of America's health. That is what we will sacrifice if the Penny-Kasich amendment passes.

To do that in the name of helping earthquake victims, I think, is dead wrong. It is morally wrong for us to create this choice. The best choice is to say that we are going to look at this problem in a serious, long-term fashion, to take the bipartisan task force which the Speaker has appointed to deal with disasters and come up with honest solutions.

The Penny-Kasich approach cuts those agencies in the U.S. Department of Agriculture which are responsible for helping today's flood victims. That makes no sense whatsoever.

Please keep in mind that somewhere in southern California in some shelter there sits a homeless person watching this debate wondering if this Congress will ever finish all of this hot air in time to deliver the kind of assistance they need to put their lives back in order.

Mr. PENNY. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, I appreciate the observation made by the gentleman from Illinois. He made a similar observation last summer when he accused those who wanted to pay for Midwest flood relief with budget cuts of slowing down flood assistance. In reality, it did not slow down flood assistance for a single day. Flood assistance money was already in the pipeline just as earthquake aid. Money is now already on the ground in California.

This debate will consume only another 20 minutes and will not slow down by 1 day the needed relief for California victims.

I am also encouraged that the gentleman from Illinois has been named as a cochairman of the commission to review disaster aid for the future. But, you know, we have dealt with disasters year after year, and we always borrow the money. We put it on the national credit card.

This last summer I am convinced that much of the talk about a task force to deal with disaster assistance was designed to get enough votes to borrow the money for one more disaster. Now, another disaster is upon us, and the best we have done is to name cochairmen of a task force. Evidently, this is designed to get us past one more disaster package without paying for it.

Sometime in the near future there will be a third disaster. We will be told at that time that there is an ongoing study by the task force, and we should not preempt the study, and we will borrow the money one more time for another disaster.

And somewhere not too much farther down the line, we will have another disaster, and we will be told that the study is near completion. And so now is not the time to pay for aid. Wait for the study to be completed.

My colleagues, now is the time to pay for aid. We have already put too much on the national credit card.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Madam Chairman, I thank you and I thank the chairman of the Committee on Appropriations for bringing a bill which has a massive impact on my district and is the basis on which we who represent the most impacted congressional districts can turn this terrible disaster around. I thank you so much. I thank everyone in this House who is contemplating supporting this bill for helping us at a time of need.

You know, I listened to the gentleman from Illinois [Mr. DURBIN] and others during the floods and the earlier disaster, and I empathized with what they were going through. I had no idea, I had no idea of the kind of devastation these things can cause to the people, to the homes, and to the businesses of a community.

But in 2 short weeks since this event happened, I have seen it in so many parts of my district impacting so many people who were struggling at the margins in any event, and I thank all of you, and I have a great feeling of appreciation for the incredible voluntary movements that exist in the Red Cross and Salvation Army and the massive help that FEMA has been.

Anyone who wants to dump on Federal employees and dismiss bureaucrats ought to watch this operation in action with Federal people coming from all over the country to provide this assistance.

But I just want to say we have to be accountable for our actions, and if this amendment were to pass, we are then asking Members of this body, Congressmen from New York City who are facing a $2 billion deficit in their city budget, or the Congressman from Cleveland or Chicago or from any of the rural areas to cut the lifeblood of their districts, the operating subsidies to their transit systems, the community development block grants, the rural electrification programs, the public works projects in their districts to help us. And we cannot be asking our Members to commit political suicide.

The support for this bill will evaporate if this amendment passes. You have to look at the consequences of your conduct.

If you care about providing this relief, you must oppose and defeat this amendment. I urge a no vote.

Mr. PENNY. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, I am trying to remain optimistic about the institution's ability to someday control spending. But I have got to tell you that sometimes that optimism tends to fade, because I have heard just a litany of people talking about how devastating these cuts are to all of these programs of the Federal Government.

Let us put it in perspective. $10 billion in cuts out of a year's worth of $500 billion in discretionary spending. Do you know what that is? Two percent. We are trying to cut discretionary spending over this fiscal year 2 percent. Do you know what the cut is out of the total budget of the United States? it is less than 1 percent.

I mean, people are running around here saying, "The sky is going to fall. We are not going to have oil. We are not going to be able to have any crops."

Hey, folks, are you kidding me? Are you kidding me about what you are saying on the floor today?

We are going to vote on a balanced-budget amendment, and you are telling me we cannot cut 1 percent? It is not a cut, a slowdown in the increase by 1 percent to pay for people who have been hit in an earthquake.

Man, somebody is not getting the message about what they are saying out across this country. They want us to act like a family, make some choices. I mean, you would think we were cutting this budget by 50 percent. We are talking about less than a 1-percent reduction in the increase in Federal spending to pay for people who got hit by an earthquake.

That is common sense to pay as you go. This message is depressing to me, because it brings into question a commitment to even set up an emergency fund, because an emergency fund would have to set probably 1 percent aside of the whole Federal budget. This is less than 1 percent, and you are saying no.

I mean, if we are going to set up a fund, we had better be prepared to step up to the plate and say we want to do something that makes some good fiscal sense for our country.

Support the Nussle amendment.

Mr. NUSSLE. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Madam Chairman, I would like to comment for just a moment in reflection of the enthusiasm of my colleague who just spoke.

I cannot help but bring to the attention of the House that we find ourselves often stumbling over the law of unintended consequences. That's exactly what we are about to do here.

The Penny-Kasich package of last year was discussed by all of us. It was a very close vote.

To presume that we can now revisit that in the $9 billion Nussle-Kasich amendment and do what was intended then is a big mistake. Often, unintended consequences get in the way.

□ 1710

For example, in an area that is of great concern to a lot of my colleagues—controlling our borders—within the proposal that is before us there is a cut of $45.1 million which was appropriated for the Border Patrol in the 1994 appropriations budget process. That would have filled 581 new positions on the Border Patrol. The combination of new and redeployed agents will result in the presence of 620 additional Border Patrol agents on the line. INS plans to deploy 350 new agents as a result of that process. Attorney General Reno intends to announce tomorrow an enhancement of $368 million in the same area, and $300 million will be used to strengthen the Border Patrol.

If the Nussle-Kasich package is implemented, the rescissions proposed in that package will result in at least the following additional FTE cuts above and beyond those already planned: FBI agents, 329 positions gone; DEA, 91 positions; INS, 174 positions. Because the rescission will come 6 months into the fiscal year, reductions-in-force will be impractical. In order to achieve this

level of FTE reductions, the Justice Department will be forced to implement massive furloughs, resulting in disruption in the whole process regarding Border Patrol efforts. The Department of Justice will be unable to implement any of the enhancements provided for them in this Border Patrol planning.

The whole point is that the way you implement this does the wrong thing in the wrong place at the wrong time. While we speak of innocuous cuts, this unintended consequence is anything but. This is an emergency bill, not a time to balance the budget.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Madam Chairman, this whole debate reminds me of something that a family does not do; and that is, a family, when it is presented with a crisis, must figure out a reprioritization of their needs. Unfortunately, this is not what we are doing here. What we are doing here reminds me of something that happens in dysfunctional families, and that is, we have got an alcoholic in the family and we are supporting that alcoholic's habit by allowing him to continue to drink. In fact, we are buying the liquor for him.

What we need to do in this House today is end the codependent relationship with the alcoholic uncle we have got and say to him that the time has come for us to make the choices. The time is today to cut spending so that we can afford to pay for the crisis that we have got in California. We support that crisis aid, we want to offer it, but we have got to cut the uncle off of the bottle.

Mr. NATCHER. Madam Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. I thank the chairman for yielding this time to me.

Madam Chairman, I thank the chairman and all of my colleagues who have worked so very hard to put this supplemental appropriation together.

For those of you who speak about the earthquake, you do not really understand the devastation. Let me point out to you that I spent 3 days there, 2 days at the epicenter of the earthquake where the building has fallen one full floor, where lives were lost, where apartment buildings split, where people are standing on the sidewalks with their children and their furniture, stunned; where hospitals are evacuated; where freeways are down. They are hurting.

Some people have lost everything they have. People who thought they had a home, they did not have insurance, and it is gone. They have no place to live, and they do not understand why we in Congress would stand here and blow a lot of smoke about cutting the budget at this time when they are in crisis.

They expect you to debate that at budget time. They do not mind a debate about cutting back the budget, but they really are going to think you are rather mean-spirited to use this crisis as a time to hold up an appropriation that could help them.

I beg you not to do that. We have had some wonderful help from our Secretaries Cisneros and Peña, who have been out in California working hard; let us rise to the occasion and do what they have done, do what the people need desperately.

Madam Chairman, I ask for an "aye" vote.

Mr. NATCHER. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. I thank the committee chairman for yielding this time to me.

Madam Chairman, I rise today in strong opposition to the Nussle-Penny-Kasich amendment.

Madam Chairman, as chairman of the Congressional Urban Caucus, I have to ask my colleagues offering this amendment today one question. Why?

Why are the majority of proposed offsets targeted at big-city America?

Mass transit operating funds, transit capital grants, community development block grants, airport grants, vouchers for new public housing, and aid to assist communities with defense cutbacks and base closures. The list goes on.

These are important programs. They provide job training. They provide housing. The transportation funds move people, goods and services, and employ thousands.

The legislation we are debating today will help the city of Los Angeles cope with the most costly tragedy America has ever experienced. This amendment would cripple Los Angeles' recovery even further. And it would send shock waves to cities across the country.

Let's look at one example: Mass transit funding. Los Angeles has never been a mass transit city. The terms traffic jam and Los Angeles are synonyms. L.A.'s commuting times are legendary.

Since the earthquake, people who would have been immobilized by damage to roads and highways, are able to move with the use of public transit. Ridership on L.A.'s Metrolink has grown to 30,000 additional riders daily. The same dependence on mass transit was seen in my city of Philadelphia and the entire Northeast when we froze because of the recent cold, snow, and ice. All cities need transit operating help, now, more than ever.

So, why are the sponsors of the bill proposing to cut transit funding? And all the other programs that will help L.A.'s residents get back on their feet?

And what good will this emergency funding really achieve if we create emergencies in other cities across America?

We all want to reduce the budget deficit. But we must reduce it in a way that does not hurt cities like L.A. and cripple the programs that serve them.

Let us reduce the budget in a thoughtful and rational manner.

Let us pass the earthquake aid package without creating aftershocks in the rest of Urban America.

Mr. NUSSLE. Madam Chairman, I yield 1 minute to my friend and colleague, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. I thank the gentleman for yielding this time to me.

Madam Chairman and my colleagues, I think it is time to refocus this debate. This debate is not about whether we are going to give the compassionate aid which is needed in Los Angeles; it is going to happen. It is going to happen regardless of what happens on this amendment.

The aid is going to flow.

This amendment is about whether Congress is going to kick the habit of giving out aid around America for disasters and then passing the bill on to our children and our grandchildren. The debate on this amendment is about whether we are willing to stand up and finally pay the bill.

For the last 5 years Congress has passed over $20 billion in disaster assistance, most of that paid for, but simply added to the debt.

There is a lot of talk today about cutting spending, you hear it all across America, from Members of Congress, that we need to cut spending—until it comes time to do it. Then we can never find it. We can never muster up the energy or the courage to say, "I will take my share of the cuts."

Let me remind my colleagues, Christmas is past, it is now time to pay the bills.

Mr. NATCHER. Madam Chairman, at this time I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Chairman, I concluded my previous remarks by asking for a "yes" vote. I did not mean that. I would like to correct that and ask for a "no" vote.

Mr. NATCHER. Madam Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I rise in opposition to the Penny-Kasich amendment and commend our chairman, the gentleman from Kentucky, Mr. NATCHER, for his swift action and tireless effort on behalf of the people who are affected by this disaster.

Madam Chairman, I urge a "no" vote on Penny-Kasich.

Mr. PENNY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this is a familiar debate. We have been down this road

before. We have faced other disaster situations in other regions of the country. And time and time again we convince ourselves that the responsible vote is to borrow more money.

For once, we need to challenge ourselves to do what all of America must do when faced with a crisis within their own family, within their own community; to do what all charitable groups within America do when there is a crisis in any part of America. And that is to pay as we go.

In our own family budget, when a crisis hits, we tighten our belts, we make some choices, and we eliminate some of the niceties in our family budget so we can focus on the necessity of the current crisis.

When a disaster hits in our community, we stop everything, and all of us join hands to fight that disaster and to help our neighbors in need. We make the sacrifice.

When a hurricane hits in Florida, or an earthquake hits in California, or a flood hits in the Midwest, collectively, as Americans, we join together and provide the support needed to bring relief to those who are suffering.

We send contributions to the Red Cross and to the Salvation Army and to the other private relief organizations. They don't rush in on a credit card. They rush in to help, and they challenge all of America to send money so we can finance the needed aid. That is the way America operates, but that is not the way we operate here in Washington, DC.

Church groups all across America, including my own church, sent relief groups down to hurricane-stricken southern Florida. My own sons and I traveled there last Easter break, to spend a week helping to rebuild that storm-ravaged region. That is the spirit of America.

But that is no longer the spirit that prevails here in the seat of our National Government. When it comes to a disaster here in America, we say,

By gosh, send them the money. But don't ask me to sacrifice. These programs are under my committee's jurisdiction. I don't want to cut them. Let me provide aid by borrowing the money. Don't tell me to sacrifice something within my committee's jurisdiction.

Or we come to the floor and say,

These programs are important to Chicago or New York or southern Minnesota or Nebraska, and I don't want to tell my constituents that there is any part of the Federal budget affecting my district that I am going to cut in order to provide much needed assistance to a region of the country that is devastated and suffering severely.

Madam Chairman, this is nonsense to most Americans. They want to see real leadership. They don't want to see this kind of irresponsible behavior.

Responsible leadership means making some tough choices. Borrowing money is never a tough choice. We found that out in the 1980's. We borrowed too much in the corporate sector; we borrowed too much on consumer debt. We borrowed ourselves into a recession. And we are now beginning to build back. This Government of America must strive to set an example for the rest of America.

This is a small proposition. This aid package is not tremendously expensive in the context of a $1.5 trillion national budget, and we are only proposing 70 modest cuts in 70 relatively inconsequential programs to pay for this earthquake aid.

This is a familiar list of cuts. We have voted on these before, and many we have adopted before, but they have not yet become the law of the land.

In the past we have talked about these spending cuts as a way to reduce the deficit. Today the very least we can do is adopt these spending cuts as a way of avoiding an addition to the deficit.

Madam Chairman, today is a moment of truth in many respects. The challenge is whether we will provide the right kind of leadership for America. When part of America is suffering, all of America is willing to share the sacrifice. Will we reflect that American spirit here on the floor of the House? yes or no? I think the answer should be yes. In order to do that, we must vote for the Nussle amendment.

Mr. NATCHER. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Chairman, the only way that this amendment can pass is if the Members of this body don't understand what they are doing. We have had no hearings about these cuts. We just received the most current, most precise, analysis of what this amendment will do.

At a time when we are about to pass a tough crime bill, do the Members of this body really want to eliminate 1,493 FBI agents? Do you really want to cut out 1,636 Bureau of Prison guards? When we are trying to deal with illegal immigrants, do you really want to eliminate 1,108 INS agents? When the American people are trying to struggle with a brand new tax act, brand new tax forms, do you really want to eliminate 7,200 Internal Revenue Service personnel? And do you really want to go home and explain to your veterans why you voted to eliminate, 13,586 people out of our VA hospitals? Do you really want to do that?

You need to know what is in this bill.

Mr. FAZIO. Madam Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from California.

Mr. FAZIO. Madam Chairman, this is another example of the law of unintended consequences. This is a Congress that came back here to pass a crime bill and crack down on illegal immigration, and our first act is totally counterproductive. I know every Member wants to inflict cuts on the legislative branch to show just how far we are willing to go to help these victims. What do we do? If we pass this amendment, we leave the Senate totally unscathed. Seventy-five hundred people would have been cut in the Senate had the amendment of the gentleman from Indiana [Mr. MYERS], been adopted. None of them will be if this Penny-Kasich-Nussle-Condit amendment is adopted.

So this is not what people portray it to be. It is a counterproductive and mistaken effort to make a gesture which I think is inappropriate at this time.

Madam Chairman, I want to point out the effects of this amendment on the legislative branch.

Section 2401 of the amendment to the disaster supplemental rescinds 2.8 percent of the funds appropriated in the fiscal year 1994 Legislative Branch Appropriations Act, except for funds for Senate operations and House official mail. House mail is rescinded by $5 million in section 2402.

Penny-Kasich had a comparable 7.5-percent rescission, but earlier in the year. At this point in the budget year, the section 2401—2.8 percent will probably equate to close to 6 percent of remaining balances. This assumes an early to mid-February approval of the bill by the President and one month to develop an employee and administrative cost reduction plan to achieve the $50 million savings required.

IMPACT

There are few options in the legislative branch in making reductions to current operations. The resources of the legislative branch are basically people and the computers and other administrative machinery that support the staff.

Our employees are among the lowest in average salary in Federal service.

For the approximately 23,000 legislative branch staff covered by this amendment, and assuming an average annual salary and benefit compensation of $50,000, a $50 million rescission would equate to about 2,000 staff at this time of the year—a 9 percent staffing reduction.

A proportionate reduction allocation of 2,000 would work out to be:

	Total approximate staff	Reduction required
House staff	10,000	870
Library of Congress	4,800	417
General Accounting Office	4,800	417
Architect of the Capitol	2,000	174
Capitol Police	1,300	113
Total	22,900	1,991

Such a personnel reduction would be accomplished by reducing:

Members office staff by 1 to 2 per office.

Committees by an average 4 to 5 per committee.

House computer personnel by 15.

Doorkeepers, finance clerks, floor clerks, etc., by 70 plus.

Congressional Budget Office: 20 of 220 staff.

Office of Technology Assessment: 15 of 205.

Congressional Research Service: 80 of 770.

General Accounting Office: 1250 of 4,800. In GAO's case, a much higher proportion of staff will be affected because of the requirements of their employee rights regulations.

Architect of the Capital: 174 of 2000.

An alternative would be a one-month furlough for each legislative branch employee.

OTHER IMPACTS

Reduction in reading room hours at the Library of Congress.

Either 100 or so depository libraries removed from program or significant reduction in Federal documents delivery.

Reductions of 7 to 15 in braille and audio publications for 700,000 books for blind and physically handicapped patrons of Library of Congress National Library Service.

Other reductions and delays in resolving Federal contractor bid protests [GAO]: Davis-Bacon employee settlements—GAO workload; meeting congressional needs for CBO scorekeeping, GAO audits, CRS services to Members and Committees; and an unknown cutback in GPO printing of congressional documents such as the CONGRESSIONAL RECORD, hearings, et cetera; and further delays in processing copyright registrations and royalty payments to copyright owners.

SECTION 2402

A $5 million mail rescission will cause termination of all bulk mailings from Members in about the June to July timeframe. This account may even now be underfunded at the current appropriation level of $40 million.

Mr. NUSSLE. Madam Chairman, I yield myself the balance of my time.

We have talked a lot about the family here today. I just want to put this in perspective a little bit. If the family budget was compared with the Federal budget, what this would mean if a family faced a crisis, they would have to come up with two hundred bucks. You would say to some families, on a $30,000 joint income, two hundred bucks is a lot of money. But you know what? If it was an emergency, they would figure it out. The wouldn't go borrow two hundred bucks. They would figure out ways here and there to cut their own family budgets. They wouldn't wait until the end of the year and save it for the budgeteers. They would not say we are going to cut people and throw them out on the street. They wouldn't say their kids are not going to be able to get shoes and starve.

Come on, don't be ridiculous. There is nobody out there that believes that for one second that this giant Federal budget cannot be cut 1 percent to fit this in for victims of an earthquake. In an emergency.

I think it is unconscionable to tell people from the well specifics that are not true, that are not in any way intended in this bill or even facts within the language.

There is no way that that is the case. The budget loophole that this came under says that we need emergencies in order to find this kind of a situation where we want to spend money off budget. It is an emergency.

But is this the emergency intended by the budgeteers? Is this the big earthquake in California? Is this the war where we are going to have to come up with hundreds of billions of dollars?

No. This is an emergency that we can fit into our family budget, our national budget. We can tighten our belt one little loop. This is all it takes. And do the right thing, so we don't have to pass this on to our children and our grandchildren.

The Fazio amendment is up next. It is going to cut a little bit, everybody is going to feel good. But let me tell you, it doesn't cut the mustard. We need to vote for the Nussle amendment in order to do the job and do the job right.

□ 1730

Mr. NATCHER. Madam Chairman, I yield the balance of my time to the distinguished gentleman from Missouri [Mr. GEPHARDT], our majority leader, to close debate.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 2 minutes.

Mr. GEPHARDT. Madam Chairman, in the past few days, there has been a lot of discussion about the best way to help the earthquake victims in southern California—how to write the legislation, how to foot the bill.

But what is really important in this discussion is not the process or the procedures we know so well—but a kind of human tragedy that is hard for any of us to know.

Imagine what it is like to work hard all your life, to save up to buy your own home—only to have that home slide off its foundation—and to know you've got to start all over again.

Imagine what it is like to wake up one day, living a comfortable middle-class life—and to wake up the next day sleeping on the street, and carrying your belongings in a plastic bag.

Imagine what it's like, living paycheck to paycheck, and being struck by a crisis that's just too big for your bank account.

Imagine what it is like to see the roads, the highways, the buildings, and businesses that have been a part of your everyday life, crumble to the ground like a house of cards.

And imagine what it is like for a city and a State—still mired in a deep, painful recession—to be dealt a devastating economic blow.

I am not going to pretend that I know what that is like. But I feel very deeply for the people of Los Angeles, because my district suffered that kind of devastation during last year's floods—when the tides of disaster washed away people's homes and cars and dreams.

I stood shoulder to shoulder with the people of Missouri, working to rebuild the damage caused by those floods. And there is a lot more rebuilding to do.

So I know the difference that Government aid can make—giving shelter and food and help with the rent, while our people get back on their feet.

It is not some kind of welfare. It is not even an act of charity. It is our profound obligation, born of extraordinary circumstance.

I'll never forget the words of one woman in Los Angeles, who has been sleeping with her family in a parking lot for the past few weeks. She told a newspaper reporter: "I've never asked the Government for a penny. We've always worked very hard. But I'm hoping now that they can help us."

When you look at the human suffering—when you look at the misery and tragedy caused by these disasters—and when you look at our ability to really help these people, to help them put their lives back together—then all the parliamentary rules and debates just pale by comparison.

Federal relief workers have done an outstanding job in Los Angeles—just as they did an outstanding job in my own community.

It is time for us to move past the discussion about earthquake aid, and to get the job done. It is time for us to sit down, and work out a solution—as quickly and as thoroughly as we can.

And it just doesn't make sense for that solution to come from our regular budget. After 12 years, we finally have an economic and budget policy that is working for American families. We are creating jobs, we're reducing the deficit, and we are doing more to meet the needs of our people.

The only way to keep us on that path to prosperity is by helping the Los Angeles area—which generates 7 percent of the entire Nation's gross national product—more than almost any other city in America.

But if every dollar of disaster aid must be matched by a dollar of painful cuts in day-to-day programs—beyond the tough cuts the President is about to propose—then we'll throw this modest recovery right off its course. And that certainly will not help the people of southern California.

That's not to say that I'm not concerned about the money this will cost. I am. That's why the Speaker, the minority leader, and I have appointed a special bipartisan task force, to look at ways to minimize the financial impact of these kinds of disasters, without compromising the effectiveness of our Government's response.

I think this task force will help us come up with some long-term answers. But we cannot change the rules in the middle of the game. Until we come up with a real, long-term approach that works, how can we treat the families of southern California any differently than the families of Florida, South Carolina, or the Midwest?

So let's act with the reason and compassion we have always demonstrated

in times of national crisis—and let us do it today.

Let us say to the people of southern California: this is not business as usual. We'll help you get back on your feet. And the promise of America will be fulfilled.

Mr. FORD of Michigan. Madam Chairman, I rise in opposition to the amendment.

The authors of the amendment, the gentlemen from Iowa, Minnesota, Ohio, and California, have an admirable aim: to maintain discipline in the budget and prevent increases in the deficit as we provide emergency aid to the victims of the Los Angeles earthquake. But some of the spending cuts they have targeted, already authorized and appropriated by Congress, are ill-considered. I want to bring to my colleagues' attention three items within the jurisdiction of the Committee on Education and Labor, which I have the honor to chair.

First, the amendment would raise the threshold for application of the Davis-Bacon Act from $2,000 to $100,000. The Davis-Bacon Act, as my colleagues know, requires contractors to pay prevailing wages on Federal and federally assisted construction projects. The act ensures fair competition among contractors and promotes quality work by requiring a wage structure that encourages the use of skilled employees.

So-called reform of Davis-Bacon is not relevant to this appropriations bill. The House has repeatedly opposed attempts to alter Davis-Bacon in the context of unrelated legislation. It has consistently supported legislative reform reported by the Committee on Education and Labor.

Chairman MURPHY, whose subcommittee has jurisdiction over Davis-Bacon, and I have introduced a reform bill, H.R. 1231, which would raise the application threshold, but only in the context of other reforms that ensure that changes are carefully balanced. For example, our bill would prohibit contractors from dividing their contracts into pieces to avoid the threshold.

H.R. 1231 is similar to bills that passed the House in recent Congresses. Chairman MURPHY and I intend to move it.

For these reasons, we should reject the piecemeal change proposed here.

Second, the amendment would cut $150 million from the Dislocated Worker Assistance Program, which helps people who have permanently lost their jobs learn new skills and get new jobs. The Congressional Budget Office and the Labor Department estimate that 2.2 million Americans will permanently lose their jobs this year. The money that has been appropriated will serve only a fraction of those in need. The amendment proposes to cut more than 10 percent of the program this year. It is unfair and illogical to make one group of Americans—who also need their Government's help to remain productive, taxpaying citizens—pay for desperately needed assistance to victims of the earthquake.

Again, this amendment would cripple our efforts to improve the dislocated worker program. Job training is a top priority of the Clinton administration this year. It is expected to be emphasized in the President's 1995 budget. The Labor Department has been working with my committee for months to reform our training programs. Yesterday, Secretary Reich and the President held a conference to discuss models of their proposed reforms from across the country. The committee looks forward to considering the administration's reform proposal encompassing those and other ideas.

Third, the amendment would cut $110 million in federally sponsored university research and development. The amendment would leave it to the Office of Management and Budget to make the cuts from among 28 accounts administered by agencies ranging from the National Institutes of Health to NASA to the Army.

The authors of the amendment have termed this a reduction in overhead, or in indirect research costs. There is nothing indirect about the effect reductions in reimbursements would have on research and the institutions that undertake these projects. These are valid costs as determined by OMB. They cover things like the cost of lighting or heating a research building. If these accounts were reduced, and OMB already has reduced them by about $100 million annually since 1991, the costs will have to be recovered elsewhere—in either research cutbacks or tuition hikes.

Again, this is a reduction in areas that the administration and Congress agree we need to promote: investment in our children's education and research that will increase our living standards.

This item has grave implications for the Nation's research centers, including the University of Michigan, one of our leading institutions. The University of Michigan, which is in my district, received $253 million in federally sponsored research in a wide range of scientific endeavors in fiscal 1993. No one knows what this amendment would mean for my school. I would like us to know what the full ramifications are before we act.

It is appropriate for Congress to set a budget for Federal support for research and development. Let us do it by the front door, by letting appropriate authorities decide what projects to fund, not by the back door, where we make arbitrary cuts whose implications are not fully understood.

I urge my colleagues to defeat the amendment.

Mr. SWIFT. Madam Chairman, I rise in opposition to this amendment, and in particular to take $10 million from the Interstate Commerce Commission. There are only two problems with this approach; it won't save any money, and it won't work.

First of all, the annual payroll of the ICC is $30 million. This amendment would cut this by a third. To RIF one-third of the Commission's employees would statutorily require 90 days advance time, and then statutory requirements for severance pay and lump-sum annual leave payments. But with the fiscal year half over, by the time you instituted a RIF you would likely have to let all your employees go when the money ran out.

Or you could offer a mix of involuntary retirement payments and unemployment compensation. Or you could require involuntary furloughs and pay out for unemployment compensation. But the end result of any of these approaches is that you achieve no savings and the work of independent agencies comes to a screeching halt.

And that is the second point. This amendment doesn't pass on the work of the ICC to the Department of Transportation—as other sunset amendments have at least attempted to do—it just tells the last employee to turn out the lights as they leave.

Ongoing cases, problems with shippers, or community concerns with rail abandonments, and the myriad of other day-in, day-out regulatory functions of the agency would stop in their tracks. That's not hard-nosed, prudent paring of Government waste. That's irresponsible grandstanding. This amendment hasn't been thought through; it will not save money, but it will do damage to communities and shippers who deserve better.

My friends, there is no free lunch; no savings, no sense in this kind of slash-and-burn amendment. I urge its defeat.

Mr. MINETA. Madam Chairman, I rise in opposition to the son of Penny-Kasich. As with their original amendment from last November to H.R. 3400, Reinventing Government, this amendment is short-sighted, undermines the emergency process of the Budget Act and includes major policy changes that have not received proper scrutiny. There are a number of reasons to vote against Penny-Kasich.

First of all, the Penny-Kasich cuts are too deep and are not equitable. Many of these, such as eliminating $150 million for the dislocated worker assistance program, are ill-conceived and unfair.

Second, it represents an impractical attempt at rewriting the Federal budget. We have never before required offsetting cuts when making a supplemental appropriation for a disaster. Never—not for Andrew, not for Iniki, not for the Midwest floods, not for Hugo, not for Loma Prieta—never. To now require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory.

The budget we adopt after long and tortuous debate is a planning document. Disasters cannot be planned and we know that at the time we adopt the budget. We know that major disasters might happen which would require us, in the urgency of that situation, to spend additional dollars on disaster relief. We cannot, when disaster strikes, tell the people suffering from it that we will be sending aid just as soon as we redebate and refigure the entire Federal budget—look how long it takes us to adopt a budget in the first place. It simply is not practical to say we will rewrite the Federal budget before we aid anyone in a major disaster. This is exactly the kind of red-tape runaround and delay we have been trying to get away from in disaster relief.

Third, Penny-Kasich includes major policy changes that have not received the benefit of proper legislative scrutiny.

This is no way to legislate. A proposal like this should not simply be slapped together over a weekend and then be brought up for a vote.

It is very easy, and often very valuable, for people to throw out ideas for consideration without all the details worked out. However, it is part of the job of the Congress to work out those with no opportunity to measure and weigh in detail the changes it would bring, would, in my opinion, be an abrogation of our responsibility as legislators.

Mr. Speaker, for me and many other Members, Penny-Kasich brings back bad memories. In 1981, the Reagan administration submitted an omnibus reconciliation bill. That bill was over 4,000 pages and included proposed savings of $43 billion. Like Penny-Kasich, it, too, involved complex issues; it, too, was railroaded through the Congress; and it, too, was not understood in terms of its ramifications. As Members may recall, that effort turned out to be a disaster—a disaster for the economy and for the legislative process.

We don't need a repeat of that today. Vote no on Penny-Kasich—Penny-Kasich 1 was wrong; Penny-Kasich 2 is no better.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa [Mr. NUSSLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 240, not voting 21, as follows:

[Roll No. 10]

AYES—178

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gilchrest
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Leach
Levy
Lightfoot
Linder
Livingston
Long
Mann
Manzullo
Margolies-Mezvinsky
Mazzoli
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McMillan
Meehan
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Zeliff
Zimmer

NOES—240

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Emerson
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey
Machtley
Maloney
Manton
Martinez
Matsui
McCandless
McCloskey
McDermott
McHale
McKeon
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Quillen
Rahall
Rangel
Reed
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—21

Andrews (TX)
Bentley
Brooks
Chapman
Collins (IL)
Crane
Green
Hastings
King
Lehman
Lewis (FL)
Markey
Michel
Murphy
Neal (MA)
Owens
Pomeroy
Reynolds
Shepherd
Smith (OR)
Washington

□ 1753

The Clerk announced the following pairs:

On this vote:

Mr. King for, with Mrs. Collins of Illinois against.

Mr. Smith of Oregon for, with Mr. Neal of Massachusetts against.

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. 3 printed in part 2 of House Report 103-416.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Madam 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. FAZIO: at the end of the bill insert the following:

"TITLE II—RESCISSIONS OF BUDGET AUTHORITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Fiscal Year 1994 Rescission Act".

Chapter 1—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(RESCISSION AND TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103-111 and subsequently transferred to the Human Nutrition Information Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, $1,000,000 are rescinded and the remaining funds are transferred to the Agricultural Research Service: *Provided*, That funds appropriated by Public Law 103-111 for the functions of the former Human Nutrition Information Service shall be made available only to the Agricultural Research Service.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $14,279,000 are rescinded, including $4,375,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $7,000,000 for competitive research grants; and $2,904,000 for necessary expenses of the Cooperative State Research Service.

BUILDING AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $2,897,000 are rescinded.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(RESCISSION AND TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103-111 and subsequently transferred to the Agricultural Cooperative Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, $100,000 are rescinded and the remaining funds are transferred to the Rural Development Administration.

PAYMENTS TO STATES AND POSSESSIONS

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103-111 and subsequently transferred to the Agriculture Cooperative Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, $435,000 are transferred to the Rural Development Administration.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111 for the cost of direct section 502 loans, $35,000,000 are rescinded.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111 for the cost of direct loans, $20,000,000 are rescinded.

RURAL WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $25,000,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $12,167,000 are rescinded.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $12,600,000 are rescinded.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $6,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111 for commodities supplied in connection with title III, $20,000,000 are rescinded.

Chapter 2—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $29,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-121, $3,000,000 are rescinded.

DEPARTMENT OF JUSTICE

ADMINISTRATIVE PROVISION

For fiscal year 1994 only, the Director of the Bureau of Justice Assistance, upon good cause shown, may waive the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 for projects located in communities covered under a Presidentially declared disaster pursuant to the Robert T. Safford Disaster Relief and Emergency Assistance Act.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying Power Maintenance account, $8,800,000 are rescinded.

NEW DIPLOMATIC POSTS

(RESCISSION)

Of the funds made available for the United States Information Agency under this heading in Public Law 102-395, $1,000,000 are rescinded.

ADMINISTRATIVE PROVISION

Subject to enactment of legislation authorizing the Secretary of State to charge a fee or surcharge for processing machine readable non-immigrant visas and machine readable combined border crossing identification cards and no-immigrant visas, the Secretary of State may collect not to exceed $20,000,000 in additional fees or surcharges during fiscal year 1994 pursuant to such authority: *Provided*, That such additional fees shall be deposited as an offsetting collection to the Department of State, Administration of Foreign Affairs, "Diplomatic and Consular Programs" appropriation account and such fees shall remain available until expended: *Provided further*, That such collections shall be available only to modernize, automate, and enhance consular services and counterterrorism activities of the Department of State, to include the development and installation of automated visa and namecheck information systems, secure travel documents, worldwide telecommunications systems, and management systems to permit sharing of critical information regarding visa applicants and help secure America's borders.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading, $1,700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $1,177,000 are rescinded.

Notwithstanding the provisions of this or any other Act, not to exceed $2,000,000 of the funds made available under this heading in Public Law 103-121 may be used to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad: *Provided*, That such funds may remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $850,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $2,000,000 are rescinded.

Chapter 3—Energy and Water Development

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $16,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-126, $97,300,000 are rescinded: *Provided*, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project, or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103-126.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

Chapter 4—Foreign Operations, Export Financing, and Related Agencies

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INTERNATONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

(RESCISSION)

Of the unexpended or unobligated balances made available for payment to the International Bank for Reconstruction and Development for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $27,910,500 is rescinded.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Notwithstanding Public Law 103-87, the United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $902,439,500.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

(RESCISSION)

Of the unexpended or unobligated balances made available for payment to the Inter-

American Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock $16,063,134 is rescinded.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Notwithstanding Public Law 103-87, the United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $1,563,875,725.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

(RESCISSION)

Of the unexpended or unobligated balances made available for payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock $13,026,366 is rescinded.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Notwithstanding Public Law 103-87, the United States Governor of the Asian Development Bank may not subscribe in fiscal year 1994 to the callable capital portion of the United States share of any increases in capital stock.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the unexpended or unobligated balances (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, as amended, $160,000,000 is rescinded: *Provided*, That funds rescinded under this paragraph are to be derived from the following countries in the following amounts: Guatemala, $8,000,000; Honduras, $5,000,000; India, $10,000,000; Indonesia, $15,000,000; Morocco, $10,000,000; Pakistan, $15,000,000; Peru, $5,000,000; Philippines, $10,000,000; Thailand, $10,000,000; and Yemen, $5,000,000: *Provided further*, That $10,000,000 of the funds rescinded under this paragraph are to be derived from non-country specific, centrally funded activities: *Provided further*, That $57,000,000 of the funds rescinded under this paragraph are to be derived from prior year deobligated funds.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $90,000,000 is rescinded: *Provided*, That funds rescinded under this paragraph are to be derived from the following countries in the following amounts: Kenya, $2,000,000; Liberia, $797,000; Oman, $18,000,000; Peru, $11,000,000; Philippines, $10,200,000; and Somalia, $3,003,000: *Provided further*, That $45,000,000 of the funds rescinded under this paragraph are to be derived from the Private Sector Power Project (No. 391-0494) for Pakistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the grant funds made available (including earmarked funds) under this heading in Public Law 102-391 and prior appropriations Acts, $66,000,000 is rescinded: *Provided*, That funds rescinded under this paragraph are to be derived from the following countries in the following amounts: Benin, $3,000; Cameroon, $161,000; Central African Republic, $59,000; Congo, $7,000; Cote D'Ivoire, $128,000; Equatorial Guinea, $86,000; Gabon, $3,000; Ghana, $600,000; Guatemala, $1,563,000; Guinea, $499,000; Kenya, $9,000,000; Liberia, $15,000; Madagascar, $505,000; Mali, $3,000; Malawi, $326,000; Mauritania, $300,000; Morocco, $8,000,000; Organization of American States, $6,000; Oman, $3,100,000; Pakistan, $8,108,000; Peru, $6,533,000; Philippines, $5,000,000; Rwanda, $250,000; Sao Tome & Principe, $228,000; Somalia, $4,349,000; Sudan, $8,609,000; Thailand, $1,384,000; Togo, $19,000; Tunisia, $4,100,000; Uganda, $100,000; Yemen, $2,241,000; Zambia, $100,000; Zaire, $455,000; and Zimbabwe, $160,000.

Chapter 5—Department of the Interior and Related Agencies

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds appropriated under this head in Public Law 100-466 and Public Law 102-154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this head, $16,275,000 are rescinded.

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97-257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101-512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102-154, both concerning Federal employment, are repealed.

Chapter 6—Departments of Labor, Health and Human Services, Education, and Related Agencies

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Health and Human Services (except the Social Security Administration), $37,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Of the amounts appropriated under this heading in Public Law 103-112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

Chapter 7—Legistlative Branch

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 101-520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102-90 $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000; "COMMITTEE ON THE BUDGET (STUDIES)", $4,000; "STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000; "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, as follows:

"Office of the Postmaster", $19,000; "for salaries and expenses of the Office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-392 and Public Law 103-69, $1,000,000 and $2,000,000, respectively, both made available until expended, are rescinded: *Provided*, That the Architect of the Capitol shall be considered the agency for purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69 and Public Law 98-396, $900,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-69, $1,300,000 are rescinded.

Chapter 8—Department of Defense-Military

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds appropriated under Public Law 103-110, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $22,319,000;

Military Construction, Navy, $13,969,000;

Military Construction, Air Force, $24,787,000;

Military Construction, Defense-Wide, $13,663,000;

Military Construction, Army National Guard, $7,568,000;

Military Construction, Air National Guard, $6,187,000;

Military Construction, Army Reserve, $2,551,000;

Military Construction, Naval Reserve, $626,000;

Military Construction, Air Force Reserve, $1,862,000;

North Atlantic Treaty Organization Infrastructure, $70,000,000; and

Base Realignment and Closure Account, Part III, $437,692,000:

Provided, That, within funds available for "Base Realignment and Closure Account, Part III" for fiscal year 1994, not less than $200,000,000 shall be available solely for environmental restoration.

Chapter 9—Department of Transportation and Related Agencies

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The funds provided for "Small community air service" under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the funds made available for obligation in Public Law 103-122 are rescinded.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the funds provided under this heading in Public Law 102-368, $5,000,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the funds provided under this heading in Public Law 102-368, $2,000,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-122, $750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances (including earmarked funds) under this heading, $29,451,111 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds provided under the Airport and Airway Improvement Act of 1982, as amended, for grants-in-aid for airport planning and development and noise compatibility planning and programs, $488,200,000 of the amount in excess of the funds made available for obligation in Public Law 103-122 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(RESCISSION)

Of the funds made available for specific highway projects that are not yet under construction, $85,774,222 are rescinded: *Provided*, That no funds shall be rescinded from any emergency relief project funded under section 125 of title 23, United States Code: *Provided further*, That for the purposes of this paragraph, a project shall be deemed to be not under construction unless a construction contract for physical construction has been awarded by the State, municipality, or other contracting authority.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(RESCISSION)

Of the amounts provided under this heading in Public Law 102-388, $3,476,000 are rescinded.

Of the amounts provided under this heading in Public Law 101-516, $1,075,000 are rescinded.

Of the amounts provided under this heading in Public Law 101-164, $2,505,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Any unobligated balances of funds made available for fiscal year 1991 and prior fiscal years under section 3 of the Federal Transit Act, as amended, and allocated to specific projects for the replacement, rehabilitation, and purchase of buses and related equipment, for construction of bus-related facilities, and for new fixed guideway systems are rescinded: *Provided*, That no funds provided for the Miami Metromover project shall be rescinded: *Provided further*, That of the funds provided under this heading in Public Law 103-122, $2,500,000 are rescinded.

Chapter 10—Treasury, Postal Service, and General Government

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $126,022,000, are rescinded and are not available in fiscal year 1994: *Provided*, That no individual prospectus-level new construction project may be reduced by more than 5 percent.

ADMINISTRATIVE PROVISION

Section 630 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102-393), and the amendment made by that section, are repealed.

Chapter 11—Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $26,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389 and Public Law 102-139, $66,000,000 are rescinded: *Provided*, That of the foregoing amount, $34,000,000 shall be deducted from the amounts earmarked for the HOPE for Public and Indian Housing Homeownership Program and $32,000,000 shall be deducted from the amounts earmarked for the HOPE for Homeownership of Multifamily Units Program.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389 and prior years, and earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, $25,000,000 are rescinded.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389 and prior years, $20,000,000 are rescinded.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the City of Slidell, Louisiana, is authorized to submit not later than 10 days following the enactment of this Act, and the Secretary of Housing and Urban Development shall consider, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(1)) in connection with a grant to the City of Slidell under title I of such Act for fiscal year 1994.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(INCLUDING RESCISSION OF FUNDS)

Of the funds made available under this heading in Public Law 103-124, $22,000,000 are rescinded: *Provided*, That the $500,000,000 earmarked under this heading in Public Law 103-124 to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $2,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $25,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $25,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $10,000,000 are rescinded.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL COMMUNITY SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $5,000,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103-124 is repealed.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. FAZIO], and a Member opposed, the gentleman from Pennsylvania [Mr. MCDADE] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we have had a long debate on this. I think the next amendment that I intended to offer would be broadly supported on both sides of the aisle, and I would like to engage my Republican colleague, the gentleman from Pennsylvania [Mr. MCDADE], in a discussion of how much time we may need to debate this issue.

Mr. MCDADE. Madam Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Pennsylvania.

Mr. MCDADE. Madam Chairman, let me say to my friend that in my opinion what we ought to do is to accept this and then move to the recommittal motion, and we ought to do it as quickly as we can for the convenience of the House. That is my opinion.

Mr. FAZIO. I appreciate the gentleman's comments. I only have one request for a colloquy on our side that is not related to the merits of the passage of the bill. Does the gentleman have others who wish to speak?

Mr. MCDADE. I would say to my friend the mood of the committee on this side is to move this amendment and be done with it. If the gentleman has a colloquy in which to engage, move to the colloquy and we will yield back our time and vote.

Mr. FAZIO. Madam Chairman, it is with reluctance that I offer this amendment today, not because the $2.5 billion in cuts I am offering are not important—I support them—but because I think it is inappropriate to be debating deficits at a time of national emergency.

IT'S NOT THE TIME TO DEBATE THE DEFICIT

People are hurting in Los Angeles as a result of the Northridge earthquake: 57 people died; 6,500 were injured; 25,000 homes have been destroyed or severely damaged, another 29,000 homes received minor damage; 100 public schools were severely damaged along with many other important public facilities, including miles of freeways and roads. Nearly 230,000 people have applied for disaster assistance. And, the Los Angeles area is still suffering from major aftershocks which have caused further damage.

In the face of this crisis, try telling the people of Los Angeles that you want to debate the deficit today.

Tell it to the thousands of families—mothers, fathers, children, grandparents—who lost one of the most basic necessities of life—a roof over their heads.

Go to the tent parks in Los Angeles and tell them you want to debate the deficit today.

Go to the unemployment offices and tell it to the additional 10,000 workers who filed for unemployment in Los Angeles last week.

Go to the school yards and tell the children who lost their homes and classrooms and whose parents are standing in food lines. Tell them you want to debate the deficit today.

How can we reduce this debate to a question of deficit numbers when human suffering and tragedy are unfolding before our eyes?

The Constitution clearly states that "Congress shall have power * * * to borrow money on the credit of the United States." This borrowing authority was granted by our Founding Fathers precisely to respond to national emergencies, such as the Los Angeles earthquake, the Midwest floods, and the Florida and Hawaii hurricanes.

This is not the time to debate the budget deficit.

DEFICIT ALREADY CUT, MORE CUTS TO COME

The fact of the matter is we have an annual budget process to follow in this body which is where we deal with the deficit. What's more, we already passed the largest deficit reduction plan in our Nation's history last year and it is working. Clearly, we need to do more, but the deficit is going down.

The projected deficit for fiscal year 1995 will be $180 billion, 40 percent lower than originally projected, and the lowest deficit in 5 years.

Next week, President Clinton will present the fiscal year 1995 budget which will eliminate 100 specific programs and make specific cuts in 300 additional areas. This President and this Congress are addressing the deficit in a constructive and very real way. And the markets are responding with the lowest interest rates in modern history.

DON'T SINGLE OUT CALIFORNIA

It is unfortunate that the citizens of southern California must be held hostage to a budget debate here in Congress at a time when their needs are the greatest.

California is only asking to have its emergency treated like all others that came before the Northridge earthquake. This Congress and this country responded to the real human crises that resulted from major natural disasters in the past. Seven times in the last 16 years Congress has passed emergency appropriations bills in response to major disasters. All of these bills have been off-budget and without offsets. We cannot and should not try to balance the budget on the backs of the people who are hurting in California.

PENNY-KASICH HURTS THE MOST VULNERABLE

It is extremely disconcerting that we are having this debate today. But even more disconcerting is how the Penny-Kasich amendment proposes to pay for the emergency assistance for Los Angeles. Penny-Kasich would take money from veterans medicine and surgical supplies. It cuts Social Security and Medicare. It cuts funding for dislocated workers. In short, Penny-Kasich attacks programs that help many of the most vulnerable people in society to pay for disaster assistance for people who are also vulnerable.

Further, Penny-Kasich would cut highway funding, housing funding, and economic development funding in other parts of the country to help those who are hurting in Los Angeles. In essence, the Penny-Kasich amendment simply robs Peter to pay Paul. It just doesn't make sense.

FAZIO AMENDMENT AS THE ALTERNATIVE

Today I am offering an amendment that will offset $2.5 billion of this emergency spending package. I present this amendment as the only responsible effort to offset the costs. My amendment is identical to the rescission package this House adopted last year, by a 429 to 1 vote, as part of the reinventing government bill (H.R. 3400). The Senate has never acted on this proposal so the rescission savings are still available to be captured.

Unlikely Penny-Kasich, though, my amendment does not hurt veterans or Social Security recipients. It does not cut highway and housing programs in other parts of the country to pay for highway and housing programs in Los Angeles. Rather, this amendment contains $2.5 billion in real spending cuts which have been carefully considered by the Appropriations Committee and which have been overwhelmingly approved by the House.

I would also point out to my colleagues that on Monday, President Clinton will present his fiscal year 1995 budget which will include another $5 billion in fiscal year 1994 rescissions. We all know that the Appropriations Committee has a long history of exceeding all Presidential rescission requests. Therefore, it is safe to assume that as part of the fiscal year 1995 appropriations process, this Congress will rescind more than $5 billion in fiscal year 1994 funds.

Coupled with my amendment, that will bring total fiscal year 1994 rescissions to over $7.5 billion. So I encourage my colleagues to take this into consideration.

FOR THE FUTURE

Clearly, Congress and the country need to enter into a constructive debate about how we should respond to disasters in the future. We should develop a disaster response policy that sets up a separate account to deal with such emergencies and will enable us to address the critical needs of Americans during a crisis without having to resort to this acrimonious debate time after time.

But, we should not try to debate this policy in the middle of an emergency, nor use this disaster assistance legislation today as a vehicle for Members' pet initiatives. We should not use this bill to debate immigration policy or Davis-Bacon reform or to debate the deficit.

It is time to help the people of Los Angeles and to respond to their needs.

I urge my colleagues to support the Fazio amendment. Let's not do harm to others as we try to help the citizens of Los Angeles. Let us concentrate on the crisis at hand and debate these other issues in a more appropriate forum. Support the Fazio amendment and pass this emergency relief bill now.

Madam Chairman, I yield to the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Madam Chairman, This amendment would have the effect of including rescissions in this bill that were already approved by the House last November. The origin of these rescissions is H.R. 3511, that was reported by the Committee on Appropriations last November. The amount of these specific rescissions is $2.5 billion in

nearly all areas of Government. We recommended them to the House at that time, and we do so again.

Including these rescissions in this bill will help move action in deficit reduction along. We will be able to conference these rescissions with the Senate and include them in this emergency bill that needs to be enacted quickly.

I urge adoption of this amendment.

Mr. FAZIO. Madam Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES] for purposes of engaging in a colloquy with the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Madam Chairman, will the gentleman from Ohio please yield for a question?

Mr. STOKES. Yes; I am happy to yield to the gentleman from Virginia.

Mr. SCOTT. Madam Chairman, on August 6, 1993, Petersburg, VA, the second most fiscally stressed city in the State, was hit by a series of tornadoes. Two sections of the city critical to its economy were the hardest hit, Old Towne and Pocahontas Island.

The city had commenced its effort to revitalize its tax base by purchasing property in Old Towne.

In addition, the city had acquired property on Pocahontas Island as a beginning step to stabilize the area. Pocahontas Island was originally settled by free blacks before the Civil War. These early residents of the island were a vital link in the Underground Railroad.

Recognizing the revenue potential of Old Towne and Pocahontas Island, the city had invested nearly $9.2 million over the past 5 years to improve these areas. On August 31, 1993, the Federal Emergency Management Agency denied the Governor's request for disaster area designation. Following a reconsideration request, President Clinton granted a major disaster declaration on December 22, 1993, for individual assistance only. Unfortunately, there are no Federal provisions for assisting commercial areas.

City officials in Petersburg estimate conservatively that the cleanup, restoration, and rehabilitation of Old Towne and Pocahontas Island will cost the city $3.35 million, 7½ percent of the city's $44.7 million operating budget. Los Angeles County estimates that its ultimate disaster-associated costs will total 6.3 percent of its budget and Los Angeles City estimates that the costs will equal 5.5 percent of its budget.

The impact of the disaster on the economy of Petersburg while lesser in dollar amount is no less significant on the economy of the jurisdiction than the earthquake on the financial condition of Los Angeles. Both areas need Federal assistance to overcome the disaster.

Assuming that the President and FEMA approve the request, are there sufficient funds to cover the eligible activities?

Mr. STOKES. In answer to the gentleman's question, at this time, there is sufficient funding in FEMA's disaster relief fund for other disasters.

Currently, $700 million remains unallocated for the disaster relief fund and available for disaster assistance.

Mr. SCOTT. Madam Chairman, I thank the gentleman for the colloquy.

Mr. TORRES. Madam Chairman, I rise today in support of the bill H.R. 3759 which provides emergency supplemental appropriations for disaster assistance for the victims of the recent Los Angeles earthquake, and I rise in support of the Fazio amendment.

As a Californian who has lived through and endured the earthquakes that have rocked my beautiful State, I cannot fully express how important disaster assistance truly is.

Our Nation has truly been tested in the last several years—from torrential floods in the Midwest, devastating hurricanes that have hit the east coast, Hawaii, and our Territories, to the fire storms that have raged through both northern and southern California. All of these disasters required emergency assistance and the quick response of FEMA. Our response to the Los Angeles earthquake should not be treated any differently from these other disasters. Our response should be quick and it should be compassionate for all of those affected.

We have sent emergency aid all over the world. We have relieved famine to feed the starving. We have provided clothes and shelter to those whose homes have been destroyed either by nature or by war. We have healed the sick and mended the broken. We sent $10 billion to aid Russia in its efforts to bolster its economy and move toward democracy. We have done all these things for so many others. We should not, we cannot, do any less for the people of Los Angeles County.

It is disconcerting to me that some have chosen to exploit this moment of tragedy for political gain by immigrant-bashing. This is not the time or the place to try to fix our Nation's immigration problems. Concerns about immigration control are best dealt with through the Nation's immigration policy—not through tinkering with disaster relief in this appropriations bill.

To come together over this crisis to achieve what should be our common goal—relief for the people of the area of Los Angeles—I offered a compromise amendment in the Appropriations Committee that was adopted and supported by a vast majority of members on both sides of the aisle.

In a time of crisis, we should not be adding layers of bureaucracy to a process which requires the utmost speed and efficiency. My amendment to this bill does not intend to create any such obstacles which could slow down Federal relief effort and cause discrimination against people who, for whatever reason, cannot come up with any documents. Let me state unequivocally that there is no immigration verification requirement imposed upon FEMA as a result of this legislation.

Indeed, in the interest of fairness, any eligibility verification procedure must be applied equally to all persons applying for assistance. Nothing in the amendment should be construed as authorizing any procedure that has the intent or effect of discriminating against persons suspected of being ineligible for services. I expect vigorous oversight and monitoring and immediate rectification of any discriminatory procedures that may mistakenly result from this legislation. That is the only way to avoid discriminatory treatment.

Any procedures adopted pursuant to this amendment must be in strict compliance with title VI of the Civil Rights Act of 1964, which requires that all federally funded services be made available on a nondiscriminatory basis.

We intend, with this amendment, not to deny emergency assistance to anyone who needs food, water, shelter, medical assistance, or other basic needs. The amendment does, however, place an immigration restriction for certain long-term services, consistent with other immigration restrictions which are already in the law.

Mr. Speaker, the people of the United States have a proud history of opening up our hearts to the victims of disasters everywhere. With this bill we will again open up our hearts and extend a helping hand to the people of Los Angeles. I urge my colleagues to support this emergency assistance bill.

□ 1800

Mr. McDADE. Madam Chairman, I yield back the balance of my time.

Mr. FAZIO. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FAZIO. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 2, not voting 22, as follows:

[Roll No. 11]

AYES—415

Abercrombie	Blute	Collins (MI)
Ackerman	Boehlert	Combest
Allard	Boehner	Condit
Andrews (ME)	Bonilla	Conyers
Andrews (NJ)	Bonior	Cooper
Applegate	Borski	Coppersmith
Archer	Boucher	Costello
Armey	Browder	Cox
Bacchus (FL)	Brown (CA)	Coyne
Bachus (AL)	Brown (FL)	Cramer
Baesler	Brown (OH)	Crapo
Baker (CA)	Bryant	Cunningham
Baker (LA)	Bunning	Danner
Ballenger	Burton	Darden
Barca	Buyer	de la Garza
Barcia	Byrne	de Lugo (VI)
Barlow	Callahan	Deal
Barrett (NE)	Calvert	DeFazio
Barrett (WI)	Camp	DeLauro
Bartlett	Canady	DeLay
Barton	Cantwell	Dellums
Bateman	Cardin	Derrick
Becerra	Carr	Deutsch
Beilenson	Castle	Diaz-Balart
Bereuter	Clay	Dickey
Berman	Clayton	Dicks
Bevill	Clement	Dingell
Bilbray	Clinger	Dixon
Bilirakis	Clyburn	Dooley
Bishop	Coble	Doolittle
Blackwell	Coleman	Dornan
Bliley	Collins (GA)	Dreier

Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Brewster
Goodling

NOT VOTING—22

Andrews (TX)
Bentley
Brooks
Chapman
Collins (IL)
Crane
Green
Hastings
Johnston
Lehman
Lewis (FL)
Markey
Michel
Murphy
Owens
Pomeroy
Reynolds
Shepherd
Smith (OR)
Torres
Vento
Washington

□ 1820

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments before the House?

Does the gentleman from Maryland [Mr. HOYER] wish to offer his amendment?

Mr. HOYER. Madam Chairman, I will not be offering my amendment at this time.

The CHAIRMAN. Under the rule, no further amendments being in order, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, pursuant to House Resolution 336, she reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MYERS of Indiana. Mr. Speaker, without the rescissions, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS moves to recommit the bill, H.R. 3759, to the Committee on Appropriations with instructions to report back the same forthwith to the House with the following amendment:

At the end of the bill:

(1) Insert the text of H.R. 3511, as reported by the Committee on Appropriations, making rescissions of $2.561 billion: and

(2) insert at the end thereof the following new sections:

SEC. . RESCISSION OF FUNDS CONNECTED WITH REDUCTION IN FULL TIME EQUIVALENT POSITIONS.

Of the aggregate funds made available to executive departments and agencies in appropriations Acts for fiscal year 1994 for purposes of employee compensation, with the exception of the Department of Defense, $750,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts and shall submit to the Congress a report setting forth such allocation;

SEC. . REDUCTION IN ADMINISTRATIVE EXPENSES.

(a) BUDGET OBLIGATIONS.—

(1) IN GENERAL.—The amount obligated by all departments and agencies, with the exception of the Department of Defense, for expenses during fiscal year 1994 shall be reduced by an amount sufficient to result in a reduction of $3,200,000,000 in outlays for expenses during fiscal year 1994. The Director of the Office of Management and Budget shall establish obligation limits for each agency and department in order to carry out the provision of this section.

(b) DEFINITION.—For purposes of this section the term "expenses" means the object classes identified by the Office of Management and Budget in Object Classes 21–26 as follows:

(1) 21.0: Travel and Transportation of Persons.

(2) 22.0: Transportation of Things.

(3) 23.2: Rental Payments to Others.

(4) 23.3: Communications, Utilities, and Misc.

(5) 24.0: Printing and Reproduction.

(6) 25.1: Consulting Services.

(7) 25.2: Other Services.

(8) 26.0: Supplies and Materials.

SEC. . RESCISSION OF FUNDS FROM SPR PETROLEUM ACCOUNT.

The unobligated balance of the funds in the SPR petroleum account on the date of the enactment of this Act is rescinded.

SEC. . RESCISSION OF FUNDS FROM TENNESSEE VALLEY AUTHORITY.

Of the funds in the National Fertilizer and Environmental Research Center account of the Tennessee Valley Authority, $10,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR LEGAL SERVICES CORPORATION.

Of the funds made available under the heading "Legal Services Corporation—Payment to the Legal Services Corporation" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. L. 103–121), $20,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR BATF.

Of the funds made available under the heading "Bureau of Alcohol, Tobacco and Firearms—Salaries and Expenses" in the Treasury, Postal Service, and General Government Appropriations Act, 1994 (Pub. L. 103–123), $2,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR COMMUNITY DEVELOPMENT GRANTS.

Of the funds made available under the heading "Community Planning and Develop-

ment—Community Development Grants" in the Department of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124) for grants, $400,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR MK-19 GRENADE LAUNCHER PROGRAM.

Of the funds made available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army" in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), $15,000,000 is rescinded, to be derived from the MK-19 Grenade Launcher Program.

SEC. . RESCISSION OF FUNDS FOR NOAA RESEARCH FLEET.

Of the funds made available under the heading "National Oceanic and Atmospheric Administration" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994 (Pub. 103-121), $17,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR EDA.

Of the funds made available under the heading "Economic Development Administration—Economic Development Assistance Programs" in the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 1994 (Pub. L. 103-121), $25,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR HOUSE FRANKING.

Of the funds made available under the heading "House of Representatives—Salaries and Expenses" in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), $2,000,000 is rescinded, to be derived from "Official Mail Costs".

SEC. . RESCISSION OF FUNDS FOR WORLD BANK.

Of the funds made available under the heading "Contribution to the International Bank for Reconstruction and Development" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Pub. L. 103-87), $25,000,000 is rescinded.

SEC. . RESCISSION OF FUNDS FOR AIRWAY SCIENCE PROGRAM.

FAA FACILITIES AND EQUIPMENT—Of the unobligated balance of funds made available under the heading "Federal Aviation Administration—Facilities and Equipment" in appropriations Acts for fiscal year 1994 and prior fiscal years, $13,000,000 is rescinded, to be derived from the airway science program.

SEC. . RESCISSION OF CERTAIN DEFENSE ADD-ONS.

(a) MILITARY CONSTRUCTION.—Of the funds made available under the heading "Military Construction, Army Reserve" in the Military Construction Appropriations Act, 1994 (Pub. L. 103-110), $15,000,000 is rescinded, to be derived from the Georgia-Fort McPherson Command Headquarters, Phase I, project.

(b) DEFENSE PROCUREMENT.—Of the funds made available in the Department of Defense Appropriations Act, 1994 (Pub. L. 103-139), the following amounts are rescinded from the following accounts and programs:

(1) "Other Procurement, Army": $15,000,000 to be derived from common hardware and software.

(2) "Other Procurement, Navy": $30,000,000 to be derived from spare and repair parts.

(3) "Other Procurement, Navy": $12,000,000 to be derived from weapons range support equipment.

(4) "Other Procurement, Army": $10,000,000 to be derived from tactical trailers/dolly sets.

(5) "Shipbuilding and Conversion, Navy": $50,000,000 to be derived from advance procurement of LHD-7.

SEC. . RESCISSION OF FUNDS FOR LEGISLATIVE BRANCH.

(a) IN GENERAL.—The funds made available for each account in the Legislative Branch Appropriations Act, 1994 (Pub. L. 103-69), are rescinded by 1.3 percent of such funds.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] is recognized for 5 minutes in support of his motion to recommit.

Mr. MYERS of Indiana. Mr. Speaker, the language in my motion to recommit is identical to the Myers amendment offered earlier this afternoon. We adequately discussed it then, and it was debated. Therefore, I shall take no more time.

Mr. Speaker, I ask for an aye vote on the motion to recommit. The Members have been here for a long time today, and I appreciate the earlier vote.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. NATCHER. Mr. Speaker I rise in opposition to the motion to recommit with instructions. We have already defeated this rescission proposal once today. It would make major reductions with significant impacts. Vote no on this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MYERS of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 228, not voting 21, as follows:

[Roll No. 12]

AYES—184

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McDade
McHugh
McInnis
McMillan
Meyers
Mica
Miller (FL)
Molinari
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Slattery
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)

Neal (NC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—21

Andrews (TX)
Bentley
Chapman
Collins (IL)
Crane
Green
Hastings
Johnston
Lehman
Lewis (FL)
Manton
Markey
Michel
Moorhead
Murphy
Owens
Pomeroy
Reynolds
Shepherd
Smith (OR)
Washington

□ 1843

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mr. Manton against.

Mr. MINGE changed his vote from "aye" to "no."

Mr. GALLEGLY and Mr. HOAGLAND changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEACH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 74, not voting 22, as follows:

[Roll No. 13]

AYES—337

Abercrombie
Ackerman
Andrews (ME)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
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Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pombo
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—74

Allard
Andrews (NJ)
Archer
Bartlett
Barton
Bliley
Boehner
Bonilla
Brewster
Bunning
Callahan
Clinger
Coble
Collins (GA)
Combest
Crapo
Deal
DeFazio
DeLay
Diaz-Balart
Duncan
Ehlers
Everett
Ewing
Fields (TX)
Fingerhut
Frank (MA)
Goodlatte
Goodling
Grams
Gutierrez
Hancock
Hansen
Hastert
Hefley
Hoke
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kingston
McInnis
Mica
Myers
Orton
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Portman
Quillen
Ramstad
Ros-Lehtinen
Roth
Rowland
Santorum
Schaefer
Sensenbrenner
Serrano
Shays
Shuster
Smith (MI)
Solomon
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Velazquez
Walker
Weldon
Zeliff
Zimmer

NOT VOTING—22

Andrews (TX)
Bentley
Brown (CA)
Chapman
Collins (IL)
Crane
Gilman
Green
Hastings
Johnston
Lehman
Lewis (FL)
Manton
Markey
Michel
Murphy
Owens
Pomeroy
Reynolds
Shepherd
Smith (OR)
Washington

□ 1852

The Clerk announced the following pairs:

On this vote:

Mr. Johnston of Florida for, with Mr. Smith of Oregon against.

Mr. Washington for, with Mr. Crane against.

Mr. McINNIS changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

Mr. GILMAN. Mr. Speaker. upon reviewing the legislative proceedings from Thursday, February 3, 1994, I was disturbed to learn that on rollcall vote No. 13, a recorded vote on final passage of H.R. 3759, my vote of "aye" was not recorded.

Accordingly, Mr. Speaker, I ask that my statement appear immediately adjacent to rollcall vote No. 13, the Emergency Supplemental Appropriations Act, noting that I would have voted "aye" for final passage.

PERSONAL EXPLANATION

Ms. SHEPHERD. Mr. Speaker, due to the passing of a close personal friend, Lynne Zimmerman, I was unable to vote. If I had been present I would have voted accordingly: Rollcall vote 5, "yea"; Rollcall vote 6, "yea"; Rollcall

vote 7, "yea"; Rollcall vote 8, "yea"; Rollcall vote 9, "yea"; Rollcall vote 10, "nay"; Rollcall vote 11, "yea"; Rollcall vote 12, "yea"; Rollcall vote 13, "yea".

PERSONAL EXPLANATION

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

Mr. MFUME. Mr. Speaker, earlier today, for several hours, I was unavoidably detained in my district and was thus unable to be present for several votes. Had I been here, I would have voted "aye" on rollcall vote No. 6, ordering the previous question; I would have voted "aye" on rollcall vote No. 7, on passage of House Resolution 336, a resolution providing for the consideration of H.R. 3759, the earthquake emergency supplemental; I would have voted "no" on rollcall vote No. 8, the amendment to H.R. 3759; and I would have voted "no" on rollcall vote No. 9, the Myers amendment to H.R. 3759.

LEGISLATIVE PROGRAM

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

Mr. WALKER. Mr. Speaker, I ask to proceed for the purpose of ascertaining from the majority leader the schedule for the upcoming week. And I am happy to yield to the distinguished gentleman from Missouri, Mr. GEPHARDT, to tell us what might be on tap for us next week.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Obviously our work is finished for today. There will not be a session tomorrow or votes tomorrow.

On Monday, February 7, the House will meet at noon but there will not be any legislative business.

On Tuesday, February 8, the House will meet at 2 p.m. and will consider suspensions. There is one at this point listed, Technology Related Assistance for Individuals With Disabilities Amendments of 1993.

On Wednesday, February 9 and the balance of the week, we will be meeting at noon on Wednesday, 11 a.m. on Thursday and Friday, if necessary. We will consider H.R. 811, the Independent Counsel Reauthorization Act of 1993, subject to a rule, and H.R. 3759, the Emergency Supplemental Appropriation, Earthquake Assistance Conference Report, subject to a rule. Obviously we want to complete that before the end of the week. That will depend on the Senate, the other body completing action.

There is also a possible addition of the Federal Employee Buyout Act which we are still working on, and we will be consulting with the minority about.

Mr. WALKER. That would occur on Wednesday or Thursday if that were to come up probably?

Mr. GEPHARDT. Wednesday or Thursday would be correct.

At the close of the week's business, the House will adjourn to meet at noon on Tuesday, February 22, for the Lincoln/Washington District work period.

Mr. WALKER. Did I catch a hint that perhaps there might be additional suspensions added?

Mr. GEPHARDT. That is correct. We will inform the gentleman of those.

Mr. WALKER. I thank the majority leader.

ADJOURNMENT TO MONDAY, FEBRUARY 7, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 8, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 7, 1994 it adjourn to meet at 2 p.m. on Tuesday, February 8.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY, FEBRUARY 9, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 8, 1994, it adjourn to meet at noon on Wednesday, February 9, 1994.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BIPARTISAN TASK FORCE ON NATURAL DISASTERS

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

Mr. GEPHARDT. Mr. Speaker, I would like to announce the names of the House Democratic Members that we would like to appoint to the Bipartisan Task Force on Natural Disasters, and also to announce the names of the Republican Members that the Republican leadership would like to appoint to the Bipartisan Task Force on Natural Disasters.

On the Democratic side, the Honorable RICHARD DURBIN of Illinois, cochairman, the Honorable JULIAN DIXON of California, the Honorable STENY HOYER of Maryland, the Honorable NEAL SMITH of Iowa, the Honorable NORMAN MINETA of California, the Honorable JOSEPH KENNEDY of Massachusetts, the Honorable DAVID MINGE of Minnesota, and the Honorable ELIZABETH FURSE of Oregon.

On the Republican side, the Honorable BILL EMERSON of Missouri, cochairman, the Honorable HOWARD MCKEON of California, the Honorable JIM NUSSLE of Iowa, the Honorable RALPH REGULA of Ohio, the Honorable JOE SKEEN of New Mexico, the Honorable KEN CALVERT of California, the Honorable LINCOLN DIAZ-BALART of Florida, and the Honorable CURT WELDON of Pennsylvania.

LIFTING THE TRADE EMBARGO ON VIETNAM

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

Mr. GIBBONS. Mr. Speaker, a few moments ago the President of the United States lifted the trade embargo on Vietnam. I rise to support his decision and to commend him for making a wise decision.

If we are truly interested in finding the whereabouts, and I believe we are truly interested in finding the whereabouts of those missing in action, I am convinced from my own investigation of this matter that what we must do is normalize relations and get more American presence in Vietnam.

It took courage on the part of the President to make this move. It should be supported. It puts an end to an unfortunate chapter in our American history.

It does not grant to the Vietnamese a normalized relationship. This is merely a step, a step, which as the President said when he lifted the embargo, that can be reversed if the Vietnamese do not continue to cooperate as they have been continuing to cooperate.

So I think the President has done the right thing. I support him, and I think we should all support him.

□ 1900

REPORT ON GREAT EGG HARBOR RIVER IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the fol-

lowing message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Natural Resources:

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Great Egg Harbor River in the State of New Jersey. The report is in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Great Egg Harbor Study was authorized by Public Law 99–590, approved on October 30, 1986.

The study of the Great Egg Harbor River was conducted by a task force made up of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service. The National Park Service, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The National Park Service determined that 129 miles of the Great Egg Harbor River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, botanic, and recreational values.

Eleven of the 12 affected local governing bodies endorsed designation of the eligible river segments. The lone exception, Upper Township on the Tuckahoe River tributary, did not take a position nor did the State of New Jersey.

Perhaps due to this overwhelming support, the 102d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of sections 4(a) and 5(a)(93) of the Wild and Scenic Rivers Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

REPORT ON MAURICE AND MANUMUSKIN RIVER AND MENANTICO CREEK IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Natural Resources:

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Maurice and Manumuskin River and Menantico Creek in the State of New Jersey. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–452, as amended. The study of the Maurice River and these two tributaries was authorized by Public Law 100–33, approved on May 7, 1987.

The study of the Maurice River and tributaries was conducted by a task force composed of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service (NPS). The NPS, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The NPS determined that 42.4 miles of the Maurice River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, and vegetative values. There are also important cultural values and surface water quality of the Manumuskin and Menantico is very good.

In accordance with the wishes of local government, the NPS did not consider Federal land acquisition or management as an alternative for protecting river resources. Instead, the study focused on assisting the political subdivisions in developing and adopting local measures for providing resource protection where existing protection had been inadequate.

Due to strong local and congressional support, the 103d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of section 4(a) and sections 5(a)(96) through 5(a)(98) of the Wild and Scenic Rivers Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

COMMUNICATION FROM DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Leonard P. Wishart III, Director, Non-Legislative and Financial Services, U.S. House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Over the past five months since we last met and discussed the position of the Director, I have become convinced that the situation which existed then is not likely to change. The difficulties I encountered last summer have persisted. Further, it appears that some individuals have begun to make the Director the issue, thus undermining the credibility of the office. That cannot be helpful to you or to the House.

Accordingly, I have reached the conclusion that my resignation would be in the best interest of all concerned. I request release from my appointment, effective January 21, 1994, or sooner, if convenient. I propose to turn over my responsibilities to Mr. Michael Shinay who is fully capable of assuming the duties of the Director, pending your final decision on a successor.

Mr. Speaker, I have appreciated your support and that of the Majority and Minority Leaders. I have continued to serve over these past several months knowing I could count on that support and believing in your joint commitment to the creation of a truly nonpartisan administrative structure. Unfortunately, I believe others have different agendas and my usefulness to you is at an end.

It is my sincere hope that a new Director will enjoy greater success and my departure now will achieve a more useful purpose than any short term benefit my continued service as Director might provide.

Sincerely,

LEONARD P. WISHART III,
Director.

THE CONGRESSIONAL BLACK CAUCUS AND THE NATION OF ISLAM AND MR. FARRAKHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, it is ironic that the Congressional Black Caucus cannot tolerate me, a black Republican, because of my conservative views, but would have such a difficult time divorcing themselves from Mr. Farrakhan and the Nation of Islam, a group whose leaders would preach racism, hatred, and bigotry.

It was wrong for the Congressional Black Caucus to have engaged in a so-called sacred covenant with this organization to begin with. The Congressional Black Caucus is a taxpayer-supported legislative service organization, and they should always have that in mind when they are conducting their business.

Based on news reports, I see the Nation of Islam and the Ku Klux Klan being somewhat similar. The Ku Klux Klan would hate blacks, Catholics, and Jews, while the Nation of Islam would seem to hate whites, Catholics, and Jews.

The Congressional Black Caucus has never rushed to embrace the Ku Klux

Klan, and they should not embrace the Nation of Islam.

I do not find Mr. Farrakhan's remarks today remorseful. On the contrary, he states that he agrees with his assistant's beliefs but disagrees with the way he expressed those beliefs.

I will continue to encourage the Congressional Black Caucus to formally sever their ties with Mr. Farrakhan and the Nation of Islam.

SUPERFUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, I am pleased to introduce today, by request of the administration, its proposal to reauthorize the Comprehensive Environmental Response, Compensation and Liability Act, popularly known as Superfund. Joining with me in this effort as joint sponsors are my distinguished colleagues, JOHN DINGELL, Chairman of the Committee on Energy and Commerce, NORM MINETA, Chairman of the Committee on Public Works and Transportation, DAN ROSTENKOWKSI, Chairman of the Ways and Means Committee and DOUG APPLEGATE, Chairman of the Public Works Committee's Subcommittee on Water Resources and Environment.

Mr. Speaker, the legislation we introduce today is the product of consultations with both bodies of Congress, and extensive discussions with Superfund stakeholders from industry, the environmental community, State, and local governments and community groups. The advisory committee process initiated by EPA last summer, as a part of the National Advisory Council on Environmental Policy and Technology—known as NACEPT—also played a major role in the development of this vitally important legislation.

I commend the administration and EPA for encouraging a broad public dialogue on Superfund and for undertaking such extensive outreach efforts. These actions helped immeasurably in identifying the major proposed solutions to those problems, and ultimately shaping the bill we are introducing today.

I should note, however, that while these consultations and discussions were extremely valuable, they were also very time consuming—which places us now in a difficult position. With the very little time remaining on the legislative calendar for this session, I sincerely believe that any significant interest group can singlehandedly kill this legislation simply by encouraging delay. But at the same time, I do not believe it is in anyone's interest for that to happen. Superfund is the program everyone loves to hate; all stakeholders are agreed that this program is in urgent need of reform and I am convinced that, if everyone comes to the table quickly and negotiates in good faith, consensus can be reached on the legislative changes that are required.

I believe the administration's bill represents a good beginning in the effort to achieve Superfund reform because it sets forth a reasonable middle ground on most of the issues. The bill is designed to speed the pace of cleanup at sites, reduce transaction costs, provide fairness in the allocation of shares of liability for cleanup, and greatly expand public participation in the cleanup process, from the initial listing of a site on the National Priorities List, through the study phase and final remedy selection.

I will summarize some of the bill's major provisions.

The administration proposes to address concerns that the Superfund remedy selection process has been too slow, too costly, and has provided inconsistent and sometimes inadequate protection of human health and the environment. The legislation would streamline the remedy selection process by requiring EPA to promulgate national cleanup levels for specific hazardous substances, pollutants and contaminants found at Superfund sites, which would provide consistent protection as well as reflect reasonably anticipated future land uses. Further, the proposal would require that the Federal and State cleanup standards with which Superfund cleanups are required to comply be specifically designed to apply to Superfund-type remedial actions. And the provision of current law that establishes a preference for remedies that utilize treatment technologies, which has been criticized for causing goldplated cleanups in situations where treatment is not necessary for protection of human health and the environment, would be tailored to apply where it is needed most. Thus, the preference for treatment applies to hot spots, areas of sites that are contaminated with hazardous substances that are highly toxic, highly mobile, or would present significant risk to human health or the environment should exposures occur. Remedies that employ containment strategies would be allowed for other, less contaminated areas of the site, where they could provide equivalent protection.

With respect to the liability and enforcement provisions of the law, the administration has proposed adoption of an allocation scheme, to assign liability to all potentially responsible parties as early as possible in the process. The allocation system is designed to significantly reduce transaction costs, particularly by eliminating much of the need for litigation, and achieve greater fairness for all parties, particularly small businesses and other "de minimis" contributors to Superfund sites. Special provisions for municipalities who contributed municipal solid waste to Superfund landfills, are also included.

Mr. Speaker, the legislation also includes amendments designed to improve the role of the States in the Superfund program, to strengthen the law's health authorities, as well as other provisions too numerous to go into here. Accordingly, I have attached a summary of the administration Superfund proposal, prepared by EPA, as well as a copy of the official executive communication from EPA Administrator to Speaker FOLEY, transmitting the administration bill.

I look forward to working with the administration, and with all my colleagues, to bring meaningful reform to the Superfund program this year.

SUMMARY OF ADMINISTRATION PROPOSAL

I. COMMUNITY INVOLVEMENT, PUBLIC HEALTH & ENVIRONMENTAL JUSTICE

A. Community Involvement

Citizen Information and Access Office CIAO's will be established in each State to serve as information clearinghouses for all sites in the State.

Community Workgroups reflecting the racial, ethnic, and economic makeup of the community will be established as advisory bodies at Superfund sites.

Input from these workgroups will be solicited at virtually every stage of cleanup, particularly in determining the future land use of the site for purposes of remedy selection.

Technical Assistance Grants TAG's will be broadened to include the granting of services in addition to funds.

B. Health Benefits

ATSDR will conduct a 5-year study concerning health-related benefits, e.g., health screening, medical care, at a selected number of sites.

ATSDR may conduct human health studies of exposure on certain individuals to determine the need for conducting further full-scale studies.

C. Environmental Justice

EPA will consider cumulative risks from multiple sources other than Superfund sites to affected communities when setting priorities for site assessments.

EPA will develop methodologies for assessing the cumulative risk from multiple sources, and will implement a 5-year study, with demonstration projects, of cumulative risks from multiple sources.

II. STATE ROLE

States with programs and authorities that are substantially consistent with the Federal program will be able to apply to EPA for authorization to carry out the full range of response activities at all NPL sites, or categories of NPL sites, within their borders.

States will also be able to seek site-specific referrals of responsibilities—if the States' programs are substantially consistent with the Federal program.

States with an authorized program and referred sites will have access to the Trust Fund to carry out response activities, subject to a fixed cost share for all Trust Fund moneys spent in that State.

The NPL will be retained, but sites will be added to, and deleted from, the NPL without rulemaking. States will maintain a State Registry—a list of all NPL and non-NPL site being addressed in the State by either EPA or the State agency.

III. VOLUNTARY RESPONSE

A. Voluntary Response

EPA will promote State voluntary cleanups by providing guidance and technical assistance to these programs.

EPA will allow a proposed or listed NPL site to be addressed by a State voluntary cleanup program, up until the RI/FS, if the State is either authorized for all sites or meets the criteria for referral of the site.

The establishment of national cleanup levels and generic remedies should also foster voluntary cleanups by reducing the economic and legal uncertainties associated with cleanups.

IV. REMEDY SELECTION

A. Cleanup Standards

Remedy selection decisions will ensure protection of human health and the environment, and provide consistent and equivalent protection to all communities affected by sites.

To ensure consistent protection to all communities, national goals will be promulgated to be applied to all sites.

Based on these national goals, national generic cleanup levels for specific hazardous substances will be developed and implemented to reflect reasonably anticipated land uses, based on community input, and certain site-specific variables.

A national risk protocol will also be established for the purpose of conducting risk assessments, based on realistic assumptions, where either no national generic cleanup level has been developed or site-specific conditions warrant such application.

Remedies will be required to comply with substantive requirements of Federal law that are suitable for application to the remedial action and more stringent State requirements promulgated specifically to address remedial actions, subject to a waiver in appropriate situations.

B. The Remedy Selection Process

The concept of permanence will be replaced with long-term reliability, and the preference for treatment will be limited to hot spots.

The remedy selection process will be streamlined to consider five factors—effectiveness, long-term reliability, risk to the community, community acceptance, and reasonableness of the cost—in selecting a remedy and generic remedies for categories of sites. Communities will be provided with early, direct, and meaningful involvement throughout the remedial process.

National generic remedies will be established for categories of facilities to streamline the remedy selection process.

The time and dollar limits for removal actions will be increased from 1 year to 3 years, and from 2 million to 6 million, respectively.

IV. LIABILITY AND ALLOCATIONS

A. Allocation System

At every multi-party NPL site where EPA takes remedial action, an allocation process will be conducted by a neutral professional with Superfund expertise to recommend a share of responsibility for each identified PRP.

PRPs will be offered the opportunity to settle based on the allocation and, upon payment of a premium for having the United States pursue nonsettlors, obtain protection against future liability. Parties will be able to obtain a complete release from liability upon payment of an additional premium to cover risk of an incomplete response, remedy failure, and unknown conditions.

The United States will provide funding up to 300 million per year to cover the orphan share attributable to nonviable parties; shares that the allocator cannot attribute to any identified, known party will be distributed among the parties subject to the allocation.

To reduce ongoing contribution litigation, and associated private party transaction costs, the United States will bear the burden of pursuing nonsettlors to require cleanup, compel payment of all unrecovered expenditures, including the orphan share.

B. Special Treatment Parties

Small volume waste contributors, de minimis parties, generators and transporters of MSW, and parties with a limited ability to pay will be eligible for early settlement—including a full release and contribution protection—prior to the allocation process.

If the allocation process indicates that the United States settled with either MSW generators and transporters or inability-to-pay parties for less than their allocated share, the United States will fund the difference under the orphan share.

The aggregate liability of MSW generators and transporters at a site will be capped at 10 percent.

Owners and operators of MSW landfills would be eligible for special inability-to-pay settlements.

"De micromis" contributors of less than either 500 pounds of MSW will be exempt from liability and receive protection from contribution litigation; "de micromis" contributors of less than 10 pounds or liters of hazardous substances will also be exempt unless their contribution significantly affected the cost of cleanup.

EPA will also provide an exemption from liability for prospective purchasers of contaminated properties, so long as they did not worsen the contamination and have either agreed to clean it up or allow government access to do so.

C. Federal Agency Liability

Federal agencies will be relieved of Section 107 liability and Section 120 obligations to perform remedial action and enter into interagency agreements if (a) the release occurred before the Federal agency had the ability to regulate or control the release; (b) the Federal agency did not cause or contribute to the release; and (c) there is a liable party capable of performing the response action.

VI. MISCELLANEOUS

A. Innovative Technologies

EPA will encourage the development and application of innovative technologies by sharing in some of the risks associated with trying these technologies.

If the pre-approved application of an innovative technology fails to meet the required cleanup levels, EPA will use the Fund to pay for a portion of the back-up remedy.

B. Federal Property Transfer

Impediments to the transfer of Federal lands will be greatly reduced (1) by allowing Federal agencies to enter into agreements with future owners, with the intent to transfer the property by deed after remediation has been completed, and (2) by deleting the term stored for one year or more, which allows a Federal agency to identify property that is eligible for transfer where storage, but no release, has occurred.

VII. INSURANCE

A new Environmental Insurance Settlement Fund will be established to promote the settlement of insurance claims related to Superfund liability for pre-1986 waste disposal.

Eligible parties, i.e., those who have been named as a PRP and who meet an insurance coverage test, will be able to resolve their insurance claims for response costs, natural resource restoration costs, and defense costs. A State percentage formula will be used to determine the insured's recovery.

The new fund will be established by the IRS and financed by a fee on property and casualty insurance companies.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 2, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am pleased to transmit to you the Clinton Administration's proposed "Superfund Reform Act of 1994."

This reform initiative fulfills the Clinton Administration's commitment to protecting human health and the environment and to making Superfund cleanups faster, fairer and more efficient. It will change the way we do business in the Superfund program and sets a standard for environmental legislation.

The legislation which would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), was developed through a lengthy process that capitalized on the expertise of the many Superfund stakeholders—both inside and outside of government.

EPA staff have worked for the past two years developing ideas and proposals for Superfund reform. These proposals were reviewed by an interagency policy committee comprised of senior officials from interested agencies that examined the program and made recommendations for change.

I convened a subcommittee of the National Advisory Council on Environmental Policy and Technology (NACEPT) to identify administrative and legislative improvements in the Superfund program. The NACEPT subcommittee was comprised of representatives from environmental groups, small and large businesses, municipalities, states, the environmental justice community, and the hazardous waste cleanup industry.

The National Commission on Superfund, under the aegis of The Keystone Center and the Environmental Law Center of the Vermont Law School, made public its findings and recommendations. Since that time, the Administration has striven to develop a proposal that profits from the expertise and dialogue of all of these groups and interests.

We believe that the "Superfund Reform Act of 1994" will achieve the Clinton Administration's goals of protecting human health and the environment; of reducing cleanup costs and transaction costs; of fully involving communities; of enhancing states' authorities; of stimulating economic redevelopment; and of encouraging advances in science and technology.

Title I, "Community Participation and Human Health," establishes community workgroups as advisory bodies at Superfund sites and expands the grant awards to communities. It provides that communities suffering disproportionate risks are eligible for environmental justice grants to analyze aggregate risk and response activities. Further, it creates citizen information and access offices in each state to serve as information clearinghouses on the status of and plans for state sites.

Title II, "State Roles," offers states the opportunity to assume a larger role in cleanup of sites and gives states access to federal funds to carry out cleanup actions.

Title III, "Voluntary Response," establishes a program to assist states in establish-

ing or expanding voluntary cleanup programs.

Title IV, "Liability and Allocation," provides exemptions for de micromis (or truly tiny) contributors of waste and expedited settlement for de minimis parties. It limits the liability of municipal solid waste generators and transporters and provides protection for lenders and trustees. Finally, it establishes a cost allocation process by a neutral professional that will substantially curtail litigation.

Title V, "Remedy Selection," reduces cleanup costs by calling for national cleanup levels for contaminants typically found at sites. It provides generic remedies to speed cleanup time, and it replaces the preference and treatment with the concept of long-term reliability.

Title VI, "Miscellaneous," contains conforming amendments, definitions and other miscellaneous provisions amending CERCLA.

Title VII, "Funding," provides amendments regarding authorizations for appropriations and limits on funding.

Title VIII, "Environmental Insurance Resolution Fund," establishes the Environmental Insurance Resolution Fund to resolve disputes between insurers and insureds arising under CERCLA. This provision was proposed by members of the insurance and "potentially responsible party" community.

Title IX, "Tax," amends provisions of the Internal Revenue Code.

Although provisions concerning improvement to the natural resource damage assessment process are not included in this bill, the Administration is committed to such improvements. The Administration is in the process of evaluating and developing recommendations on these issues and will be providing them at the appropriate time. In addition, the Administration is still in the process of working with insurers and insureds to develop legislative provisions for the tax portions of the Environmental Insurance Resolution Fund. We are transmitting with the bill legislative specifications for these provisions and will be providing the legislative language to the Congress in the near future.

We recommend that this proposal be referred to the appropriate Committees and be passed into law.

The Omnibus Budget Reconciliation Act (OBRA), as amended, requires that all revenue and direct spending legislation meet a pay-as-you-go requirement through fiscal year 1998. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if it is not fully offset. The effect of the Superfund Reform Act of 1994 would be to decrease the deficit for fiscal years 1995–1999. Considered alone, the bill meets the pay-as-you-go requirement of OBRA.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accordance with the program of the President.

Sincerely,

CAROL M. BROWNER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today after 5:30 p.m., on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today after 5 p.m., on account of family business.

Mr. PAYNE of Virginia (at the request of Mr. GEPHARDT) for today, on account of death in the family.

Ms. SHEPHERD (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. CRANE (at the request of Mr. MICHEL) for today, on account of personal reasons, attending a funeral.

Mrs. BENTLEY (at the request of Mr. MICHEL) for today, on account of a death in the family.

Mr. EVERETT (at the request of Mr. MICHEL) for today until 12 noon, 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. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 60 minutes, today.

Mr. BARTON of Texas, for 60 minutes on February 9.

Mr. BURTON of Indiana, for 60 minutes on April 12, 13, 19, 20, 21, 26, 27, 28, and 60 minutes for May 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, and 25.

Mr. FRANKS of Connecticut, for 5 minutes, today.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, on February 7, 8, 9, 10, and 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. SAXTON.
Mr. GOODLING in two instances.
Mr. OXLEY.
Mr. PACKARD.
Mr. BOEHLERT.
Mr. BEREUTER.
Ms. MOLINARI.
Mr. GALLEGLY in two instances.
Mr. WALSH.
Mr. SUNDQUIST in two instances.
Mr. SMITH of New Jersey.
Mr. ROGERS.
Mr. ROBERTS in two instances.
Mr. DREIER.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. MILLER of California.
Mr. HOCHBRUECKNER.
Mr. HAMILTON in two instances.
Mr. LANTOS.
Mr. OLVER.
Mr. DURBIN.
Mr. KENNEDY in two instances.
Ms. LONG.
Mr. WAXMAN.
Mr. PAYNE of New Jersey.
Mr. PETERSON of Florida.
Mr. JEFFERSON.
Mr. OWENS.
Mr. COSTELLO.
Mr. KOPETSKI.
Mr. TAUZIN.
Mr. CLAY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 812. An act to designate the Federal Courthouse in Denver, Colorado, as the "Byron White Federal Courthouse", and for other purposes; to the Committee on Public Works and Transportation.

S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center"; to the Committee on Public Works and Transportation.

S. 1314. An act to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building"; to the Committee on Public Works and Transportation.

S. 1650. An act to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the Albert V. Bryan United States Courthouse; to the Committee on Public Works and Transportation.

ENROLLED BILLS SIGNED

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

H.R. 1303. An act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 2223. An act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Stewart United States Courthouse."

H.R. 3186. An act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse."

H.R. 3356. An act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse."

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, February 7, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2518. A letter from the Secretary of Transportation, transmitting the Department's fiscal year 1993 annual report to Congress on progress in conducting environmental remedial action at federally owned or operated facilities, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2519. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Jordan (Transmittal No. 08-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2520. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or services as of September 30, 1993, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2521. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the U.S. implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women, pursuant to Public Law 102-138, section 192(a) (105 Stat. 683); to the Committee on Foreign Affairs.

2522. A communication from the President of the United States, transmitting a report on the Federal agencies' implementation of the Privacy Act of 1974, as amended for the Calendar years 1990 and 1991, pursuant to 5 U.S.C. 552a; to the Committee on Government Operations.

2523. A letter from the Executive Director, Federal Retirement Thrift Investment Board; transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2524. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report on mixed waste streams, pursuant to 43 U.S.C. 6965; to the Committee on Government Operations.

2525. A letter from the Acting Archivist, National Archives and Records Administration; transmitting the eighth annual report of the Archivist of the United States, which covers the fiscal year ending September 30, 1992, pursuant to 44 U.S.C. 2106; to the Committee on Government Operations.

2526. A letter from the Chairman, National Transportation Safety Board; transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2527. A letter from the Chairman, U.S. Merit Systems Protection Board; transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

2528. A letter from the Director, U.S. Office of Personnel Management, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2529. 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.

2530. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting the Department's annual report on the list of incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the preceding 5 full fiscal years (fiscal years 1988-1992), pursuant to 33 U.S.C. 2264; to the Committee on Public Works and Transportation.

2531. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled, "Peace, Prosperity, and Democracy Act of 1994"; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Agriculture, Intelligence (Permanent Select), Rules, Armed Services, Merchant Marine and Fisheries, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 103d Congress, 1st session (Rept. 103-417). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 1933. A bill to authorize appropriations for the Martin Luther King Jr. Federal Holiday Commission, extend such Commission, establish a National Service Day to promote community service, and for other purposes; with an amendment (Rept. 103-418 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANTOS:

H.R. 3785. A bill to provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. COBLE, Mr. LIPINSKI, Mr. ORTIZ, Mr. MANTON, Mr. LAUGHLIN, and Mr. PICKETT):

H.R. 3786. A bill to amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety assistance based on State adoption laws regarding boating while intoxicated, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BLUTE (for himself, Mr. BACHUS of Alabama, Mr. HORN, Mr. SMITH of Michigan, Mr. JACOBS, Mr. GREENWOOD, Mr. EWING, Mr. CANADY, Mr. TORKILDSEN, and Mr. QUINN):

H.R. 3787. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to amend the provisions of title 39, United States Code, relating to the franking privilege for Members of Congress and provide that the provisions of law preventing Members from sending mass mailings within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period; and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. DOOLITTLE:

H.R. 3788. A bill to amend title II of the Social Security Act to make it clear that States and local governments may not tax Social Security benefits; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. GRAMS (for himself, Mr. WALKER, Mr. ARMEY, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. CALVERT, Mr. LINDER, Mr. KNOLLENBERG, Mr. DUNCAN, Mr. GILCHREST, and Mr. SAM JOHNSON):

H.R. 3789. A bill to terminate Federal programs that are not reauthorized by the Congress; jointly, to the Committees on Rules, Government Operations, and Ways and Means.

By Ms. LONG (for herself, Mr. SKELTON and Mr. GUNDERSON):

H.R. 3790. A bill to protect rural electric borrowers; to the Committee on Agriculture.

By Mr. JEFFERSON:

H.R. 3791. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the gas guzzler tax for automobiles that are lengthened by certain small manufacturers; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 3792. A bill to provide that a nongovernnmental person may use a private express for the private carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIDGE:

H.R. 3793. A bill to provide for the Secretary of Housing and Urban Development to make grants for economic development activities in connection with loan guarantees under section 108 of the Housing and Community Development Act of 1974 to enhance the security of such loans and improve the viability of projects financed with such loans, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROBERTS (for himself, Mr. EMERSON, Mr. DOOLEY, Mr. SMITH of Oregon, Mr. GUNDERSON, Mr. BOEHNER, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. EWING, Mr. CAMP, and Mr. OXLEY):

H.R. 3794. A bill to defer temporarily the deadline for compliance with conservation plans for certain highly erodible cropland due to damage to such land caused by damaging weather or related condition; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey:

H.R. 3795. A bill to amend title II of the Social Security Act to provide enhanced sentences for Social Security fraud in connec-

tion with illegal immigration; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mr. UPTON, Mr. DELAY, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANADY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EWING, Mr. GOSS, Mr. GUNDERSON, Mr. HOBSON, Mr. HUFFINGTON, Mr. KIM, Mr. LEWIS of Florida, and Mr. ROHRABACHER):

H.R. 3796. A bill to provide that a person may use a private express for the private carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes; jointly, to the Committee on Post Office and Civil Service and the Judiciary.

By Mr. GALLEGLY:

H.R. 3797. A bill to transfer certain administrative functions of the Department of the Interior relating to the U.S. territories to the Department of Commerce; to the Committee on Natural Resources.

By Mr. GOODLING (for himself, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. MILLER of Florida, Mr. CASTLE, Mr. FAWELL, and Mr. PETRI):

H.R. 3798. A bill to amend the Head Start Act to make quality improvements in Head Start by enhancing parental involvement and providing family literacy services; and for other purposes; to the Committee on Education and Labor.

By Mr. GRAMS (for himself, Mr. DOOLEY, Mr. MCCANDLESS, Mr. HUFFINGTON, Mr. COX, Mr. CALVERT, Mr. MCKEON, Mr. GALLEGLY, and Mr. MCCOLLUM):

H.R. 3799. A bill to facilitate recovery from the recent earthquakes in California by providing greater flexibility for depository institutions and their regulators, and for other purposes; jointly, to the Committee on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. SWIFT (for himself (by request), Mr. DINGELL, Mr. MINETA, Mr. ROSTENKOWSKI, and Mr. APPLEGATE):

H.R. 3800. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; divided and referred as follows: titles I through VIII jointly to the Committees on Energy and Commerce and Public Works and Transportation; and title IX to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 3801. A bill to improve the operations of the legislative branch of the Federal Government; and for other purposes; jointly, to the Committees on Rules, House Administration, and Government Operations.

By Mr. SMITH of Michigan:

H.R. 3802. A bill to improve that cost-of-living adjustments to payments made under Federal law shall be determined using a new price index which does not take into account tobacco products and distilled spirits; jointly, to the Committee on Ways and Means, Post Office and Civil Service, Energy and Commerce, and Armed Services.

By Mr. THOMAS of California:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to reduce Social Security taxes and to provide for Social Security individual retirement accounts funded by Social Security payroll deductions; jointly to the Committees on Ways and Means and Education and Labor.

By Mr. WAXMAN:

H.R. 3804. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON (for himself and Mr. HOLDEN):

H.R. 3805. A bill to authorize matching funds for State and local firearm buy-back programs; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself and Mr. ROBERTS):

H.J. Res. 317. Joint resolution to proclaim March 20, 1994, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. SHAW:

H.J. Res. 318. Joint resolution to designate the month of April 1994 as "Civil War History Month"; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H. Res. 340. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H. Res. 341. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans Affairs in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. GLICKMAN:

H. Res. 342. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. LANTOS (for himself, Mr. LEWIS of Georgia, Mr. HOYER, Mr. GINGRICH, Ms. NORTON, Mr. PORTER, Ms. KAPTUR, Mr. BEREUTER, Mrs. SCHROEDER, Mr. GILMAN, Mr. MATSUI, Mr. SWETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOUGHTON, Mr. ZIMMER, Mr. KING, Mr. BLUTE, MR. KLEIN, and Mr. TORKILDSEN):

H. Res. 343. Resolution to express the sense of the House of Representatives condemning the racist, anti-Catholic, and anti-Semitic speech given by a senior representative of the Nation of Islam and all manifestations and expressions of hatred based on race, religion and ethnicity; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Res. 344. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. FORD of Michigan (for himself and Mr. WILLIAMS):

H. Res. 345. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the 2d session of the 103d Congress; to the Committee on House Administration.

By Mr. STARK:

H. Res. 346. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 2d session of the 103d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. REED introduced a bill (H.R. 3806) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the fisheries for the vessel *Ab-Original*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

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

H.R. 11: Mr. BISHOP and Mr. HALL of Ohio.

H.R. 34: Mr. DUNCAN.

H.R. 35: Mr. HORN.

H.R. 140: Mr. HERGER, Mr. MCINNIS, Mr. FINGERHUT, and Mr. DREIER.

H.R. 212: Mr. SMITH of Michigan.

H.R. 280: Mr. ENGEL.

H.R. 282: Mr. ENGEL.

H.R. 302: Mr. CONYERS, Mr. NEAL of North Carolina, Mr. STUMP, Mr. MATSUI, Mr. OBERSTAR, and Mr. MILLER of California.

H.R. 521: Mr. GENE GREEN of Texas, Mr. CARR, Mr. BISHOP, and Mr. MANTON.

H.R. 543: Mr. KIM.

H.R. 794: Mr. JOHNSTON of Florida, Mrs. BENTLEY, Mr. NEAL of Massachusetts, Mr. BARTLETT of Maryland, Mr. ROGERS, Mr. MANN, and Mr. KREIDLER.

H.R. 885: Mr. POMBO, Mr. BARTLETT of Maryland, and Mr. SHAYS.

H.R. 911: Mr. ALLARD, Ms. BYRNE, Mr. LEHMAN, and Mr. HANSEN.

H.R. 987: Mr. MACHTLEY.

H.R. 1055: Mr. PARKER and Mrs. SCHROEDER.

H.R. 1173: Mr. MCHALE.

H.R. 1276: Mr. BLUTE, Mr. CUNNINGHAM, Mr. MOORHEAD, Mr.. KINGSTON, and Mr. VOLKMER.

H.R. 1277: Mr. SCHAEFER.

H.R. 1332: Mr. JOHNSTON of Florida and Mr. RIDGE.

H.R. 1406: Mr. KOPETSKI.

H.R. 1455: Mr. NADLER.

H.R. 1528: Mr. CLINGER.

H.R. 1625: Mr. ZIMMER.

H.R. 1640: Ms. ESHOO.

H.R. 1712: Mr. GEKAS and Mr. RAVENEL.

H.R. 1795: Mr. SHAYS, Mr. KLINK, and Mr. NADLER.

H.R. 1815: Mr. OBERSTAR.

H.R. 1874: Mr. LEWIS of Florida.

H.R. 1897: Mr. DELLUMS and Mr. TAYLOR of North Carolina.

H.R. 1961: Mr. ENGEL.

H.R. 2147: Mr. DELLUMS and Mr. ORTON.

H.R. 2161: Mr. MCINNIS.

H.R. 2241: Mr. SABO, Mr. LEWIS of Georgia, and Mr. SHARP.

H.R. 2277: Mr. STUPAK, Mr. ENGEL, Mr. JEFFERSON, Mr. SANDERS, Mr. EVANS, and Mrs. LLOYD.

H.R. 2394: Mr. RAHALL, Mr. BONIOR, Mr. MINETA, and Mr. DINGELL.

H.R. 2395: Mr. RAHALL, Mr. BONIOR, Mr. MINETA, and Mr. DINGELL.

H.R. 2396: Mr. GIBBONS.

H.R. 2418: Mr. KNOLLENBERG, Mr. HINCHEY, Mr. CAMP, Mr. DARDEN, Mr. SKEEN, Mr. KILDEE, Mr. HERGER, Mrs. LLOYD, Mr. PRICE of North Carolina, Ms. PELOSI, and Mr. BARCIA of Michigan.

H.R. 2424: Mr. QUINN and Ms. SLAUGHTER.

H.R. 2460: Mr. HILLIARD.

H.R. 2521: Mr. BURTON of Indiana, Mr. DOOLITTLE, and Mr. KILDEE.

H.R. 2829: Mr. YATES, Mr. MORAN, Mr. ACKERMAN, Ms. WOOLSEY, Mr. SANDERS, and Ms. MARGOLIES-MEZVINSKY.

H.R. 2838: Ms. SNOWE.

H.R. 2987: Mr. SCHUMER and Mrs. MALONEY.

H.R. 3005: Mr. THOMAS of Wyoming, Mr. ROBERTS, and Mr. HALL of Texas.

H.R. 3023: Mr. ANDREWS of New Jersey, Mr. HUNTER, Mr. NEAL of North Carolina, Ms. BROWN of Florida, Mr. BAKER of California, Mr. PARKER, Mr. LINDER, and Mr. COOPER.

H.R. 3065: Mr. JOHNSON of South Dakota.

H.R. 3075: Mr. FARR, Mr. ANDREWS of Maine, Mr. MORAN, Mr. RANGEL, Mr. FORD of Michigan, Mr. LEWIS of Georgia, and Mr. CONYERS.

H.R. 3086: Mr. BROWN of Ohio, Mr. PAXON, Mr. BACHUS of Alabama, Mr. BARTLETT of Maryland, and Mr. ARMEY.

H.R. 3088: Ms. DELAURO, Mr. NADLER, Mr. JOHNSTON of Florida, Ms. SLAUGHTER, Mr. BREWSTER, Mr. SOLOMON, Ms. MOLINARI, and Mr. ARMEY.

H.R. 3220: Mr. DELLUMS.

H.R. 3222: Mr. RICHARDSON.

H.R. 3226: Mr. DELLUMS and Ms. VELÁZQUEZ.

H.R. 3256: Mr. SMITH of New Jersey and Mr. HUTTO.

H.R. 3288: Mr. SLATTERY, Mr. RIDGE, Mr. KLUG.

H.R. 3293: Mr. GEJDENSON.

H.R. 3294: Mr. DOOLEY.

H.R. 3328: Mr. HOCHBRUECKNER, Mr. COLEMAN, Ms. MCKINNEY.

H.R. 3392: Ms. LONG, Mr. ROTH, Mr. COLLINS of Georgia, and Mr. TEJEDA.

H.R. 3398: Mr. HOAGLAND, Mr. MANTON, Mr. LEWIS of Georgia, and Mr. NADLER.

H.R. 3409: Mr. RAHALL and Mr. KOPETSKI.

H.R. 3421: Mr. THOMAS of Wyoming, Mr. ROBERTS, and Mr. HALL of Texas.

H.R. 3434: Mr. GOODLING and Mr. MORAN.

H.R. 3488: Mr. SMITH of New Jersey.

H.R. 3508: Mr. STUPAK.

H.R. 3513: Mr. POSHARD, Mr. DEUTSCH, Mr. MINGE, and Mr. KLINK.

H.R. 3523: Ms. DUNN and Mrs. MALONEY.

H.R. 3561: Mr. FROST, Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. SANDERS, Mr. RANGEL, and Mrs. MEEK.

H.R. 3564: Mr. FROST and Mr. DELLUMS.

H.R. 3614: Mr. DELLUMS, Mr. EDWARDS of California, Mr. FROST, Mr. LAFALCE, Mr. MILLER of California, Mr. MORAN, and Mr. YATES.

H.R. 3619: Mr. HOAGLAND.

H.R. 3632: Mr. DEFAZIO.

H.R. 3635: Mr. ARMEY.

H.R. 3636: Mr. MOAKLEY, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. LEVY, Mr. MEEHAN, Mr. OLVER, Mr. FRANKS of Connecticut, Mr. MACHTLEY, Mr. BLUTE, and Mr. MCHUGH.

H.R. 3641: Mr. MICA.

H.R. 3652: Mr. KOLBE.

H.R. 3663: Mr. PASTOR, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. PALLONE.

H.R. 3685: Mrs. ROUKEMA, Mr. KLUG, Mr. EWING, and Mr. DORNAN.

H.R. 3721: Mr. PETE GEREN of Texas.

H.R. 3727: Mr. JOHNSON of South Dakota.

H.R. 3755: Mr. CANADY and Mr. GALLEGLY.

H.R. 3757: Mr. ABERCROMBIE, Mrs. THURMAN, Mrs. MINK, Mr. CONDIT, Mr. SARPALIUS, Ms. MCKINNEY, Mr. WILLIAMS, Mr. HOLDEN, Mr. ROSE, Mr. MANN, and Mr. DICKEY.

H.J. Res. 278: Mr. LANCASTER, Mr. GENE GREEN of Texas, Mr. NEAL of North Carolina, Mr. BATEMAN, and Mr. PARKER.

H.J. Res. 282: Mr. BAKER of Louisiana.

H.J. Res. 292: Mr. FRANK of Massachusetts, Mr. PACKARD, Mr. DEUTSCH, Mr. MCNULTY, Mr. VISCLOSKY, Mr. HERGER, Mr. LAFALCE, Mr. BALLENGER, Mr. OXLEY, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. RAMSTAD, Mr. GINGRICH, Mr. CRANE, Mr. FINGERHUT, Mr. BAKER of Louisiana, and Mr. WALSH.

H. J. Res. 310: Mr. GENE GREEN of Texas, Mr. FROST, Mr. COBLE, Mr. FORD of Michigan, Mr. HUTTO, Mr. HASTINGS, Ms. SNOWE, Mr. HOCHBRUECKNER, Mr. KILDEE, Ms. BYRNE, Mr. BROWN of Ohio, Mr. BATEMAN, Mr. ENGEL, Mr. MANTON, and Mrs. KENNELLY.

H. Con. Res. 42: Mr. ENGEL.

H. Con. Res. 52: Mr. TORKILDSEN and Mr. COOPER.

H. Con. Res. 93: Mr. KREIDLER, Mr. KENNEDY, Mr. ENGEL, Mr. LAZIO, Mr. SHAYS, Mr. SANTORUM, and Mr. SCHUMER.

H. Con. Res. 147: Mr. COLEMAN.

H. Res. 32: Mr. FISH.

H. Res. 236: Mr. FAWELL, Mr. QUILLEN, and Mr. HASTINGS.

H. Res. 277: Mr. BACHUS of Alabama.

H. Res. 290: Mr. SYNAR.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 10 by Mr. MCCOLLUM on House Resolution 295: Philip M. Crane and John Linder.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Thomas W. Ewing, Doug Bereuter, Cass Ballenger, Joel Hefley, Cliff Stearns, Don Sundquist, Philip M. Crane, Bill Paxon, Stephen Horn, Joe Skeen, Richard H. Baker, John Linder, Ron Packard, Susan Molinari, and Dick Zimmer.

SENATE—*Thursday, February 3, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, the Reverend Hampton J. Rector, of Bloomfield, WV.

PRAYER

The guest chaplain, the Reverend Hampton J. Rector, of Bloomfield, WV, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid:

Cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee, and worthily magnify Thy Holy Name; through Christ our Lord;

Heavenly and Eternal Father, keep us mindful, both in this hallowed Chamber and in our places of work throughout the Senate complex, that our work this day is our worship;

As in the words of the ancient collect just offered, we submit to Thee our minds and our hearts, our goals and our purposes, to be judged and guided by Thee;

Let our labor be lifted up to Thee, that in all that we do in this place today, Thy will might be done;

Let our efforts be measured not by our imperfect yardsticks, but by Thy infathomable plumb line;

And share with us a sense of Thy justice, an intuition of Thy vision, and a knowledge of Thy righteousness;

For these appeals we offer in Thy Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL 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.

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1150, the Goals 2000 bill, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systematic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

(1) Dorgan amendment No. 1369, to require each local educational agency, as a condition for receiving Federal assistance, to implement a gun-free program in its schools.

(2) Kennedy amendment No. 1375 (to Amendment No. 1369), to express the sense of the Senate regarding guns in schools.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, we are expecting our colleagues, Senator HATFIELD and Senator DURENBERGER, on the floor shortly. I thought I would take this time until they arrive to demonstrate some of the things that are happening in different parts of the country which have been inspiring circumstances and which we have tried to take advantage of and incorporate in this legislation. Programs like these are why we believe this legislation, although it has limited resources, supports or actually reflects the priorities that most families give to education in this country.

Taken within the context of a variety of other kinds of efforts that we are involved in as a Congress and Senate, and with this administration, with its leadership under President Clinton and Mrs. Clinton, this legislation can make an important difference in terms of the quality of education for our young people.

I mentioned in the closing moments last evening what we are trying to do for young people in this country by expanding the Head Start Program and strengthening the quality of the Head Start Program, even reaching down to the youngest of children.

I think, and the President and Mrs. Clinton understand, that the early support of expectant mothers is something which is also important, so that we have well babies. Simultaneously, we try to ensure that they are going to grow up in a climate and atmosphere which is supportive and nurturing and helpful in developing self-esteem.

There are obviously a variety of different factors that impact that condition but, nonetheless, the efforts of all of us to make that a positive experience are certainly reflected in what we are currently undertaking.

We will have the opportunity to pass the reauthorization of the Head Start Program, with the recommendations that have been made in terms of bipartisan support, in these next few months. Also tied into this legislation, and I will elaborate in greater detail, are some of the examples that we have observed in different parts of the country, and which have really been the source of the direction and the inspiration, on which this particular legislation will focus.

In these next several months we will also have the reauthorization of Chapter 1 of the Elementary and Secondary Education Program. That will be about $7 billion. It is the principal instrument by which the Federal Government supports those children who are at greatest risk and of greatest need. We have a series of recommendations that have been made by the administration, and we will be addressing those later in this session. But that again is related to what we are trying to do with the Head Start Program; tying the Head Start Program into the early years of educational experience and making sure that elementary and secondary education—the Title I program—fits into the Head Start Program.

This is something that we can do. We made some progress in the last reauthorization. And we can do a good deal more in that area as well.

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

We are talking, as well, in line with the President's program on health insurance reform, about providing for school-based clinics, obviously with the support of the local communities, with the support of parents, and with the support of teachers and the school districts.

We have seen where these school clinics have been effective. We have several of them in my own State of Massachusetts. The Cambridge Rindge and Latin School, for example, has a good program. All one has to do is visit that high school and talk to those involved in the school clinic program, which provides health care services to the students.

We find that, in urban areas, up to one-third of the children who go to those schools are abused in some form or shape, or live in an abusive family, whether it is substance abuse or physical abuse. What a difference it makes to those children to know that there is at least a secure group of helpful people who will be supportive of them, and who will help them make it through extraordinary challenges, maintain their interests in making educational progress, and keep them from dropping out of school and becoming part of the gangs and part of a lost generation.

That is important, and that, obviously, will help and assist many of our young people as they are hopefully moving toward enhanced academic achievement in this program.

As we mentioned briefly yesterday, we are making efforts with the private sector to move from the school to work, recognizing that, of the 100 percent of young people who graduate from high school, about 30 percent of them go on to some form of continued education or training; 60 to 65 percent, or even higher, in many regions of our country, do not.

We find an enormous disparity in terms of the opportunities for those who go on to higher education, which I certainly support, and those who do not continue their education. It is much different, really, than a generation ago, when I first came to the Senate, where if your grandfather had worked in the Four River Shipyard, your father had worked there, and maybe even your son had worked there—the women of the family clearly did not—there was at least an understanding that if you graduated from high school and you had developed certain skills and worked during the course of the summer, you would move into a job which would be rewarding, which would be satisfying, and which would permit you to live a constructive and productive life and that provided for the family as well.

Over the period of the last 20 years, there has been a 20 percent real loss in wages for young people who graduate from high school with no additional training. The disparity between those who leave high school without additional training, and those who are able to get additional training through colleges, whether they are 2- or 4-year colleges, grows and continues to grow. Continued training and continued education is not a luxury for our society, it is an absolute necessity if we are going to compete in a world-class economy.

We could have legislation addressing this issue, hopefully, and according to the leader, as a follow-on piece of legislation. We have emergency programs in terms of the earthquake victims. Certainly, with the strong bipartisan support we have had in the committee, and the strong support we have from administration, the Chamber of Commerce, and the National Association of Manufacturers, it is very important and closely tied to what we are considering today. As a matter of fact, there are provisions in this legislation establishing the skills standards that are directly related to the school-to-work program.

So, again, this is a correction that is important. There are efforts being made to enhance the schools through technology and technology assistance, currently known as S. 1040, to ensure that young people, as students in our public schools, are going to have the similar kinds of advantages that those in many of our private schools have in terms of the technology and the technology training available to students and teachers, so that they can use the technology to really enhance academic achievement. This is something that is extremely important.

In our committee, there have been bipartisan efforts in terms of attaching to the legislation the repayment of debt of a young person in our country resulting from continuing education, so that they can pay it out over a period of years in terms of percent of income. There is also the movement toward a direct loan program, which is being tested now, and which many of us support. And we did believe that a fair test and examination should take place.

The guaranteed student loan program has worked, and before we move into this whole new area, I think, that we have a responsibility to make sure that something which has worked well, and has been effective, should be supplanted by something we hope will be even more effective and mean additional savings to our young people.

I must say that I think we can make improvements in terms of the bureaucracy and the rules and regulations that affect all of these programs. I know we have, Under Secretary Riley and Madeleine Kunin, and Tom Payzant, who works with them, individuals who are knowledgeable, both as former Governors in the first two circumstances, and as someone who has been an outstanding supervisor, who can help us work our way through the elimination of a lot of the bureaucracy. I think that is important.

We make a downpayment on that in this legislation by providing a great deal more flexibility, in terms of both the States and local communities, permitting them to use scarce resources more wisely for the students. That is, certainly, one of the important aspects of this program.

There are other features as well, such as the tying-in of the voluntary national service program for our young people, that can make a difference.

So, we look at it, at least most of us look at it, as an effort in strengthening this whole next generation, from the earliest of times through certainly the college experience, by trying to provide, albeit with limited resources, the kind of encouragement that can make such a very important difference for the young people of this country.

Just very briefly—I see my friend from New Mexico, who wants to speak—I will just mention this comment and then continue on during the course of the day.

I had hoped to talk about some of the encouraging things being done by a number of the States. But I will just close this part of the debate by pointing out that there is agreement among the general public that we, as a country and as a society, have not done enough. More than 85 percent of Americans believe that the Nation needs higher education standards in order to be economically competitive. I think we all agree with that. We should be establishing benchmarks which can be achieved by our young people and which call upon the best among them to achieve those academic levels.

Fifty-four percent of Americans believe that we lack clear standards of what students should know and be able to do upon graduation. Obviously, there are extraordinary circumstances, and I can mention a number of schools in Massachusetts that are some of the leading educational institutions in the country and that are public schools. But American people generally feel that we lack clear standards of what students should know and be able to do upon graduation. Three-quarters of Americans believe that the Nation does not invest enough in K-12 education. I think this is something that we talked briefly about last night, and which many of us believe, and national leadership will help raise the visibility of academic standards.

We are certainly hopeful that this bill is successful, and we believe that it will be; that with the increase in terms of academic achievement and accomplishment, there will be a reawakening by the American people to the importance of this kind of investment at the local, State, and Federal levels, and we can meet our responsibilities to the young people in a more effective way.

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I will yield the floor at this time and come back to this theme as we have more time during the course of the morning.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico [Mr. BINGAMAN], is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak in general in favor of this legislation. I compliment the Senator from Massachusetts, the Senator from Vermont, and the Senator from Rhode Island, Mr. PELL, who is the chairman of the subcommittee, on this very important legislation. I do believe that when history is written about this 103d Congress, if we are successful in enacting this Goals 2000 legislation, it will be one of the main achievements recognized by future generations.

For a number of years, I have argued for establishing realistic and measurable national education goals. It is clear we cannot bring out the best in our young people if we do not expect the best of them. I also believe we cannot fairly expect the best from them if we do not tell them and their teachers and their parents what is considered an acceptable standard. In past Congresses, I have introduced legislation to accomplish this. I am pleased to see that many of the provisions I earlier proposed are contained in this important legislation.

The Goals 2000 legislation will codify the six national education goals which were set by the President and the Nation's Governors several years ago. They will add a new goal on parental involvement as well as authorize and expand the National Education Goals Panel on which I served with Senator COCHRAN from Mississippi, representing the Senate on that panel.

I strongly believe that the national education goals challenge our Nation's school systems to achieve the highest quality education for our youth. Specific goals provide direction; they provide accountability. They are essential tools in educational reform. In the years I have been on the Education Goals Panel, I worked closely with the Governors in reporting on progress toward the goals that have been set. I believe, as I have believed and I continue to believe, those goals provide the right direction for schools and the opportunity to measure progress reliably and usefully.

Let me say a few words about this National Education Goals Panel. This legislation would expand its membership and responsibilities and give it a source of funding. It provides a bipartisan mechanism for building a national consensus which involves, of course, the Governors and the States, where the primary responsibility for education has traditionally been in our system of government and will remain. But the National Education Goals Panel is a way for the States to join with the Federal Government and with the local communities to pursue common goals.

This legislation also establishes the National Education Standards and Improvement Council. This is a council that identifies and certifies the voluntary national content and student performance standards. This is a necessary part of the goals process that was established by the Governors several years ago. Standards tell us how we go about reaching the goals; what is meant by being competent in particular core subjects. They give us the yardstick which we can use to tell us whether those goals are being achieved.

Also, standards not only tell the experts this, but they tell the students and the teachers and the parents what is expected of them. Since those standards are clearly intended to be world-class standards, developed with the knowledge of what other countries expect of their young people, they can help keep our American students from falling behind students in other parts of the world.

Our Nation's economic prosperity is linked to an educational system that emphasizes national standards of excellence.

A national system of standards and assessment in conjunction with other reform efforts, such as greater use of educational technology which I will refer to here in a moment, can be a foundation for overall educational reform in order to increase the level of student achievement throughout our country.

Mr. President, I read an interesting study recently which was done at Cornell University which did a study of textbooks used in our public schools over the last several decades. The conclusion of the study was that those textbooks have had the effect of, as they refer to it, dumbing down over that period from the Second World War. This "dumbing down" of our textbooks has been a significant contributor to the decline in the verbal scholastic aptitude test scores over that same period. Low standards, whether they be in textbook writing or in curriculum development or in other instructional materials unfortunately produce dumbed down kids as well as dumbed down textbooks. That is clearly not what we need in this Nation.

We want our children to meet high standards. They are capable of meeting high standards. I have talked to many parents in my home State of New Mexico, and I have yet to meet a single parent who does not want his child or her child to meet high academic standards.

I cannot leave the subject of standards without noting that this legislation also provides that the standards developed by the National Council will be reviewed and approved by the goals panel. The goals panel has adopted a set of principles for itself to guide it in reviewing those standards. Those principles I believe will serve the country well.

Let me say a few words about educational technology. This legislation also contains provisions concerning technology that I believe are absolutely necessary if we are to have a chance of achieving the goals that we are setting for ourselves. The Senator from Massachusetts pointed the direction with the Star Schools Program several years ago. We need to take that one step further. We need to emphasize and help States and local school districts to effectively use technology in providing education.

The administration has placed a high priority on revitalizing education through systemic reform. I strongly believe that without technology as an integral part of that reform activity we will be missing a great opportunity.

I also believe that technology offers a very cost-efficient way for us to provide greater educational opportunities and equity in educational opportunities to all of our students and their teachers.

I am very pleased that the chairman accepted my amendment to ensure that educational reform include a component for technology. These provisions which were originally in Senate bill 1040, the Technology for Education Act of 1993, provisions that we are now taking from that act and putting in this legislation, establish an office of educational technology within the Department of Education to be administered by the director of educational technology. They provide funds for State technology planning grants to incorporate technology into statewide reform activities required by the Goals 2000 legislation.

Last year, under the leadership of the Vice President, the Nation began to deal in a coordinated and a comprehensive way with the opportunities and challenges presented by these rapidly changing technologies. Goals 2000 takes the first step toward making sure that education has a place at the table in discussing the potential uses of technology.

Last October, the House and Senate appropriations conference committee approved funding to begin these activities contingent upon us passing this authorization bill. For fiscal year 1994, the conference committee approved $500,000 to fund the office of educational technology, and an additional $5 million to fund the State technology planning grants which are called for in our legislation.

With these provisions, we are enlisting a grassroots effort within the States to allow teachers, businesses, parents, and students to take steps to alter the traditional educational environment through a more creative use of technology in our schools.

In my home State of New Mexico, I have seen firsthand the tremendous dif-

ference that technology can make. We have many small rural schools in our State, and the distances between the schools and the population centers is sometimes fairly great.

High schools in San Jon, House, and Grady—which are some of the most rural communities in our State—those high schools are taking advanced courses, advanced classes that include advanced placement and language classes from the community college that is over 50 miles away in Clovis, NM. Those classes would not be available to those students were it not for the technology of distance learning. That technology has given those students equal access to the kinds of instruction that students in Albuquerque or Sante Fe are able to take advantage of.

This is one of many examples across the country of how increased application of educational technology can dramatically improve the learning in our schools.

These provisions, which are included in this Goals 2000 legislation, lay the base for further support for uses of technology in education which we have included in Senate bill 1040 that I referred to earlier.

That legislation, Senate bill 1040, which I hope can be on the Senate floor in the near future, provides more Federal grants to staff development, product development, and acquisition of other technology products.

I would like to say a few words about American Indian education as part of this larger bill that is being considered by the Senate today. I want to commend the chairman for adding important provisions to this bill to include a very important segment of our population, American Indian children, their parents, and their tribal leaders.

As a Senator from New Mexico, a State rich in diverse cultures, I believe it is essential that we ensure all segments of our society, from the inner cities of New York to the pueblos of New Mexico, are included in the national effort to attain ambitious goals such as are set out in this legislation.

The chairman accepted major portions of my amendment to ensure that American Indians have a voice in the process of reaching national consensus for educational reform.

I believe that Indian tribes must play a key role in the development of reform plans if we are to ensure that Indian children are able to achieve those goals as our other children attempt to do as well.

Let me say a few words about health education, Mr. President. I want to thank the chairman of the committee again and all members of the committee for their willingness to work with me on a series of very modest changes in the bill regarding age-appropriate comprehensive health education.

The language agreed to by the committee modifies in a very modest way several of the goal objectives. The references to comprehensive sequential health education in Senate bill 1150 are the result of a compromise. I do not believe they should be objectionable to anybody in this body. In my view, we really need to do much more. We need to make a commitment to comprehensive school health education for all of our children.

That is why Senator COHEN and I introduced a bill entitled "Healthy Students-Healthy Schools" in the last Congress, and again in this Congress. We will not stop discussing the issue until legislation containing those provisions is finally enacted.

Over the next several weeks and months, I look forward to working with others on the Labor and Human Resources Committee and with others throughout the Senate toward enactment of the Healthy Students-Healthy Schools Act that Senator COHEN and I introduced.

The language included in the Goals 2000 legislation, and the inclusion of some key provisions on comprehensive school health education in President's Health Security Act, are modest but firm first steps toward more effective health education in our schools.

Restructuring our system of education is not a simple task. We face many challenges.

However, I do believe we are well equipped for that battle. We have a commitment, a strong commitment from our President for educational reform along with many dedicated citizens working together to meet the challenges set forth in the national education goals.

With bipartisan leadership from the goals panel, I am hopeful that that commitment and that work will produce better schools and a better America for all of us.

I strongly urge my colleagues to support this important legislation, and again I congratulate the chairman and the ranking member for their leadership in presenting this to the Senate.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:30 having passed, either the Senator from Minnesota [Mr. DURENBERGER] or the Senator from Oregon [Mr. HATFIELD] will be recognized to offer an amendment regarding the flexibility from Federal regulations. There will be 30 minutes for debate with the time equally divided in the usual form. No second-degree amendments will be in order to this amendment.

If there is no objection the pending amendments will be temporarily laid aside.

The Senator from Oregon [Mr. HATFIELD] is recognized.

AMENDMENT NO. 1377

(Purpose: To encourage and assist States, local educational agencies, and schools in their comprehensive educational reform efforts by allowing flexibility in the application of selected Federal statutory or regulatory requirements that present barriers to education restructuring and reform)

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

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] (for himself, Mr. DURENBERGER, Mr. PELL, Mr. JEFFORDS, and Mr. GRAHAM) proposes an amendment numbered 1377.

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

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

The amendment is as follows:

At the end of section 311, insert the following:

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local education agencies and schools with in such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement for an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local education agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

Mr. HATFIELD. Mr. President, at this time I ask unanimous consent to lay aside this amendment that I might make a statement on another part of this bill that does not call for any action by the floor and then return to this amendment to take it up.

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

Mr. HATFIELD. Mr. President, I want to just make a few comments regarding the Goals 2000.

I want to thank my colleagues on the Labor Committee for accepting my legislation to establish a seventh national education goal encouraging the involvement of parents and families in education. To borrow a page from Abraham Lincoln: Without the support of parents our schools cannot succeed. With it, they cannot fail. Without parental involvement, the six national education goals will not be attained by the year 2000. The national PTA and the Oregon PTA have my highest praise for helping to provide grassroots support for this measure all across the country.

Again I thank the leadership of the committee for accepting this new national education goal.

Mr. President, I ask unanimous consent that a letter from Senators KENNEDY and KASSEBAUM regarding the parental goal and a copy of the GAO report on ed-flex be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. Mr. President, we have just visited the "State of the Union" and have outlined some of this country's biggest problems as well as our greatest needs. From crime, education, and welfare reform—to health care and job training—many of the answers to our problems can be traced to inefficiencies in our families, values, and educational systems.

The American family and our children are in severe jeopardy, and I am one Member of the Senate who believes that a solution can be found through education—education as a means to arm parents in their efforts to fight for their children's future, a future that bypasses the lure of drugs and violence. No other single issue can impact our Nation's future more than a well-conceived education system which represents a pathway out of crisis and a means of empowering both parent and child to work together to find a better life within themselves and the greater community.

Education is the foundation on which the soul of a nation is built. Our consideration of education legislation demands our collective and undivided attention. But we must first ask ourselves, what is the appropriate role at the Federal level?

Traditionally, it has been to ensure that the disenfranchised have access to our educational system and to provide resources to ease the path toward an educated life, whether it be through early childhood programs like Head Start or student financial assistance for higher education.

Today, we are considering formalizing another role for Federal involvement: to support the efforts of the States in attaining their reform goals; to encourage voluntary standards in certain subject fields; and to allow States the flexibility to innovate in their uses of Federal funds. I believe this is a logical extension of the Federal role in education, as long as it is permissive and not prescriptive.

Over the past year, we have been telling our constituents that we are facing an educational crisis in this country. The problem has been identified, yet we continue to only repeat what parents and students live with every day. They better than most already know the realities—budget cuts, overcrowding, drugs, high dropout rates, teen pregnancies, and gang violence, to name a few. I charge that it's Congress' turn to draw the line that will connect Federal and State partnerships in combating these trends. We must make the commitment to back up the States—to back up parents and families—and to encourage the positive innovations that are being made at local levels.

The bill before use today was formed with the intent to provide resources for bottom-up education reform in local, State, and Federal partnership. Through the Goals 2000 legislation, the Federal Government is finally inviting parents and families into the education system, rather than just assuming their involvement.

My legislation, S. 1118, to add the role of parents and families to our national education goals, has been included as part of the committee amendment to Goals 2000. In addition, the chairman and the ranking member of the Senate Labor Committee have assured me that this language will survive conference with the House.

Mr. President, at this time I would like to read the new goal and the objectives:

By the year 2000, every school and home will promote partnerships that will increase

parental involvement and participation in promoting the social, emotional, and academic growth of children.

(i) Every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, bilingual or disabled:

(ii) Every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) Parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

There is tremendous support for this important addition. This new goal follows directly from the vigorous work of the Oregon PTA and subsequent meetings in my office with their delegation last March. The national PTA has added its powerful voice in support and has collected grassroots support all across the country for this effort.

Additional endorsements have been received from such organizations as the Council of Great City Schools, the American Association of Administrators, the Council for Exceptional Children, the NAACP, and the National Association for Bilingual Education, among many others. Most importantly, the administration is now supporting this goal and is making public commitments to make this issue a priority—the power of the Federal bully pulpit, whether in the form of the President or the Secretary of Education, can go a long way toward setting expectations in this area.

Why this goal was not included with the other six in the first place remains a mystery to me. From the day the goals were first made public, every teacher in the country could have told us that these goals would not be reached without first providing a means to make education valued in the great majority of homes in this Nation. Many told me.

Classroom teachers should not have the added responsibility to sow the seeds of love, respect, safety, and excitement for learning. These values need to be established in the home, nurtured, and then fostered by our teachers, administrators, and educational systems.

Teachers, schools, and States are making a commitment to help families and children where they can; the Federal Government is striving to make that commitment; parents need to step up and take even more responsibility for their children, and assume the values of responsibility and accountability themselves, and instill these virtues in their children.

Practically all reports dealing with the status of education today list the dramatic changes in family structure as one of the principal causes of educational problems. When over 40 percent of today's schoolchildren will have lived in a single-parent household or are from two-parent families with both parents working, specific efforts must be made to provide for parent-school interaction. The report, "Conditions of Education 1993," issued the Department of Education in July confirms that children who grow up in low-income families or with undereducated parents are often unable to pull out of a cycle of low achievement. Those families need help in interacting with schools.

Whatever the reason for the omission of parental involvement in the original plan, I am pleased that we have the opportunity to rectify this oversight today. The fact is, studies show that good schools exist where good parent-school relationships exist. But schools alone cannot do the job. History has proven the validity of the old African proverb, "It takes an entire village to raise a child." The most reasonable place to start is with partnerships between the family and the school.

Regardless of Congress' action or inaction, States can and are responding to the call for reform on their own without our help. My own State of Oregon enacted the Oregon Education Act for the 21st century in June 1991. This is a remarkably far-reaching mandate for change involving parents, students, education professionals, and members of the business community. Our goal is to have the best educated citizens in the Nation by the year 2000 and a work force equal to any in the world by the year 2010. To accomplish this, early childhood education has been made a top priority coupled with initiatives to bridge the gap between education and the workforce. This program allows for a flexible delivery system, an ongoing public dialogue, procedures to waive inhibiting regulations, and site-based decisionmaking that fits Oregon's needs.

Other States are adopting similar measures to varying degrees, but much more can be done if we do it in concert with one another—the State-Federal partnership in education has a long history of success, and I believe Goals 2000 offers the opportunity to strengthen it even further.

We must ensure that our efforts with this new legislation will recognize the reform that has already taken place in States like mine and others. Reform plans that have been enacted by State legislatures will become official Goals 2000 reform plans once approved by the Secretary of Education. Those States which are already well on board the reform bandwagon must not be asked to slow down.

During this debate, I will seek to clarify that preexisting plans are eligible under the Goals 2000 legislation and, as long as they are broadbased, will generally be approved by the Secretary of Education. I would like to thank Senator SIMPSON and his staff for their assistance with this critical piece of Goals 2000.

Just as parents need flexibility in working with the schools, so, too, must we foster that sense of flexibility in regard to the State-Federal partnership. I am pleased, Mr. President, about the regulatory flexibility provisions included in this bill. I believe we all realize that as new Federal programs are added—categorical or not—to public law, and Federal funds are tied to these programs, we run an increasing risk of loading requirements on schools that inadvertently impede educational achievement.

Programs we design here, with even the best input available, may not address the increasingly diverse educational needs of the students with which schools must contend. To force States, school districts, or even individual schools within the same district to jump through the same set of regulatory hoops can lead to the inefficient use of funds and a subsequent lack of progress. We must make sure that we provide sufficient flexibility to schools so that they may best identify and achieve the results of their program.

I introduced legislation in March 1993 known as the Educational Flexibility Act, S. 525, which gives the Secretary of Education and heads of other Federal agencies the authority to waive inhibiting requirements. The Senate passed similar language as an amendment to America 2000 last Congress, by vote of 95 to 0, but the conference report on the bill never emerged. Since that time, Senator KENNEDY, KASSEBAUM, and I requested that the General Accounting Office report to us on efforts of flexibility going on throughout the country.

I am heartened that many of the provisions of S. 525 have been incorporated into this bill. Still there is much that can be done. In the coming years, we will be insisting that our educators swim in the uncharted and potentially stormy waters of reform. To require them to do so with the weight of unnecessary regulations on their backs is to invite failure or, at best, delay in attaining our goal of preparing children for the future. Today we are signaling schools all across this country that we believe in their abilities to define there own needs and create innovative solutions, and we will help them as much as possible.

We are not going to attain the national education goals if we end up burying our teachers even deeper in paperwork that takes time away from their students. The only reform measures that will ultimately make any difference are those that result in positive changes in the classroom. We must not impede these changes.

We must pay attention. Goals 2000 offers an opportunity to both the Federal Government and the States: The message is simply this: Education reform

is encouraged. The state of the Union—our future—will only be as bright as the intellectual glow that our parents, teachers, and schools can instill in the eyes of our children today. We must start with the root of our problems if we are to effect change in the larger society.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, November 2, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR MARK: We appreciate your cooperation in working with us on the new parent involvement education goal which will be added to the Senate Goals 2000 bill. We share your views about the importance of parental involvement in a child's education and are committed to ensuring the inclusion of this goal in the final conference bill.

Sincerely,

NANCY LANDON KASSEBAUM,
U.S. Senator.
EDWARD M. KENNEDY,
U.S. Senator.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, November 3, 1993.

Hon. MARK O. HATFIELD,
Ranking Minority Member, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HATFIELD: In order to raise the performance of all of the nation's students, the Congress is considering education reform legislation. The approach it is considering, called systemic reform, involves all levels on the education system—national, state, district, and school—and sets high standards of achievement for all students.[1] A key part of such reform is providing freedom from regulations[2] that, according to experts, can constrain school improvement efforts. Under systemic reform, this regulatory flexibility would be given to schools in exchange for increasing accountability for student achievement.

This letter responds to your request for preliminary findings from our ongoing study of states' regulatory flexibility efforts. You asked for these findings to assist you in considering the Goals 2000: Educate America Act,[3] which would provide grants to states for systemic reform efforts and includes a number of provisions for increasing flexibility in federal education programs.

As part of our study, we visited three states,[4] selected because they (1) were involved in statewide education reform efforts, (2) had provided flexibility to schools with respect to their state regulations, and (3) had included students with special needs in their efforts to provide more regulatory flexibility to schools. Special needs students are those who need special assistance to improve their achievement, such as students who are disadvantaged,[5] have limited proficiency in English, or have disabilities.[6] We reviewed each state's improvement efforts and interviewed state, district, and school officials in the three states. We also met with federal education officials and reviewed studies of systemic reform and state regulatory flexibility efforts.

The regulatory flexibility efforts of the three states we visited varied.

One state had three programs that provided flexibility: two demonstration programs for a limited number of schools and one program for all schools that receive funds for students with special needs. In the first program, schools applied to the state for grants; waivers of state regulations could be requested as part of schools' plans to improve. In the second, schools submitted applications that detailed their improvement plans and, upon approval, were then exempted from most state education regulations. The third program allowed schools the flexibility to combine funds for students with special needs in order to better coordinate services for these students.

The second state had two programs: one that provided regulatory flexibility as a reward to schools whose students had high performance on state achievement tests, and a demonstration program in which a small number of schools were given flexibility over many state regulations in order to give them the freedom to develop new instructional techniques and assessment systems.

The third state completely revised its education system by eliminating many procedural requirements for all schools, such as the prescribed minimum number of daily minutes of instruction, in return for evidence of improved student achievement.

Finally, all three states allowed most schools to request waivers of state regulations on a case-by-case basis, whether or not these schools participated in the states' other regulatory flexibility efforts.

You asked us four specific questions on school reform, which we address as follows:

1. How have schools used regulatory flexibility in their school improvement efforts?

School improvement efforts that used regulatory flexibility provided by the states fell into two general categories: innovative classroom structures and integrated instructional models. Innovative classroom structures included (1) combining students into multigrade groups so that teachers could address the needs of students based on their developmental needs rather than their ages and (2) restructuring the school day to allow schools to schedule longer blocks of time in order to cover subject areas in greater depth and allow teachers more time for planning. Integrated instructional models combined more than one subject into thematic units and included some units taught by teams of teachers. For example, one school integrated different subjects—reading, art, science, and math—into a unit on weather.

To enable schools to try these innovative structures and integrated instructional models, states provided many different kinds of regulatory flexibility. For example, states provided flexibility by (1) waiving regulations relating to class structure, such as the length of the school day and class size restrictions; (2) allowing teachers to teach subjects for which they were not specifically credentialed, such as allowing a mathematics teacher, as part of a team, to teach a thematic unit on social studies; (3) allowing funds to be combined, such as one state that allowed schools to combine most of their funds for students with special needs in order to encourage teachers and administrators to work together in planning programs for these students; and (4) allowing teachers to include students in special programs based on their evaluations of students' needs rather than solely on test results or outside evaluations, such as allowing students whose scores on a reading test were just above the program's cut-off score to be included in a reading program for disadvantaged students.

Many schools, however, chose not to use the regulatory flexibility that was available to them. In all three states, schools were permitted to request waivers from state regulations on a case-by-case basis, but the states received few requests. In one state, about 20 percent of the schools were granted flexibility in return for good performance on standardized tests.[7] However, according to district officials, about half of the schools granted flexibility had not used it to attempt improvement.

Several factors appeared to contribute to whether or not schools took advantage of regulatory flexibility to attempt improvement. Schools that developed plans for improvement as part of a planning process requested many waivers from regulations in several districts we visited. Schools that had not developed plans for improvement may not yet have done enough work to know which regulations were barriers to what they wanted to do, according to state officials. Many schools had been recently required to prepare school improvement plans and, as a result, state officials expected to receive more requests for waivers.

The availability of technical assistance also seemed to make a difference in whether schools took advantage of regulatory flexibility to attempt improvement. Technical assistance included (1) providing examples of innovations, (2) establishing networks of schools involved in reform, and (3) providing schools with information on organizations working on education reform. This assistance, however, was not available to all schools. Although all three states had established centers to assist schools in their improvement efforts, not all schools that requested assistance received it, because funds were limited.

Finally, incentives, and the lack of them, in the designs of the states' programs appeared to affect schools' participation and their willingness to attempt improvement. For example, one state provided an incentive to schools to attempt improvement by giving grants to schools that participated in its demonstration program. In another state, the program that rewarded schools with flexibility for good performance did not provide an incentive for some schools to improve because school officials felt that their programs were already good enough since they had been designated high-performing. In addition, when flexibility was provided on a temporary basis, some school officials were reluctant to make changes that might later be rescinded. For example, if a school decided to increase its class sizes beyond the state requirement and hire more student aides for these larger classes, the school would have to replace some of the aides with state-credentialed teachers if the school lost its eligibility in the program.

2. What kinds of accountability systems have states established to accompany regulatory flexibility?

Providing accountability for student achievement in return for regulatory flexibility is a key element of systemic reform. None of the three states, however, had fully implemented an accountability system that allowed it to both (1) measure the effects of schools' improvements efforts on student achievement and (2) provide consequences to schools: rewards to schools that improve student achievement and assistance to schools that fail to improve. All three states had accountability systems that included statewide student assessments. All three were also developing new assessment systems that would better link assessment to high standards of achievement, although none of them had completed the task. Only one of the states,

Footnotes at end of article.

however, had developed an accountability system with consequences for all schools, and it had not yet been fully implemented. Another state had not yet included consequences as a part of its accountability system. The third state rewarded schools that had met the program's definition of high achievement by providing the schools with flexibility, but, by design, low-performing schools were not included in the program.

3. How are special needs students affected by states' regulatory flexibility efforts?

To varying degrees, all three states provided regulatory flexibility in their programs for students with special needs. All three allowed flexibility in their programs for disadvantaged students. For example, in one state, requirements for minimum number of minutes of instruction for all students, including disadvantaged students, were waived in all high-performing schools.

Two of the states allowed flexibility in their programs for students with disabilities. In one state, for example, funds for students with disabilities were combined with general funds so that schools could more easily educate all students in regular classrooms. According to district officials, this allowed students with disabilities to be included in the state's new primary program, which combined children from kindergarten through third grade into multigrade classes. State and district officials reported that it was difficult to include programs for students with disabilities in their state regulatory flexibility efforts because of the complexity of special education requirements and the concerns of parents of these students.

All three of the states were struggling with how to provide better accountability for the achievement of students with special needs. All of the states used their assessments to measure the achievement of disadvantaged students. One state, however, had not adapted its assessment for the state's large population of students with limited English proficiency. In addition, one state allowed schools to exempt many students with disabilities from its new assessment system because procedures had not yet been established for making the assessments accessible to these students. Another state had not made it possible for most students with severe disabilities to be assessed.

Two of the states were also working on how to separate the assessment scores of special needs students from total student scores in order to determine how well schools were meeting the needs of these students. For example, officials in one state were concerned that special needs students at high-performing schools might not be achieving as well as other students. The needs of these students could potentially be overlooked because (1) the state did not require that assessment scores for these students be reported separately—only total student achievement was tracked—and (2) no on-site monitoring of schools in the flexibility program was required. In the one state that assessed all students, including those with disabilities, state officials had not yet decided how to separate out the data for reporting the progress of some categories of its students with special needs.

4. What are the lessons from our preliminary findings for the Congress as it considers the Goals 2000: Educate America Act?

As the Congress considers the Goals 2000: Educate America Act, the preliminary findings from our study of states' experiences in granting schools more regulatory flexibility provide some lessons. If the Congress intends flexibility to be used to improve schools, then our results suggest that it should be only one part of congressional efforts to improve student achievement. Although regulatory flexibility can contribute to school improvement, flexibility alone does not always encourage schools to improve. Other state actions, such as providing technical assistance and encouraging schools and districts to develop plans for improvement, can help schools identify approaches for improvement and when flexibility is needed to implement them. Thus, our preliminary findings suggest that federal legislation link flexibility to other specific efforts to help schools plan improvements, as Goals 2000 does.

Our preliminary findings, and a recent GAO report on systemwide reform,[8] also indicate that reform efforts require schools to make a major investment of time and resources. Thus, schools may not take advantage of flexibility that is granted for a limited period of time. The Goals 2000: Educate America Act allows states to apply for waivers from federal requirements for, initially, a maximum of 3 years in the approved House bill and 5 years in the proposed Senate bill. The Congress will need to consider whether the time limit proposed for waivers from federal requirements in Goals 2000 is long enough to (1) encourage schools, districts, and states to invest in major reforms and (2) implement the reforms. In addition, the Congress should consider the potential impact that the renewal process for waivers—including the kinds of evidence of improvement that will be requested by the Secretary of Education—will have on districts' and states' willingness to request waivers.

Goals 2000 recognizes the importance of accountability in its provisions for states to develop and implement assessment systems. Our preliminary findings suggest, however, that states are not yet able to determine the effects of regulatory flexibility on the achievement of many students with special needs. If the Congress intends that regulatory flexibility apply to students with special needs, then school districts and states will need to include these students in their assessment systems, as provided for in Goals 2000. The Congress may need to clarify, however, that the achievement of these students be monitored separately.

We are also sending this letter to the Chairman and Ranking Minority Member, Senate Committee on Labor and Human Resources.

We are continuing work on our study; our forthcoming report will contain more detailed descriptions of regulatory flexibility efforts in the three states we visited. If you have any questions or need additional information, please call me at (202) 512-7014 or Beatrice F. Birman at (202) 512-7008.

Sincerely yours,

LINDA G. MORRA,
Director, Education and Employment Issues.

FOOTNOTES

[1] For a discussion of this approach, see Marshall S. Smith and Jennifer O'Day, "Systemic School Reform," Politics of Education Association Yearbook 1990, pp. 233-267. See also Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD-93-97, Apr. 30, 1993).

[2] The term "regulation" refers to a variety of governmental policies, including, but not limited to, regulations. It also refers to statutes, guidelines, rules, policies, and interpretations of these items by local educators and policymakers.

[3] The Goals 2000: Educate America Act refers to titles I-IV of S. 1150, which is currently being considered in the Senate, and H.R. 1804, which was passed by the House of Representatives on October 13, 1993.

[4] The states will be identified in the final report.

[5] The three states we studied defined disadvantaged students as those who were poor, had low achievement on state-required tests, or both.

[6] The majority of students with disabilities are identified as having specific learning disabilities, speech or language impairments, mental retardation, or serious emotional disturbance.

[7] Although other factors were considered, such as attendance and dropout rates, the formula used to determine which schools were high performing was heavily weighted towards the results of a standardized test given to most students in the state.

[8] GAO/HRD-93-97, April 30, 1993.

Now, I would like to direct a few questions to my friend and colleague, the Senator from Massachusetts. It is my understanding that to receive funds under title III of S. 1150 a State must develop or have already developed a school improvement plan. Is this correct?

Mr. KENNEDY. Yes, my colleague from Oregon is correct. Funds will be available during the first year to assist States that wish to develop plans for systemic education improvement. In subsequent years the funds might be used to complete a State's plan or to implement the plan already developed if the application meets the prescribed criteria.

Mr. HATFIELD. I thank the Senator, for this now gets to the heart of my concern. My State of Oregon has already developed an outstanding statewide educational improvement plan which I believe meets the aims of Goals 2000. There are other States in similar situations. Will a State that has developed a plan to restructure its educational system prior to the enactment of this bill, need to develop a new plan in order to receive funds under this act?

Mr. KENNEDY. I thank the Senator from Oregon for recognizing the need to clarify this important point. If a State has already enacted a school reform plan and elects to submit the proposal in order to receive funding for its implementation, the Secretary may approve that plan even if it was not developed in accordance with the exact provisions of this bill.

The Senator from Oregon and I have worked together on many important education issues in the past, and I am sure we are in agreement that the purpose of the bill is to assist State and local efforts not to force States to engage in superfluous effort. This bill specifically states that "Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing systemwide education improvement plans." Preexisting plans will be certified by the Secretary when they are based upon broad-based input from educators and policymakers and if they address the broad issues outlined in the bill.

Mr. HATFIELD. In Oregon, our plan was developed by the State legislature. Other States have gone through similar processes sometimes pursuant to a court order. In some States, State boards of education working through

powers delegated by legislators have also implemented reform efforts. If a State developed a plan through such processes, am I correct in my interpretation that such a plan would be considered to be developed with "broad-based input" as stated in this bill? Is it intended that legislatively enacted plans would usually be acceptable to the Secretary?

Mr. KENNEDY. If a plan is comprehensive, systemic, and directed toward helping all students meet challenging standards, it will be acceptable. In any case, States that have taken the initiative in formulating a viable plan and, in some cases have the implementation procedures underway ought to be complimented and encouraged and in no way penalized for their leadership.

Mr. HATFIELD. I thank the Senator for his remarks. I am in complete agreement with recognizing the actions taken by States such as Oregon as adequate for purposes of Goals 2000 educational reform plans.

AMENDMENT NO. 1377

Mr. HATFIELD. Mr. President, I would like to return now to the amendment that I am proposing.

I am pleased to offer an amendment today on behalf of myself and my colleagues, Senators DURENBERGER, PELL, JEFFORDS, and GRAHAM of Florida, which builds on the education flexibility provisions already included in Goals 2000. We are proposing the Education Flexibility Partnership Act to offer six states an enhanced arrangement in which to try regulatory flexibility.

Senator DURENBERGER and I have been working together, with the assistance of the committee, to ensure that the provisions in Goals 2000 will be of the most possible assistance to States as they embark upon systemic education reform efforts. In that vein, we have worked to guarantee that schools that do not receive funding under Goals 2000 are still eligible for waivers of Federal regulation. We have also improved the accountability provisions in the bill since that is the essence of the trade-off between the States and the Federal Government—we will release the Federal straightjacket in exchange for careful accountability of the results of such waivers.

Under Goals 2000, states apply directly to the Federal Secretary of Education for waivers of regulations. Waivers are limited to a specific list of programs—Chapter 1, Chapter 2, the Eisenhower Math and Science Education Act, the Emergency Immigrant Education Act, Drug-free Schools, and the Carl Perkins Vocational Act, and will not be granted if they relate to the health and safety of our children. In addition, Federal funds must continue to be used to meet the aims of the programs under which they were allocated to the States. While I believe this is an adequate arrangement, I am hopeful that my amendment will allow us to explore another possible route for the granting of education flexibility.

The amendment I am offering today requires the Secretary of Education to establish a demonstration program for six States, which will be known as Ed-Flex Partnership States. Rather than the Secretary of Education making the decisions on waiver applications, this demonstration will allow the Secretary to negotiate an arrangement with six States in which, within certain limitations, the State itself can grant waivers. The effect will be to streamline the granting of regulatory waivers.

In order to qualify for this demonstration, a State must have an approved Goals 2000 improvement plan and must demonstrate a major commitment to waiving State statutory and regulatory requirements. As we all know, many of the truly onerous regulations originate at the State level. This demonstration is designed to support the efforts of States like Oregon, Florida and others which are already waiving State regulations, by adding a Federal waiver tool to their arsenal.

The rationale behind this amendment comes from a report I commissioned from the Government Accounting Office last year. The report tells us that waivers of regulation make the most sense when they are done in concert at the local, State, and Federal level. Allowing the State the ability to make these decisions, pursuant to their agreement with the Secretary, will enhance the innovation and creativity we hope and expect will arise under the education flexibility program. By no means, however, are we giving the states free rein. The Secretary will have full authority to monitor the demonstration States and, after notice and appeal, terminate the authority if necessary. As this is a true demonstration in which we hope to establish a database on which to move forward, we are specifying that three of six States selected have populations below 3.5 million and three have populations above, based on census data.

At this point, I ask unanimous consent to print in the RECORD an opinion by the American Law Division of the Congressional Research Service which affirms that this concept is a proper delegation of authority to State educational agencies as long as guidance is given to them to use in granting waivers.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, November 18, 1993.

To: Hon. MARK HATFIELD; Attention: Sue Hildick.

From: American Law Division.

Subject: Delegation of Regulatory Waiver Authority to State Educational Agencies Under S. 1150.

This is in response to your request for an opinion on the validity of a proposed amendment to S. 1150—the Goals 2000: Educate America Act. Specifically you inquired as to whether amending section 311 of the bill to allow regulatory waiver determinations to be made by the state educational agency rather than the Secretary of Education would constitute a valid delegation of legislative authority. Upon examination of the proposed amendment and relevant judicial precedent, it appears that the provision would properly delegate authority to state educational agencies, if language were included to provide guidance to the state in making waiver determinations.

REGULATORY FLEXIBILITY UNDER S. 1150 AND THE PROPOSED AMENDMENT

Section 311 of the bill establishes a process by which states and local school districts may seek waiver of various Federal statutory and regulatory requirements in order to facilitate the implementation of the state or local education reform plan mandated under Title III. Under the provision, the state educational agency, on behalf of itself, a local educational agency (LEA) or an individual school may apply to the Secretary of Education for waiver for the statutory and regulatory requirements set out under the statutes enumerated in the bill. The Secretary may grant the waiver upon a finding that the requirement "impedes the ability of the state, . . . local agency or school, to carry out the [s]tate or local improvement plan." In addition, the state educational agency must waive or agree to waive similar state requirements.

Essentially, Senator Hatfield's proposal would amend section 311 to authorize the state educational agency to grant regulatory waiver requests made by local school districts and individual schools, pursuant to an "educational flexibility" plan approved by the Secretary. Under the plan, the state would be required to outline the process to be used in evaluating LEA waiver requests. Upon approval of the plan, the state educational agency would be required to transmit a list of the approved LEA applications to the Secretary; conduct an annual audit of the approved plans and include the results of the audit as part of an annual report to the Secretary.

DELEGATION OF WAIVER AUTHORITY TO THE STATE EDUCATIONAL AGENCY

The proposed amendment to section 311 does not appear to raise serious constitutional delegation concerns as the Supreme Court has consistently upheld legislative delegations of authority where the legislation provides some "intelligible principle" to which the recipient of the delegation is to conform.[1] Moreover, the required "principle" apparently need not be narrow or detailed as the Court has upheld congressional delegations containing the broadest of legislative direction, including provisions authorizing a Federal agency to fix "fair and equitable" commodities prices[2]; the Federal Power Act which authorized the Federal Power Commission to determine "just and reasonable" rates[3] and provisions within the Communications Act of 1934 directing the Federal Communications Commission to regulate broadcast licensing "in the public interest".[4]

Thus, Congress' delegation of authority to waive statutory and regulatory requirements under S. 1150, as amended by Senator Hatfield's proposal, would be generally supported by long standing Supreme Court precedent on the issue. However, it would be advisable to include within the proposed

amendment some standard by which the state educational agency would be guided in making its decision to grant LEA waiver requests. For example, the language presently included in section 311 that requires a finding that the particular Federal requirement would "impede the ability of the state, . . . [LEA] or school . . . to carry out the state or local improvement plan" would appear a sufficiently "intelligible principle" to withstand a challenge to the delegation.

[Footnotes at the end of article.]

Just as Congress' ability to delegate its legislative authority has been generally upheld, sufficient precedent can be found to support such delegations to state, local and even private entities to enforce and execute Federal law. For example, in Sunshine Anthracite Coal Co. v. Adkins,[5] the Court upheld provisions within the Bituminous Coal Act of 1937 which authorized the organization of coal producers under the Bituminous Coal Code to fix minimum prices for code members in accordance with stated standards. Prices set by the Code were subject to approval by the National Bituminous Coal Commission, the Federal agency responsible for administering the act. In upholding the statute, the Court noted that the Commission exercised the ultimate authority to determine the prices and maintained "authority and surveillance over the activities of [the organization]."[6]

More recently provisions within the Beef Promotion and Research Act, delegating authority to a private body, have been similarly upheld where supervisory authority was vested in a governmental agency. That act establishes a Cattlemen's Beef Promotion and Research Board, composed of cattle producers and importers, which is authorized to "develop plans or projects of promotion and advertising, research, consumer information, and industry information * * *"[7] Assessments are imposed on cattle producers which are remitted to the Board to implement the program. The program was ultimately upheld in *U.S. v. Frame*[8], where the court found significant the fact that the Secretary of Agriculture was authorized under the act to exercise considerable supervision over the composition and operations of the Board. Specifically, the Secretary selected members of the Board from lists of nominations submitted by producers and importers throughout the country. In addition, the Secretary had approval authority with respect to the Board's budgets, plans or projects, expenditures and contracting activities.[9]

Applying the line of reasoning set out in these decisions, it appears that an amendment delegating waiver authority to the state educational agencies would withstand judicial scrutiny. Similar to the provisions upheld in *Adkins* and *Frame*, the bill would provide the Secretary of Education with significant supervisory authority over the state educational agency in the conduct of its regulatory relief program under section 311, as proposed to be amended, the state educational agency would be required to annually submit, for secretarial review, the results of the performance audits required under the bill. Most significant, subsection (d) authorizes the Secretary to terminate a regulatory waiver, upon a finding that the performance of the waiver recipient has been "inadequate to justify the continuation of the waiver."

Moreover, numerous legislative precedent can be found in which Congress has sought to delegate authority to implement Federal law to the states. For example, the Medical Waste Tracking Act of 1988 authorized the states to impose civil and criminal penalties for violations of the Act "to the same extent as the Administrator" of the Environmental Protection Agency.[10] In addition, many Federal consumer protection statutes contain provisions delegating administrative and enforcement authority to the states, including the Water Pollution Prevention and Control (Clean Water) Act[11]; the Consumer Product Safety Act of 1990[12], the Nutrition Labeling and Education Act of 1990[13]; and the Telephone Consumer Protection Act of 1991.[14]

KEVIN B. GREELY,
Legislative Attorney.

FOOTNOTES

[1] *See J.W. Hampton, Jr. & Co.* v. *United States*, 276 U.S. 394, 409 (1928); *see also Touby* v. *United States*, 111 S.Ct. 1752 (1991); *Mistretta* v. *United States*, 488 U.S. 361 (1989).

[2] *Lichter* v. *United States*, 334 U.S. 742 (1948).

[3] *Federal Power Commission* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1944).

[4] *National Broadcasting Company* v. *United States*, 319 U.S. 190 (1943).

[5] 310 U.S. 381 (1940).

[6] *Id.* at 399.

[7] *See generally* 7 U.S.C. 2901–2911.

[8] 885 F.2d 1119 (3rd Cir. 1989).

[9] *Id.* at 1128–1129. *See also Nobelcraft Industries* v. *Secretary of Labor*, 614 F.2d 199 (9th Cir. 1980) (Upholding provision in the Occupational Safety and Health Act directing the Secretary of Labor to adopt interim standards, in particular areas, adopted by private standards producing organizations); *Schweiker* v. *McClure*, 456 U.S. 188 (1982) (Upholding provision in Part B of the Social Security Act authorizing the use of hearing officers appointed by private carriers to adjudicate Medicare claims).

[10] *See* Pub. L. 100–582.

[11] 33 U.S.C. §1342.

[12] *See* Pub. L. 101–608.

[13] Pub. L. 101–535.

[14] 47 U.S.C. §227.

Mr. HATFIELD. Mr. President, we have done so by indicating that States should not approve waivers for local education agencies or schools unless a reform plan is in place and the waiver will assist the LEA or school in reaching its educational goals.

Mr. President, my colleagues may recall that when we last considered legislation like Goals 2000, it was called America 2000 and it was proposed by President Bush. The legislation ultimately passed the Senate and attached to it was my amendment which provided for an original ed-flex demonstration in six States—that was the highpoint in negotiations at that time which was 2 years ago. The amendment passed 95 to 0 on a rollcall vote here in the Senate.

Today, the Goals 2000 legislation has broad authority for ed-flex for our schools, but still under the same onus of coming to Washington for an answer. The amendment I am offering is leap years ahead of where we were with America 2000—while it is still a demonstration for six States it is an effort by the Federal Government to truly partner with the States and allow them the maximum latitude to reform their schools, at their level.

I would like to thank Senators PELL, JEFFORDS, KENNEDY, and KASSEBAUM for their support and assistance with this amendment. In addition, the Department of Education has been a partner with me in designing this amendment and I would like to particularly thank Mike Cohen of Secretary Riley's staff for his assistance.

At this time, I have completed my opening statement. I see one of my cosponsors, my colleague, the Senator from Minnesota.

Mr. President, I ask for a rollcall vote on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I thank the Chair.

Mr. DURENBERGER. Mr. President, I rise, together with my distinguished colleagues from Oregon, Rhode Island, and Florida to offer the Education Flexibility Partnership Demonstration Act amendment.

My colleague from Oregon has already done an outstanding job in explaining the amendment. I would just like to add some relativity to the amendment and express also my appreciation to the members of the Labor and Human Resources Committee, with whom I enjoy company, and their staffs for their assistance with this amendment as well.

This amendment is completely consistent with the mission of Goals 2000—to reform public education in America through real system reform.

The ed-flex demonstration supports bottom-up reform. Its purpose is to encourage and assist States, school districts, and schools in their reform efforts by allowing States to grant waivers of both Federal and State statutory and regulatory requirements that now present barriers to education restructuring and reform.

Mr. President, educational leaders in Minnesota have told me that the flexibility offered by this amendment is just what States that are on the cutting edge of reform both want and need.

Minnesota has already done a great deal on its own to reduce the volume of input oriented top down State regulation in education and shift the focus of accountability to results—to what students actually learn.

More than 75 school districts in Minnesota—including Rochester and North Branch—have been given broad waivers from State rules and regulations by the State board of education, making it possible to introduce important innovations in schools all across the State.

Minnesota's charter schools law also offers the opportunity for individual schools to operate free from most rules and regulations in exchange for a contract with their school districts that holds each school accountable for improved learner outcomes.

The 1993 Minnesota Legislature approved a proposal that repeals literally hundreds of outdated and cumbersome rules and regulations that have little or nothing to do with what students need to know to get a good job or to be successful in life.

And, finally, the Minnesota Department of Education is now engaged in a major initiative designed to totally refocus accountability for schools in Minnesota away from hours and days and years in the classroom—toward promoting and graduating students on the basis of what they actually learn.

This amendment will further assist States like Minnesota that want to get out from under the burden of Federal rules and regulations that focus on these top down inputs—the outdated, outmoded, unreliable rules—and that—far too often—get in the way of the changes that teachers and principals know would do well for students.

Mr. President, last year Senators HATFIELD, KENNEDY and KASSEBAUM commissioned an ongoing study done by the General Accounting Office which provides a sound rationale for the ed-flex amendment that my colleagues and I are offering. I believe that report has been put in the RECORD by my colleague from Oregon.

The report says that in order to raise the performance of all of the Nation's students, education reform must "involve all levels of the education system—national, State, district, and school—and set high standards of achievement for all students."

A key part of this kind of comprehensive reform is providing freedom from regulations that get in the way of what teachers and parents and others at the local level know needs to be done to change the way we teach and learn.

"Under systemic reform," the GAO study concluded, "this regulatory flexibility would be given to schools in exchange for increasing accountability for student achievement."

Under this amendment, Mr. President, six States will be allowed to participate in the ed-flex demonstration. Three must have a population of over 3.5 million people and three States below that level.

My own State of Minnesota has expressed strong interest in participating in this demonstration. And, our State's Commissioner of Education Linda Powell has informed me that her department is strongly supportive of the opportunities this amendment would provide.

In a recent letter, Commissioner Powell told me:

> We believe that this (amendment) recognizes that the states have individual differences and that, while Congress clearly has the responsibility to set the policy for the nation, because of the unique needs and state direction, the states should be able to operate programs as they see fit as long as they are meeting the policies set by Congress in the Act.
>
> States also need to accept the responsibility to be held accountable for meeting those statutory policies.

Commissioner Powell also said:

> Minnesota recognizes that all learners can achieve and be successful. We also believe that we need to concentrate on the results of learning and not as much on the administrative processes.

Mr. President, this amendment will help teachers, principals and students in States like Minnesota accelerate their education reform efforts. It will allow States to test new forms of accountability needed to meet the high standards that Goals 2000 will now place in law.

I strongly support this amendment and urge my colleagues to lend their support, as well.

Mr. President. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. I will speak briefly.

I rise in support of the amendment of the Senator from Oregon. I think it is an excellent one. He has been an outspoken proponent of regulatory flexibility and I am certainly glad to add my name as a cosponsor.

My colleagues may remember that this amendment, or one similar to it, was passed when we were on a similar bill sometime ago. Let us just hope that this time it will get enacted into law.

The amendment before us allows six States to be designated as ed-flex partnership States. These States would be given authority to waive specific Federal regulations within their State for local education.

I think it is incredible, as we go forward, to fully understand that we have laid out for ourselves a schedule which will be very, very difficult to meet if we are to try to solve the problems of education by the year 2000. So we are going to need the most flexibility, at least in respect to allowing some States, through their own means, without the hindrance of regulation, to be able to establish programs and plans and curricula and whatever else they need in order to make sure that we have a chance at accomplishing the goals which we have set out.

So I am very pleased to be a cosponsor and look forward to supporting this amendment in conference.

Mr. KENNEDY. Mr. President, I too want to thank our colleagues for their initiatives and their strong commitment toward this kind of flexibility.

I think any one of us who has had a chance to talk to teachers and to school principals at the local levels has countless stories about their feelings that they could make an important difference, if only they were given additional degrees of flexibility.

I think all of us are familiar with some of the challenges that we have faced in the past, where we did reduce the kinds of regulations, and some of the resources that we had were diverted to other purposes. The response to that was to put on other rules and other regulations. I think many of us believe that they form a straitjacket in local communities.

This is a very reasonable approach which permits flexibility in the six States. We have included additional flexibility for other States, as well, in terms of the development of their program. We are going to encourage that kind of flexibility and keep a very careful eye on how the scarce resources are utilized. I think all of us are hopeful it will be successful and will be monitoring it closely to be sure those resources are actually utilized in the schools.

There are some areas, obviously, particular commitments that we have in terms of some of the special needs and other rules, that will not be waived, that guarantee certain protections for individual students. But this is, I think, a very useful, important, and constructive idea. I think it should be agreed to by an overwhelming majority and I certainly urge all my colleagues to support it.

The PRESIDING OFFICER (Mr. AKAKA). Senator PELL is recognized.

Mr. PELL. Mr. President, I am pleased to support and cosponsor the amendment offered by Senator HATFIELD. It would establish a demonstration program in six States to test the concept of regulatory flexibility.

This is something we ought to do. Again and again, we hear concern from the State and local level about the constraints placed upon education agencies by onerous Federal regulations. The complaint is often accompanied by an expression of frustration that compliance with Federal regulations often hampers programs from serving children in the way the program was intended. Because of this, I am of the mind that we ought to test whether or not this is, indeed, the actual situation. The best way to do that is through a demonstration program of the nature proposed by the Senator from Oregon.

There are three aspects of the proposed demonstration that are particularly noteworthy. First, it requires that the States meet the original purpose of the program for which they seek regulatory flexibility. This will ensure that the reason behind the program will not be lost, and that the intended services will continue to reach those for whom the program was designed.

Second, the demonstration program requires that the State also look at State regulations. We often find that burdensome regulations are not solely a matter of Federal law; they also extend to State regulations. Therefore, as we move to provide greater regulatory flexibility at the Federal level, we should do the same at the State level.

Third, the demonstration program requires a good mix of participants. It would include both large and small States. This is important in determining whether or not the flexibility is, in any way, tied to the size of the State.

The adequacy of the demonstration program is very definitely enhanced by this provision.

Mr. President, this is a good measure and I urge its passage.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the vote on the amendment, No. 1377, occur at 11:25 today without intervening action. This has been cleared with the Republican manager.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe there are others who want to address this issue. As I mentioned before, I certainly hope there will be overwhelming support for this program. Not only did we accept this on our last education bill, but we were able to maintain it in the conference as well. We certainly hope we will be able to do so in this conference as well. The House does not have a comparable report.

I know there are others who want to talk about either this issue or others before the time expires. I just wanted to follow up on my comments from earlier this morning about some of the aspects of this legislation, some of the experiences that have taken place in a number of schools in different parts of the country, and why we are very hopeful this legislation will have, really, a far-reaching impact in strengthening the academic achievement of young people in this country.

I tried earlier today to describe in broader terms what our committee was about and what I think the administration, the Congress, and the Senate, in a bipartisan way, have been about in terms of the young people in this country.

I would like to come back to one of the important—essential—aspects of this legislation, and that is the focus we give to the teachers in our schools. Last spring, I met with a group of some 20 outstanding teachers from Massachusetts. They had been selected from school systems all over our State. It was an extraordinary group of men and women gathered at Boston College just outside of Boston. We had a long, informal conversation. In reviewing this legislation, they absolutely convinced me that we were on the right track. The conversation helps to underscore why the Goals 2000 is right in its emphasis on teacher development. Goals 2000 would allow States to make grants to schools for this purpose. Here are some of the things that the teachers told me.

The personal relationship between teacher and student is about 80 percent of the equation in getting kids to succeed. They reminded both myself and others to think back about our own education. You probably do not remember a textbook or media lab or curriculum, but you do remember a teacher. I think that applies, really, to all of us. It is critical that we give the teacher only the number of students that he or she could get to know, and that would allow him or her to find the key to reaching each student.

Later on, when I visited the school I mentioned, the Fenway High School College at Bunker Hill, just 10 days ago, it was very clear to me that this bond between the kids and the teacher was really what was motivating the kids to stay in school and work hard. I heard it time in and time out, from the kids as well as from the teachers and principals. A teacher told me that he started to call up students after they dropped out of school, and 7 times out of 10, the student's reason was, "Nobody even knew I was there or cared if I stayed." I think this point is really an important one.

The teacher obviously has to be well educated himself or herself to know and understand learning. The teachers I spoke with wanted time to study and learn themselves and not to be overwhelmed by too large classes and too much paperwork. That we heard time in and time out. One of the things we have seen and will continue to see is, when the teachers have some additional time, and when they are given some additional support, in terms of looking at different types of curricula and the opportunity to work together, they are enormously creative and imaginative in really reshaping the school itself. We have dozens of examples of that. During the course of the day, if we have the additional time—we want, obviously to move on to the amendments—but I will go into some detail on it. I think there are some enormously interesting stories.

Teachers want to be able to collaborate more, but they cannot, because there is no time in the school day. They have too much paperwork. They want to be valued. They want to be respected. And they want access to things other professionals have, like telephones. One teacher said there was only one phone in her school for 41 teachers.

Against this background, I might mention that we, all of us, are pleased with the latest interim report of the National Board For Professional Teaching Standards. They are making good progress and they support standards for teachers as well as for everyone else. That is really in harmony with what we are trying to do with the content standards and also the various kinds of evaluations.

We also look at the teacher standards as well. We have the interim report. We are expecting a follow-on report as well, and that has been enormously impressive and it is a part of our whole effort.

I see my colleague, the Senator from Montana. I will continue to give examples when time is available. I see my friend seeking recognition. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BURNS].

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1822 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I thank my friend, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I will continue with some examples that were taken in the State of Minnesota, the charter schools, and a couple of schools in Dade County. A number of efforts that they developed has been reported by Tom Toch in the U.S. News article.

I had the opportunity to see these under Superintendent Fernandez, when he was the superintendent in Dade County. He has developed a whole program to promote teacher training and teachers' involvement. He reported that initially when they were hiring teachers, he had a choice of 1 out of 2 teachers to come down into the schools. When he finished the program, in terms of the teacher development, teacher support, and teacher training, he had the choice of 1 out of 7, and he was able to make a judgment and determination toward improving, in a very significant way, the quality of the teachers in the classroom, with all of the attendant implications in terms of students and parents.

Once his program really developed, there was an increasing involvement of parents and, obviously, of the students. They participated in an experiment conducted by the teachers themselves, where both parents and students attended Saturday classes. It was made clear that participation was voluntary, and they thought that both parents and students would not want to come if the students had weak academic achievement. But instead, the classrooms were overcrowded. Students brought the parents and were, in many instances, eager to attend the schools with the active support of the parents, because of the programs they had. One program actually provided a sabbatical to teachers themselves, after they had been teachers in the system for 7 or 8 years, giving them a period of time off so that they could upgrade their own skills, and upgrade other kinds of efforts in that school district which were very creative and innovative and applicable in that particular district.

These were the kinds of initiatives which were very evident, and which I saw personally in Dade County. There

are similar examples in the charter schools in Minnesota which have been reported.

It is important to know that in my own city of Boston, only 62 percent, or 62 cents out of every dollar that is expended on a young person, actually is spent on the classrooms, the students and the teachers. The rest is spent for administrative costs.

Obviously, in terms of the reorganization structure, in terms of the classroom and schools, we are very hopeful that that percentage will change. It is about 60 percent, generally, nationwide.

I think there are important opportunities within this legislation to try and see how there can be a stronger emphasis, with scarce resources, on using funds more effectively in terms of supporting the teachers and the classrooms.

There is a great desire for setting up teacher training in classrooms; clinical schools where teachers are trained, just as doctors are trained in hospitals. Such training would energize the teachers who do the teaching, and really help new teachers and veteran teachers in the schools.

I might say, just getting back to Dade County, that their teacher organizations conduct a mentor program with students in the Dade County system, to interest them in pursuing teaching careers. Teachers bring the students to their various meetings and develop programs to interest some of the ablest, brightest, and youngest students to pursue a career in teaching. This program has paid off in developing a number of very talented, bright, young students who are making an early decision to go into teaching. These teachers, obviously, are from the communities that these schools are serving. That kind of innovativeness had received increasing and broad support.

One of the developments that we have seen at a number of different high schools is the stripping the curriculum of superficial and nonessential courses; the concept of "less is more." Students take so many courses that they do not learn any really well. Too many courses are trivial. We need fewer, longer, more disciplined courses. This is the concept of Ted Sizer and the essential schools. A number of our major cities, including Boston, have those. It is an interesting, historical fact that at the time of the classics and the Renaissance, they generally only taught three courses, sometimes four courses including perhaps philosophy, language, and a basic science course. But there were only three or four courses at that time. In many instances now, we see such a diversity of courses that many of our young people do not have the opportunity to get that kind of focus and get that direction with good teachers to be able to really learn in the basic areas.

This is something that we have seen in a number of the schools. In my city of Boston, they have reduced the number of courses, extended the period of time, and improved the whole learning process, because they now have more time. Less time is focused on the teacher just directing in front of the class, and more time is directed to encouraging a much greater involvement of the students, and that has made an important difference. It is certainly one of those systems that ought to be reviewed by teachers. It may be important for some; it may not work for others, but it is certainly something that has taken place around the country.

Kentucky has pioneered a new kind of testing that is a sharp departure from the multiple choice tests virtually all schools use. These tests include projects that require students to put together what they have learned in several different classes to try to bring together the knowledge that is learned in each class. I have seen a number of classrooms where students, young students in the early grades, are beginning language training, and they are looking at the continents in geography, and then reading about the continents in French, continuously learning the words, and then learning about those continents in other classes, so that there is a tying-in of information that is educationally relevant to students at an early age. It has been interesting to see some of the impressive results that have developed from that process. But continued innovation such as this obviously becomes increasingly complex and difficult. Teachers need to have the time to be able to work through new concepts with other teachers. Perhaps in some grades it would work well, others it might not. But nonetheless, there are some innovative concepts that can work in a variety of different environments.

I see, Mr. President, time has just about expired at this time, so I would suggest the absence of a quorum and indicate that we expect this vote now to commence in the next couple of minutes. We are very hopeful that other Senators who have amendments will come to the floor and indicate their willingness to debate these issues so we can move this whole process along.

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

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1377 offered by the Senator from Oregon [Mr. HATFIELD]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. DECONCINI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—97

Akaka	Faircloth	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—3

McCain	Nickles	Stevens

So the amendment (No. 1377) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1375

The PRESIDING OFFICER. The pending business before the Senate is the amendment in the second degree No. 1375 offered by Mr. KENNEDY of Massachusetts.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are making good progress, and I appreciate the cooperation.

As to the amendment of the Senator from Connecticut that deals with the issue of violence in schools, I know he is prepared to offer that now. I think it is a very constructive amendment. It is a timely one because there have already been appropriations for this subject to authorization prior to early spring, and there was unanimous consent for that.

Afterward, we will go, hopefully, to the Coats-Lieberman amendment at just about 1 o'clock. There is a 1-hour time limitation on that amendment, and Senator GRASSLEY will follow that. We will try to work that out if we have time now. I know Senator GREGG has an amendment.

We are glad to try to accommodate if we are able to move along the other amendments as well as in terms of time.

We are beginning to move along. We will have Senator HELMS' amendment, which is listed as four different amendments. We are prepared to deal with those as well.

So we are making some good progress. We are grateful for the support.

I think we will have a continued series of votes now periodically, and we hope that our Members will keep close so we do not have to delay voting on amendments and delay the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to send an amendment to the desk.

The PRESIDING OFFICER. The Senator is advised that the pending amendments must be set aside.

Mr. KENNEDY. Mr. President, I ask unanimous consent to set aside the existing amendments.

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

AMENDMENT NO. 1378

(Purpose: To help local school systems achieve Goal 6 of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence)

Mr. DODD. Mr. President, on behalf of myself, Senator KENNEDY, Senator JEFFORDS, Senator PELL, Senator COCHRAN, Senator METZENBAUM, Senator SIMON, Senator WOFFORD, Senator WELLSTONE, Senator MIKULSKI, Senator GLENN, and Senator LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, (Mr. KENNEDY, Mr. JEFFORDS, Mr. PELL, Mr. COCHRAN, Mr. METZENBAUM, Mr. SIMON, Mr. WOFFORD, Mr. WELLSTONE, Ms. MIKULSKI, Mr. GLENN, and Mr. LIEBERMAN), proposes an amendment numbered 1378.

Mr. DODD. 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 end of the bill, insert the following new title:

TITLE ___—SAFE SCHOOLS

SEC. ___01. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Safe Schools Act of 1993".

(b) STATEMENT OF PURPOSE.—It is the purpose of this title to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. ___02. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this title may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this title.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section ___06, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section ___06(b).

SEC. ___03. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency shall demonstrate in the application submitted pursuant to section ___04(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this title, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this title—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. ___04. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this title, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this title will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this title;

(7) an assurance that grant funds under this title will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available by the applicant for the purpose of this title;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this title or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this title for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforce-

ment, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. ___05. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this title for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this title.

(P) The cost of administering projects or activities assisted under this title.

(Q) Other projects or activities that meet the purpose of this title.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this title in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this title in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this title for construction.

SEC. ___06. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this title, the Secretary is authorized to use funds reserved under section ___02(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this title, and peer review of applications under this title. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section ___02(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. ___07. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. ___08. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. ___09. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

Mr. DODD. Mr. President, I have a statement I want to make on this amendment, but Senator CAROL MOSELEY-BRAUN of Illinois has some obligations she needs to attend to. She has a second-degree amendment that she cares to offer at this time.

So I will withhold making my statement at this juncture and yield to the Senator from Illinois for the purpose of offering the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank you very much, and my thanks to the Senator from Connecticut.

I have a statement that I would like to make in support of this amendment, but Senator BEN NIGHTHORSE CAMPBELL has an even more pressing engagement, so I would like to first defer to him as a cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President; and I thank my colleague from Illinois.

I did not know the amendment was coming up this quickly, so I am sorry that I have to press forward.

I rise in support of this amendment. I think it is an amendment that can be very easily misread and misconstrued in this day of tight budgets.

As many of my colleagues know, in my home State of Colorado, I have been trying to work with inner-city gang violence and spend a good deal of my time and evenings in that city visiting with gang members themselves. I see this as an extremely important amendment.

Just yesterday, our Senate Chaplain had made some arrangements, in fact, to bring some youngsters from Los Angeles, Long Beach, and Denver who were active members of gangs to be able to come to the gallery in the Senate and watch our proceedings.

Today, some of them are over on the House side involved in a hearing on violence and victims' reactions to violence. This morning, they went to the National Cathedral, to the National Prayer Breakfast, in some hopes that some would understand that there is a much bigger lifestyle out there than being involved in gangs.

I had a chance to meet with them yesterday. I talked to them about the inner-city programs, about the midnight basketball programs. They tell me it is one of few alternatives to being on the streets, being involved in that program in Denver, CO. It is highly successful.

There have been a number of independent reports that say gang activi-

ties in public housing has decreased; that many players have found permanent jobs; that many players have completed GED requirements. Certainly those who believe in both rehabilitation and offering alternatives to street violence support this amendment by CAROL MOSELEY-BRAUN.

We know that we are not going to find all the answers on a basketball court, but certainly it has to be one of the answers in providing alternative things to late-night activities.

I, myself, was a product of a publicly funded sports program and often think that perhaps if I had not had those opportunities, I would be in a different kind of institution now than the U.S. Senate.

But certainly we can recognize, in a time of tightening budgets, that it is much more cost effective, in terms of dollars and societal trauma, to put youngsters in gyms rather than in prisons.

We have already proven we can be tough on the crime bill. I hope in this bill we can also prove we are smarter, also.

I just wanted to rise to offer my support to my colleague, Senator MOSELEY-BRAUN, and to congratulate her on bringing this amendment to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1379 TO AMENDMENT NO. 1378

(Purpose: To amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job training, and other educational activities for residents of public housing and federally assisted housing and other low-income families)

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk an amendment cosponsored by Senator CAMPBELL, Senator SIMON, Senator LAUTENBERG, and Senator ROBB, that is designed to help our Nation meet the second national educational goal by increasing educational opportunities for youth and young adults who live in public and public-assisted housing.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, and Mr. ROBB proposes an amendment numbered 1379 to amendment No. 1378.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, insert the following:

TITLE ___—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. ___01. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. ___02. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "**and assisted**" after "**public**";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to

carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. ___03. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (1)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

Ms. MOSELEY-BRAUN. This amendment would authorize less than $6 million for the development of new and existing midnight basketball leagues which serve high school dropouts and students at risk of dropping out.

Now, I want to say to my colleagues, the name midnight basketball is, in some regards, misleading. Although midnight basketball sounds like a recreational program, in fact, it is actually an educational, crime prevention, and socializing program designed to provide young people with alternatives to the street and alternatives to crime.

Midnight basketball has worked in over 41 communities across the United States. It has promoted youth development by requiring leagues to form public and private partnerships with local companies.

Under this amendment, midnight basketball leagues would be eligible for

grants ranging from $55,000 to $130,000—spread out over 5 year periods.

Leagues would have to provide 35 percent in matching non-Federal funds for the first 2 years, and 50 percent in matching funds thereafter.

In Chicago, private sponsors have not only contributed funds to help finance the leagues and teams, they have also helped midnight basketball leagues offer educational programs including one-on-one tutorial sessions and GED classes which league players are required to attend after each game.

Private sponsors have also served as important adult mentors and role models for the young people living in housing projects in the city of Chicago.

Mr. President, midnight basketball leagues also help prevent crime by requiring that a majority of midnight basketball games be played during the hours when most youth crimes are committed—10 p.m. to 2 a.m.

As a result, midnight basketball leagues in Chicago and elsewhere have successfully assigned rival gang members to the same teams—effecting truces both on and off the court.

I am proud to say that many league players in Chicago have also recently completed their GED requirements and that none of them were in trouble with the law during the time they were involved in this program.

In Chicago, midnight basketball leagues have been able to serve 80 youngsters a year at a cost of about $85,000. It costs about that much to incarcerate one juvenile for 2 years.

If midnight basketball helps keep even one of the participating young people out of our criminal justice system, this program will have served the taxpayers very well.

Mr. President, midnight basketball has been a real success in Chicago and in 40 other communities across the country where leagues have already been formed.

In fact, NBC Nightly News reported last November 4 that 20 of the 150 participants in the Camden, NJ, midnight basketball league are either in college or on their way to college.

This program can help us achieve one of the goals of the Goals 2000: Educate America Act—achieving a 90-percent graduation rate—by giving youth and young adults an opportunity to be socialized and educated in a context in which there is adult supervision and involvement.

I want to share for a moment, Mr. President, my own experience with the approach that is represented in this program, because, as I said, the title "midnight basketball" is misleading.

The midnight basketball program essentially uses basketball as an opportunity, an opportunity to provide tutoring, an opportunity to provide counseling, an opportunity to show youth and young adults that they have other options than being out on the streets.

Mr. President, I was a dropout for awhile in my young life. I managed to get a job working in public housing projects which was considered to be a very good job at the time.

But my role was to supervise young people in a program that was much like the midnight basketball program. I was a supervisor, but I guess by osmosis, the message that was being communicated to these young people spilled over to me. As a result, I was then convinced that it did make sense to go back to school; it did make sense to try to reach broader horizons; it did make sense to try to make something of myself; it did make sense to try to give something back to my community.

And so, having seen programs like midnight basketball on a very personal level, I became an advocate of the midnight basketball approach even before it was called that.

Now we have seen the midnight basketball approach work—targeting our young people who are the most neglected, the most at risk of dropping out, the most at risk of hopelessness, the most at risk of not having a gainful, productive activity in the after-school hours. I ask the Senate to lend its support this afternoon to the midnight basketball approach—an innovative, novel approach which involves all sectors of the community in meeting the needs of young men and women.

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

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am pleased to support the amendment offered by our colleague from Illinois. I would point out we have a very successful midnight basketball program in Bridgeport, CT. It has been very successful and has achieved many of the same results our colleague from Illinois has identified in her amendment. I think this is a fine addition to our proposal on safe schools and urge the adoption of that amendment.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I also commend our friend and colleague from Illinois. I had an opportunity to spend an afternoon with those law enforcement individuals in Boston who are assigned to the gangs. They were very strong in their commitment to deal with those individual members of the gangs that were difficult and violent, and had that proclivity. But they were also equally supportive of trying to intervene with this kind of program so individuals would have alternatives to gang violence. It is completely consistent with what has been accepted in the Senate in the omnibus crime bill.

I commend the Senator for bringing this up. All of us understand we do not utilize our schools, whether they are in the urban or rural community, nearly to the extent we should with the range of activities. This is a demonstrated successful program, and I thank her for these additions. Hopefully, we will have an acceptance of the amendment.

Mr. PELL. I would just like to express a word of support for the amendment. It is an excellent one. It is a job that needs to be done and the amendment should be agreed to.

Mr. JEFFORDS. Mr. President, I certainly believe this kind of program could be very beneficial and I have had no objection raised on this side of the aisle.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from Illinois, and at an appropriate moment I will ask for adoption of the amendment. But in the meantime I would like to make, if I could, a general statement on the underlying amendment, that is the safe schools amendment.

I am offering this safe schools amendment. I wish it were not necessary. I wish this were something that would not have to be a part of the Goals 2000, but I think all of us in this Chamber, regardless of where we come from, are painfully aware of what is happening.

Even in the most secure neighbors, it seems, violence in our schools has become a fact of life—tragically. The amendment addresses the sixth goal as stated in the Goals 2000 proposal, going back to the conference in Virginia initiated by President Bush and supported by Governors and others at the time. That sixth goal states that all of our schools should be safe and secure.

This amendment which I bring to the floor has the cosponsorships I have mentioned of a broad spectrum of our colleagues on both sides of the aisle. And I ask unanimous consent Senator DECONCINI of Arizona be included as cosponsor as well.

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

Mr. DODD. It responds to the growing crisis of violence in our Nation's schools. This measure will help our schools protect their students and preserve a learning environment free from violence.

This is a problem that would have been inconceivable only a few short years ago. But it is a problem that has now grown so serious that it demands a Federal response. The Safe Schools Act that I am proposing today will be a major component of this response. Much of the answer resides in our States and localities. We do not mandate specifically in each instance what a State or local school district ought to do. But we give them broad authority to come up with ideas and sanctions and proposals that would meet the unique circumstances of these districts and of these States, again rein-

forcing the underlying principle associated with this legislation that the Senator from Massachusetts has brought to the floor, and that is flexibility: Allow our communities to respond in a fashion they deem appropriate.

We need this legislation because, for far too many of our Nation's children, the fear of violence rather than the challenge of learning has become the reality of each school day. Let me cite a few examples, some of which my colleagues will be painfully aware of.

Just a few city blocks from where we gather in this Chamber, the U.S. Senate, gunfire broke out only a few days ago in the hallways of Dunbar High School, followed by more shots outside the building. Thankfully no one was hurt in that exchange of gunfire, but the incident caused panic throughout that school, causing students to scurry for cover and to flee the building much as if a fire had broken out.

Late last year young Miguel de Jesus, a young high school student in New Britain, CT, was shot, gunned down, mortally wounded on the school steps at 7 a.m. in front of hundreds of schoolchildren arriving for school that morning. Jettie Tisdale, a principal at an innercity elementary school in Bridgeport, CT, testified before our Labor and Human Resources Committee late last year that in her school, her elementary school, she has installed bulletproof glass to protect her kindergarten students from stray bullets. She also patrols the playgrounds at recess to provide possible deterrence to violence.

This is in an elementary school. Children in some parts of that city who live within two blocks of the school have to be bused to school in the morning because of the problems of violence; bused to school from within two blocks of the institution because of what these children face walking to school.

Statistical evidence is overwhelming. Our schools are becoming dangerous places and it is not just anecdotal, citing the few examples that I have. Numerous studies from all quarters have indicated the seriousness and the breadth of this problem.

The Center for Disease Control has estimated that nearly 1 in 5 students carries a weapon—a knife, a firearm, or a club—to school. Roughly 130,000 students, it is estimated, bring a gun to school every day; the overwhelming majority not to inflict violence on one of their classmates but to protect themselves from the violence they anticipate from some of the students or someone outside of the school. The National Crime Survey has estimated that nearly 3 million crimes occur on or near school campuses each year. A recent national survey in USA Weekend found that 37 percent of students said they do not feel safe at school any longer, and 63 percent said they would learn more if they felt safer.

A U.S. Department of Education study found that 8 percent of public school teachers had reported being physically attacked during the previous school year.

The Center to Prevent Handgun Violence reports that from 1986 to 1990, 65 students and 6 school employees were gunned down at school; another 201 were severely wounded at school; and 242 were held hostage at gunpoint at school.

As these numbers demonstrate, violence is killing and injuring children across our Nation. We all know this simply from reading our morning newspapers. What is less obvious is the terrible impact this violence is having on school budgets, at a time when they can hardly afford to meet their educational expenses. Security measures made necessary by violent incidents in schools are sapping vital resources away from teaching and learning. In New Haven, CT, for instance, the school district spent some $700,000 last year just in 1 year for school security. This is money that could otherwise have been spent on books and teachers and computers.

My colleagues may recall a few weeks ago I cited statistics involving educational tools available at one of the innercity high schools that I visited in New Haven. There were only 13 computers for the entire senior high school student population. They literally line up in the afternoon to get a few minutes on that computer. Only 13 for literally 7,000 high school students. That is the same school in that same district that is spending almost $1 million a year for cops on corridors and metal detectors. Think of what that $700,000 could do for that senior high school that could use a few more computers.

This safe schools bill is not going to answer every problem, but we provide resources in this amendment that will allow for States and localities to get some of those dollars to offset some of these staggering costs of security that they currently have to provide.

The Safe School Act is entirely consistent with the Goals 2000 legislation, because it represents an initial effort to meet goal 6, which I mentioned earlier, which calls for all schools in America to be free from drugs and violence and to offer a disciplined environment conducive to learning.

I will argue in many ways that this goal is the foundation on which all others rest. You cannot learn if you are frightened to death. Too many of our kids are frightened to death every single day. So all other five goals depend upon our ability to provide some modicum of security for teachers and students during the school day.

Students are never going to learn when they fear for their safety. Teachers are never going to be able to teach when they have to be on the lookout for guns and knives in their classrooms. And schools are not going to be able to provide their students with all of the tools for learning when their budgets are drained by security devices and police officers in their corridors.

The Safe Schools Act contains a number of different tools that schools can use to reduce violence within their walls. School districts hard hit by violence will be eligible for funds to secure their buildings by installing metal detectors, conducting minor remodeling, hiring security personnel and adopting other security measures. We all know that steps such as these are stop-gap attempts to stem the rising tide of school violence.

They are not obviously the long-term solutions to this problem. This amendment recognizes this fact by requiring participating schools to get at the root causes of violence. The amendment would fund in addition to the measures I mentioned earlier, conflict resolution training, social skills development, peer mediation counseling, new curriculum on violence prevention and after-school programs. Much of this, I sadly tell you, should have been done by the parents before they ever come to school. Tragically, a lot of these kids are not getting it at home. Unfortunately, our schools have to begin taking on some of these additional responsibilities. That is a fact of life. So these funds will provide these schools with the ability to do some of these things.

The Clinton administration has strongly supported this balanced approach to school violence. Secretary of Education, Richard Riley, originally proposed this legislation. I introduced it last year, along with my colleagues Senator KENNEDY, Senator KASSEBAUM, Senator PELL, and Senator JEFFORDS on June 17. Since that time, we have been joined by numerous other colleagues. I mentioned some already, including our distinguished colleague from Mississippi, who I see on the floor, Senator COCHRAN, and others.

We held a hearing in September, and this bill was unanimously reported to the full Senate early in November. We thought this particular bill, the Goals 2000 legislation, was an appropriate vehicle on which to attach this amendment, and that is the reason that I offer it.

We also have the support of many organizations. The amendment we are offering today includes language offered by Senator GLENN to assure that the Safe Schools program is coordinated with other Federal efforts in this area.

Senator COCHRAN will shortly come forward with language defining a State role to help disseminate the good ideas developed under safe schools to other communities and their States. We already have heard the pending second-degree amendment from our colleague from Illinois on the midnight basket-

ball program. Senator SIMPSON has another amendment to make sure that rural schools will not be discriminated against in these areas, which we will accept as well and will be included as a part of this package.

As Senator KENNEDY already pointed out, thanks to the good efforts of Senator HARKIN, of Iowa, and others on the Appropriations Committee, this legislation already received $20 million for fiscal year 1994. Obviously, it needs authorization language in order for that money to become available to our States and localities; hence, the necessity and the timeliness of offering this amendment on this bill.

So, Mr. President, in conclusion, the case for the Safe Schools Act, I think, is clear and compelling. Again, I want to emphasize we offer a lot of flexibility here. We do not get down to specific measures that each school district must impose.

Sanctions, for instance, are permissible within school districts against students who bring guns or drugs to school. That can include expulsion—whatever remedies the various school districts and States would like to impose. We thought it appropriate not to get into the specificity of ordering certain sanctions but again to allow the communities and the States to decide for themselves what are appropriate responses to these problems of violence that are inflicting our school districts.

So I urge the adoption of this amendment and urge adoption for support, as well, of the various second-degree amendments that will still have to be ordered.

My colleague from Vermont, I know, is interested in responding to this, so I will be glad to yield at this time.

Mr. MURKOWSKI. Mr. President, parliamentary inquiry. I ask unanimous consent that, after disposition of the amendment, I be allowed to pay tribute to Senator Ted STEVENS who is celebrating his 25th anniversary in the U.S. Senate.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will be brief. I, first of all, want to commend the Senator from Connecticut. I know how hard he has worked on the Safe Schools Act. I certainly want to inform the body that I think it is a tremendous step forward in trying to make sure that we do have in this Nation schools that are safe.

I also am very pleased, and I think we are doing an important thing, that we are establishing Washington, DC, as a model under this premise. Good Lord, if we cannot make the schools in Washington, DC, safe, I do not know how we should as a Federal Government expect any city to make their schools safe.

I also want to commend the Senator from Illinois. I think the amendment she has offered is an excellent one. I support it. I think we are ready for a vote.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, if we adopt the amendment without offering the second-degree amendment, we will have to offer the second-degree amendment to the bill.

Mr. KENNEDY. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Chair informs the Senator that the second-degree amendment is already pending.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could I suggest that we adopt the amendment of the Senator from Illinois and then that would open up the tree and then we would consider the amendment of the Senator from Mississippi. Then I think we would also like to explore with the Senator from Connecticut the possibility of a Dorgan amendment that might also be included in the package. I have not talked with the Senator about it. I wonder if we can accept the amendment of the Senator from Illinois and then consider the amendment of the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have no objection to that procedure, and I thank the distinguished manager.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1379.

The amendment (No. 1379) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that Senators CHAFEE and LAUTENBERG also be included as cosponsors.

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

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1378, AS AMENDED

(Purpose: To establish the State Leadership Activities to Promote Safe Schools Act)

Mr. COCHRAN. Mr. President, I send an amendment to the desk to the Dodd amendment and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1380 to amendment 1378, as amended.

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

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

The amendment is as follows:

On page 15, after line 3, insert the following:

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 21. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears that same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

On page 2, between lines 1 and 2, insert the following:

PART A—SAFE SCHOOLS PRGRAM

On page 2, line 3, strike "title" and insert "part".

On page 2, line 6, strike "title" and insert "part".

On page 2, line 23, strike "title" and insert "part".

On page 3, line 10, strike "title" and insert "part".

On page 3, line 21, strike "title" and insert "part".

On page 4, line 15, strike "title" and insert "part".

On page 4, line 24, strike "title" and insert "part".

On page 5, line 11, strike "title" and insert "part".

On page 5, line 20, strike "title" and insert "part".

On page 6, line 14, strike "title" and insert "part".

On page 7, line 5, strike "title" and insert "part".

On page 7, line 7, strike "title" and insert "part".

On page 7, line 9, strike "title" and insert "part".

On page 7, line 10, strike "title" and insert "part".

On page 7, line 15, strike "title" and insert "part".

On page 7, line 23, strike "title" and insert "part".

On page 8, line 18, strike "title" and insert "part".

On page 11, line 25, strike "title" and insert "part".

On page 12, line 2, strike "title" and insert "part".

On page 12, line 4, strike "title" and insert "part".

On page 12, line 8, strike "title" and insert "part".

On page 12, line 12, strike "title" and insert "part".

On page 12, line 16, strike "title" and insert "part".

On page 12, line 20, strike "title" and insert "part".

On page 13, line 2, strike "title" and insert "part".

On page 13, line 3, strike "title" and insert "part".

On page 15, line 2, strike "title" each place such term appears and insert "part".

Mr. COCHRAN. Mr. President, the sixth goal established by the Nation's Governors and President George Bush in an historic meeting at the national education Summit in 1989 provided that:

By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

The only problem I have with that goal is that it probably should be the first rather than the sixth goal. If you go to school afraid about being harmed by a fellow student or becoming a victim of a drive-by shooting, you are not going to learn anything.

It is in this kind of environment that we find so many of our Nation's schoolchildren. It is time the Federal Government took some responsibility for providing guidance and assistance to State and local governments and local administrators as they try to deal with these very real and very serious and sometimes very deadly problems in our Nation's schools.

The purpose of this amendment is to provide some additional funds to States to share information among school districts about safe schools programs that are working and producing good benefits not only in that particular State, but around the country.

Funds would be distributed to all States based on the chapter 1 concentration grant formula. Ten million dollars is authorized to support a State coordinator, who could provide information about safe schools initiatives and develop programs to help prevent and deal with school violence. At least $100,000 would be made available to every State.

I called the State superintendent of education in Mississippi, Tom Burnham, and asked him what we could do to help stem school violence. He suggested the need for a State safe schools coordinator because of an inadequate amount of information at the State level about some of the problems and the successful ways communities deal with school violence. In local jurisdictions and in individual schools, there is a need for more information about programs to address the problem of school violence. States need to determine the most serious problems so they can deal with them on an emergency basis.

This amendment responds to a very real and very important need that is now unmet at the State level.

The funds included in the Cochran amendment will be targeted for:

Supporting the services of a statewide resource coordinator;

Providing technical assistance to both rural and urban local school districts;

Disseminating information on successful school violence prevention programs funded through other Federal, State, local or private sources; and

Finding other activities the State educational agency deems appropriate to assist in reducing school violence and crime.

Mr. President, America's school children should not fear for their lives on the way to, during, or on their way home from school. There are numerous examples in every State of violence every day in our schools. Children in schools are killing each other. People commit drive by shootings in playground areas at schools. Youth gangs are a serious problem. These problems plague not only our large cities, but our rural communities as well.

As a result, students in violent schools are much less likely to concentrate on higher academic achievement and to stay in school and receive the educational preparation necessary to become full partners in our society. Parents are outraged that their children cannot learn in a peaceful environment.

The trends are alarming. According to the 1993 National Education Goals Report, 9 percent of 8th graders, 10 percent of 10th graders, and 6 percent of 12th graders brought a gun to school in the previous month in 1992. Something must be done to stop our children from bringing firearms on school property.

We expect students to be serious about school, but schools and their surrounding communities also have an obligation to create an environment where teaching and learning can take place.

President Bush and the Nation's Governors established six national education goals for the Nation's elementary and secondary schools in 1989 at the historic Charlottesville Education Summit. The sixth goal is "by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning."

I believe my amendment will assist State's efforts to curb the growing problem of violence in the classrooms.

I thank the managers of the bill and other Senators who support this amendment.

I hope the Senate will support this amendment as an amendment to the amendment of the Senator from Connecticut, an important initiative before the body at this time.

Mr. DODD. Mr. President, as a cosponsor of the Cochran amendment, I commend our colleague from Mississippi. He identifies a very legitimate and serious problem. There are a lot of terrific programs that people are engaged in across the country in antiviolence efforts. I recently participated in a dinner here in Washington with people who came from cities from across the country—Oakland, Boston, Chicago, New York, Detroit—people who are not in local government, State Government, people running boys clubs, girls clubs, after-school programs that are very successful. You do not hear about them. It is the child who engages in an act of violence who gets the headline. For obvious reasons we do not read about the child who goes off in the afternoon where there is an alternative to just hanging out.

Too many of these ideas are left at the local level. What the Senator from Mississippi is achieving with this amendment is to make sure that these good ideas get known by other communities. Dissemination of information is critically important if these ideas are going to reach other communities.

I commend the Senator for the amendment and urge its adoption.

Mr. JEFFORDS. I join in the remarks of the Senators from Connecticut and Mississippi.

I strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1380) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1381 TO AMENDMENT 1378

(Purpose: To require that, to the extent practicable, grants shall be awarded to eligible local educational agencies serving rural, as well as urban, areas)

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. SIMPSON, proposes an amendment numbered 1381:

On page 3, between lines 4 and 5, insert the following:

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

Mr. JEFFORDS. Mr. President, this amendment is a simple one. It basically establishes that rural areas ought to be considered and be included when grants are awarded. We have many problems with schools in the rural areas, and to ignore that in this legislation would be a mistake. I believe it will be accepted, and I wish to commend the Senator from Wyoming for bringing this amendment to our attention.

Mr. DODD. Mr. President, I ask unanimous consent I be added as a cosponsor of the amendment.

I think it is a good amendment. I urge its adoption.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1381) was agreed to.

Mr. DODD. Mr. President, I know of no further debate on the safe schools amendment, and I urge adoption of the underlying amendment with, obviously, all of the amendments that have been added to it.

AMENDMENT NO. 1378

Mr. LIEBERMAN. Mr. President, I am pleased to support Senator DODD'S amendment to S. 1150, to improve safety and security in the Nation's schools. I was an original cosponsor of this legislation when it was introduced by my Connecticut colleague as the Safe Schools Act of 1993. President Clinton supports this legislation, and I thank both the President and Senator DODD for their leadership on the bill.

The legislation addresses an urgent need. I hear repeatedly from educators in my State that violence in schools threatens the health and even the lives of their students and, needless to say, seriously impedes their ability to educate our kids. Earlier this week, David Manning, the principal of Conard High School in West Hartford, CT, informed me that improving school safety has become the number one priority for Connecticut's high school principals, and he urged me to support this amendment. Educators should not have to play a central role in the war on crime. But, the bottom line is, we will not achieve the educational achievement goals set forth in this bill unless our schools are safe.

This legislation will provide assistance to the most troubled school districts. Participating schools will be awarded $3 million a year for up to 2 years to implement crime reduction measures. Schools will have flexibility to use the funds in ways that best meet their needs. So, for example, schools could enhance law enforcement, they could take measures to protect children as they go between home and school, and they could invest in peer counseling and other preventive measures. These and other innovative programs will help free our children and teachers from violence and the fear of violence that impede learning and threaten the well-being of our children and our communities.

The amendment will help move the Nation closer to one of our national education goals. Goal Six states that, by the year 2000, every school in America will be free of drugs and violence. We must achieve this goal, and we must achieve it as soon as possible. This legislation is an important step forward, and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the underlying amendment.

The amendment (No. 1378), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement as if in morning business to pay tribute to my colleague, the senior Senator from Alaska [Mr. STEVENS], who is celebrating his 25th anniversary in this body today.

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

Mr. MURKOWSKI. I thank the Chair.

SENATOR TED STEVENS

Mr. MURKOWSKI. Mr. President, I come before my colleagues today to remind them of a very special occasion, the silver anniversary, the 25th anniversary, of my colleague from Alaska, Senator TED STEVENS. His entrance into this body occurred 25 years ago. As you know, Mr. President, the Senator is ranked eighth in overall seniority and third among his Republican colleagues. Senator STEVENS has been a Member of the Senate since December 24, 1968. As I speak, the Senator is receiving treatment for back pain that was generated, I suspect, from the long trips back and forth from Washington, DC, to Alaska. So, unfortunately, he cannot be in this body today.

Mr. President, for over a quarter of a century now, Senator STEVENS has demonstrated his dedication to the citizens of Alaska and certainly those of the United States as well.

Alaskans celebrated Senator STEVENS' 25th anniversary last December 28 in Anchorage, and those in attendance enjoyed a Senate bean soup dinner, which soup we have all come to know so well in the Senate cafeteria. One of Senator STEVENS' favorites is that particular soup. I suspect today he is going without that soup, but nevertheless it was a joyous occasion. Governor Hickel, our Governor, presented an official proclamation establishing the day as "Senator Stevens Day." He also undertook an explanation of how he, Governor Hickel, appointed Senator TED STEVENS to the Senate back in December of 1968. The event highlighted the numerous accomplishments of the senior Senator from Alaska. Speakers personalized their tributes with recollections.

Mr. President, I would like to take just a few minutes today to review Senator STEVENS' outstanding service to our State and the Senate and offer a few of my own recollections and recognize him for his work on behalf of both Alaska and the Nation.

Senator STEVENS really has an impressive history of accomplishments both prior to and during his service in the Senate. During World War II, Senator STEVENS was a pilot with the 14th Air Force in China. That was the famous Flying Tigers, Mr. President. After the war, he graduated from the University of California at Los Angeles and later Harvard Law School. He moved to Alaska to practice law in Fairbanks in 1953, and in 1956 he was appointed legislative counsel to the Department of the Interior and became an assistant to the Secretary of the Interior in 1958, where he worked on the Alaska Statehood Act. He was named chief counsel to the Department in 1960 during the last Eisenhower administration.

In 1961, he returned to law practice in Anchorage. My esteemed colleague was elected to his first of two terms in the Alaska House of Representatives in 1964 where, during his second term, he served as speaker pro tempore and majority leader. He was then appointed to the Senate upon the death of one of our

first U.S. Senators, the late E. L. "Bob" Bartlett.

During Senator STEVENS' service in the Senate, he served 8 years as Republican whip, from 1977 to 1985, 3 years, from 1981 to 1984, under former majority leader Howard Baker.

Today, Senator STEVENS serves on five Senate committees: Rules, where he is the ranking Republican, Appropriations, Commerce, Governmental Affairs, and Intelligence. He is also presently a co-chairman of the Senate Observers Group to the Arms Control talks.

Senator STEVENS also serves on the Commission on Arts and Antiquities; the Commission on the Bicentennial of the U.S. Capitol; the Joint Committee on the Library of Congress; the Joint Committee on Printing (Ranking Republican); the Joint Leadership Group; the U.S. Capitol Preservation Commission; and the Joint Committee on the Organization of Congress.

Mr. President, further, Senator STEVENS' subcommittee assignments on the Appropriations and Commerce Committees have enabled him to really play a very important role in the formulation of defense and security for our Nation as well as economic policy. The intensity and the intelligence Senator STEVENS has always displayed are now focused on overseeing defense issues. As a veteran, he has resisted excessive cuts in defense spending in the post-cold-war era. In 1992, for example, Senator STEVENS fought for the proposed $3.8 billion in funding for the strategic defense initiative, or SDI.

Senator STEVENS has fought hard, as have all Alaskans in Congress, to open a small portion of the vast Arctic National Wildlife Refuge [ANWR] to oil exploration. Meanwhile, in the wake of the *Exxon Valdez* oil spill, he played a key role in requiring that oil tankers be equipped with double hulls to protect the environment of his State and all coastal communities. Senator STEVENS has refused to give up on issues such as maintaining a steady supply of timber to support the jobs of forest workers in southeast Alaska, working to support public broadcasting to serve Alaska's sparse population, and working to aid Federal workers who provide important services in Alaska under sometimes difficult conditions. Senator STEVENS also has worked to instill reasonableness to wetlands regulation in Alaska—a vital issue given that 170 million acres of Alaska are classified as wetland.

If Senator STEVENS has had one credo during the years it has been to put Alaska first. In one speech during my first term in this body, I remember Senator STEVENS saying, "They sent me here to stand up for the State of Alaska." And he has done so with unsurpassed ability, persistence, and determination.

Senator STEVENS is married to Catherine Bittner. They have one child. Senator STEVENS has five children by his first wife Ann, who died tragically in a 1978 plane crash. At that time Senator STEVENS was trying to forge a compromise on the State's then biggest issue, passage of a bill to settle land allocation issues in Alaska. But then such dedication is not unusual, since the Senator has been involved with all of the major issues involving Alaska and the Federal Government during the State's 35-year history, including statehood.

The list is truly impressive. Shortly after arriving in the Senate he spearheaded the effort to build a pipeline to move Alaska's new-found Prudhoe Bay oil wealth to market. To clear the way, he championed the most farsighted legislation ever to improve relations between the Federal Government and the native peoples of an American State. The Alaska Native Claims Settlement Act of 1971 pioneered efforts to settle the real claims of America's first inhabitants and helped to meet their real needs for 20th century living improvements, while protecting their ancient cultures. His persistence to resolve the oil issue finally paid off 3 years later when the Trans-Alaska Pipeline Authorization Act passed with the Vice President breaking the tie in this body.

Two years later Senator STEVENS joined with Washington's legendary Senator Warren Magnuson to bring to America the right to rationally manage its fisheries—winning passage of the 200-mile limit.

That law, more than any other one, has permitted Alaska to manage its huge fisheries resource over our 38,000-mile coastline for the benefit of future generations. Four years later Senator STEVENS led the fight against an unacceptable version of the Alaska Lands Act which threatened to destroy the dreams of most Alaskans. He worked hard against tremendous odds to finally achieve a compromise bill. Alaskans are protected in that bill in the use of Federal lands in our State.

Senator STEVENS' accomplishments are certainly too numerous to mention in their entirety. But I will mention one more.

In recent years he had the foresight to lead the effort to ban drift nets from the high seas, being the first Senator to push the United Nations to outlaw the destructive curtains of death.

Mr. President, as Senator STEVENS celebrates his silver anniversary in the U.S. Senate, the remarkable thing from my vantage point is that Alaska's senior Senator, while he has become a figure of truly national prominence, always puts Alaska and Alaskans first. Despite his seniority, Senator STEVENS still finds the time to meet every Alaskan Close-Up student or talk with residents about their health concerns. His encyclopedic knowledge of Federal-State relations is legendary in Washington as well as in Alaska. In the Senate, which has lost some of its institutional memory in recent years, Senator STEVENS is able to offer invaluable insights on the specifics of everything from Alaska Statehood to the history of weather forecasting in the North. His recollection of events is probably so extraordinary because he helped draft the Alaska Statehood Act while serving at the Department of the Interior during the Eisenhower years and because he has had a hand in virtually every major Federal issue affecting Alaska ever since.

I stand here today to thank Senator STEVENS for his skill, drive, and dedication during his first 25 years in Washington and to offer him a heartfelt good wish for many more years of service to the State of Alaska and the Nation. I think that former President Bush, who worked with Senator STEVENS both as a colleague in Congress and as President, best described Senator Stevens' service, stating, "He is a first-class public servant, whose tireless energy and leadership on the issues over the past quarter of a century have earned him respect on both sides of the aisle."

My wife, Nancy, and my Senate colleagues, join me in congratulating both TED and his wife, Catherine. It has been great fun and a privilege working with my friend and senior colleague Senator TED STEVENS, and I look forward to our work together for many more years. I know my colleagues do as well.

I thank the Chair.

LEAVE GRANTED PURSUANT TO THE SENATE RULES

Mr. DOLE. Mr. President, after the National Prayer Breakfast this morning, the senior Senator from Alaska entered the hospital to undergo a simple surgical procedure to remove a bone spur from his back which is pressing against his sciatic nerve.

I ask unanimous consent that Senator STEVENS be granted leave from the Senate pursuant to rule VI, paragraph 2 of the Standing Rules of the Senate while he recuperates from this procedure.

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

Mr. MURKOWSKI. 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. HELMS. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. HELMS. I believe, Mr. President, the distinguished Senator from Massachusetts has a unanimous-consent request he is about to propose?

Mr. KENNEDY. Mr. President, I had not expected to propound the consent request but I will formulate it now. If the Senator wants to put his amendment through and then I will propound the request—I will do so.

Mr. HELMS. Let me ask the Senator if what we just discussed 5 minutes ago in the Cloakroom is what he has in mind for the unanimous-consent request, when he propounds it, to the effect that when I call up my amendment relating to school prayer, that amendment will be disposed of with an up-or-down vote and that no second-degree amendment will be in order. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. HELMS. Very well. But, as I understand it, the Senator has not formulated his unanimous-consent request yet?

Mr. KENNEDY. The Senator is correct. What would be intended is that the Senator would offer the amendment, take what time the Senator would desire on that amendment. Following that, there would be a time at which either myself or a designee—I think Senator DANFORTH or Senator JEFFORDS—would send to the desk an amendment. Then there would be time on that for a discussion.

At the conclusion of that discussion, there would be back-to-back votes on the two different proposals with the first vote being on the Senator's amendment and the second vote to follow immediately would be on the other amendment. And that there would be no second-degree amendments or intervening action.

That would be what the unanimous-consent request would include, and I would propound that in just a moment or two, as it is being drafted by the clerk.

Mr. HELMS. If the Senator will yield, that seems to me to be a clear statement of what the proposal would be.

Mr. KENNEDY. I ask unanimous consent that proposal be propounded as a unanimous-consent request.

Mr. HELMS. Did the Chair understand that?

The PRESIDING OFFICER. The Chair understands there to be an agreement that two amendments will be offered, one following the other, that second-degrees will not be in order to either of them, that the Senator from North Carolina's amendment will be voted upon first and then the amendment of the Senator from Massachusetts will be voted upon thereafter.

Mr. HELMS. That seems to be clear to me.

The PRESIDING OFFICER. That there be an up-or-down vote on either one.

Mr. KENNEDY. Either one. An up-or-down vote on Senator HELMS' amendment first and up-or-down vote on the second amendment, should the second amendment be offered.

The PRESIDING OFFICER. Is there objection? Is there consent? There seems to be unanimous consent. The action of the Senate will follow that course.

MOTHER TERESA'S SPEECH AT THE NATIONAL PRAYER BREAKFAST

Mr. HELMS. Mr. President, before I say anything else, let me say hurrah for Mother Teresa. What a wonderful little lady she is. I want to see certain people and certain newspapers criticize her for the strong stand that she took against abortion this morning. She laid it on the line with some, may I say, right interesting people sitting there listening to her.

I know some of these "interesting" people were squirming in their seats. I am not going to call any names, but I think it is perfectly clear about whom I am talking.

God bless Mother Teresa. She stood up nobly and eloquently for the sanctity of life. I am so proud of her.

I ask unanimous consent that the text of her remarks be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME

(By Mother Teresa of Calcutta)

On the last day, Jesus will say to those on His right hand, "Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me." Then Jesus will turn to those on His left hand and say, "Depart from me because I was hungry and you did not feed me, I was thirsty and you did not give me to drink, I was sick and you did not visit me." These will ask Him, "When did we see You hungry, or thirsty or sick and did not come to Your help?" And Jesus will answer them, "Whatever you neglected to do unto one of the least of these, you neglected to do unto Me!"

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and His life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether 800 years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace—so we will pray it together.

Let us thank God for the opportunity He has given us today to have come here to pray together. We have come here especially to pray for peace, joy and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what is that good news when He said: "My peace I leave with you, My peace I give unto you." He came not to give the peace of the world which is only that we don't bother each other. He came to give the peace of heart which comes from loving—from doing good to others.

And God loved the world so much that He gave His son—it was a giving. God gave His son to the Virgin Mary, and what did she do with Him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary—Jesus brought peace to John the Baptist who leapt for joy in the womb of Elizabeth.

And as if that were not enough, as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the Cross to show that greater love. He died for you and for me, and for that leper and for that man dying of hunger and that naked person lying in the street, not only of Calcutta, but of Africa, and everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as He loves each one of us. Jesus gave His life to love us and He tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly: "Love as I have loved you."

Jesus died on the Cross because that is what it took for Him to do good to us—to save us for our selfishness in sin. He gave up everything to do the Father's will—to show us that we too must be willing to give up everything to do God's will—to love one another as he loves each of us. If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we too must give to each other until it hurts.

It is not enough for us to say: "I love God." but I also have to love my neighbor. St John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no true love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in His image for greater things, to love and to be loved. We must "put on Christ" as Scripture tells us. And so, we have been created to love as He love us. Jesus makes Himself the hungry one, the naked one, the homeless one, the unwanted one, and He says, "You did it to Me." On the last day He will say to those on His right, "whatever you did to the least of these, you did to Me, and He will also say to those on His left, whatever you neglected to do for the least of these, you neglected to do it for Me."

When He was dying on the Cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the thirst of everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them—maybe. I saw that in that home these old people had everything—good food, comfortable place, television, everything, but everyone was looking toward the door. And I did not see a single one with a smile on the

face. I turned to Sister and I asked: "Why do these people who have every comfort here, why are they all looking toward the door? Why are they not smiling?"

I am so used by seeing the smiles on our people, even the dying ones smile. And Sister said: "This is the way it is nearly every day. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten." And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our families, or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home and we must also remember that 'the future of humanity passes through the family.'

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was: "Because there is no one in the family to receive them." Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So the children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin. These are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even His life to love us. So the mother who is thinking of abortion, should be helped to love, that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts.

By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And, by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace—abortion which brings people to such blindness.

And for this I appeal in India and I appeal everywhere—"Let us bring the child back." The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this year of the family we must bring the child back to the center of our care and concern. This is the only way that our world can survive because our children are the only hope for the future. As older people are called to God, only their children can take their places.

But what does God say to us? He says: "Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand." We are carved in the palm of His hand; that unborn child has been carved in the hand of God from conception and is called by God to love and to be loved, not only now in this life, but forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals and police stations: "Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble: "Come, we will take care of you, we will get a home for your child." And we have a tremendous demand from couples who cannot have a child—but I never give a child to a couple who have done something not to have a child. Jesus said, "Anyone who receives a child in my name, receives me." By adopting a child, these couples receive Jesus but, by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child. From our children's home in Calcutta alone, we have saved over 3,000 children from abortion. These children have brought such love and joy to their adopting parents and have grown up so full of love and joy.

I know that couples have to plan their family and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self and so it destroys the gift of love in him or her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. And this is what happens when we tell people to practice contraception and abortion.

The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching her natural family planning and said: "You people who have practiced chastity, you are the best people to teach us natural family planning because it is nothing more than self-control out of love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich.

When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society—that spiritual poverty is much harder to overcome. And abortion, which often follows from contraception, brings a people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.

Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: "You take care of the other three; I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: "thank you"—and she died.

I could not help but examine my conscience before her. And I asked: "What would I say if I were in her place?" And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: "I am hungry, I am dying, I am cold, I am in pain," or something. But she gave me much more—she gave me her grateful love. And she died with a smile on her face. Then there was the man we picked up from the drain, half eaten by worms and, after we had brought him to the home, he only said "I have lived like an animal in the street, but I am going to die as an angel, loved and cared for." Then, after we had removed all the worms from his body, all he said, with a big smile, was: "Sister, I am going home to God"—and he died. It was so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in Scripture: "Even if a mother could forget the child in her womb—something impossible, but even if she could forget—I will never forget you.

And so here I am talking to you. I want you to find the poor here, right in your own home first. And begin love here. Ben that good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said: "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger, I don't know if you have every seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her: "Where did you go? What did you do?" And she gave me a very simple answer: "They are hungry also." What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point—that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts—with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me: "Are you married?" And I said: "Yes, and I find it sometimes very difficult to smile at my spouse, Jesus, because He can be very demanding—sometimes." This is really something true. And there is where love comes in—when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is travelling everywhere—and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the travelling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven.

If we remember that God loves us, and that we can love others as He loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you.

SCHOOL PRAYER AND CHILDREN'S VALUES

Now then, Mr. President, shortly I will offer an amendment, but I shall defer doing so momentarily, at least.

Mr. President, millions of Americans listened to President Clinton's State of the Union speech during which he made a number of appeals to our Nation, one of them being—let me quote it since he said it so eloquently and with great passion:

And so I say to you tonight, let us give our children a future. Let us take away their guns and give them books. Let us overcome their despair and replace it with hope. Let us, by our example, teach them to obey the law, respect our neighbors, and cherish our values.

I wish the President had been a little more specific about whose values and what values. But nevertheless, it was good rhetoric. And I enjoyed listening, particularly as my mind raced backwards in time to various campaign promises and various criticisms and actions taken a little over a year ago.

Anyway, "cherish our values, respect our neighbors." It struck me that the best way to do that is right here in our hearts. It is also in print and available to everybody in this country. A book that is well known, it is called The Holy Bible. It is a dust catcher in a lot of places, but it is the greatest book ever written.

So, while the President's rhetoric was all well and good, the fact is that America's children cannot even read from this book in their classrooms, which the politicians publicly acknowledge is the source of our values and our laws as a nation. But the politicians do not really mean that. Their real belief, based on their actions, is that the Government is the source of our values. They believe in big Government.

That is why the American taxpayers' dollars are being used by bureaucrats to distribute condoms in the schools of America at the same time children are prohibited from reading the Bible.

What kind of message, Mr. President—and I refer to Mr. President Clinton when I say this—what kind of message does this state of affairs send to young people? When our Government forbids reading from the Bible, but pays for the distribution of condoms in the schools, what kind of message does the combination of those two Governmental actions send?

How can we expect schoolchildren, as President Clinton put it, "to obey the law, respect our neighbors and cherish our values" if the U.S. Government says that the Bible and prayer do not belong in the school, but condoms do?

The President engaged in the rhetorical exhortation that "by our example, let's teach our children to obey the law and respect our neighbors and cherish our values." I say, "Very well, Mr. President, but then what did you do at the first crack of the bat when you took office, except to negate everything that Mother Teresa said this morning at the National Prayer Breakfast. As soon as possible, I am going to get a copy of what Mother Teresa said, and I am going to put it in the CONGRESSIONAL RECORD. And before this month is out, I may also read it into the RECORD three or four times because it needs to be understood where our values do and do not come from.

Mr. President, I have an amendment that the Senator from Massachusetts has now agreed to allow the Senate to vote on. Yesterday, we had quite a discussion, and the Senator first said, "No, but go ahead" and then his aides intervened and said, "No, Senator HELMS can't have that." The text on the easel to my right is the language of the amendment that Senator KENNEDY and his staff did not want the Senate to vote on yesterday. He does not want Senators to be embarrassed by having to vote on it up and down. I replied, "OK" and I went home. But as I left I said I was going to impress upon the American people what is at stake.

Overnight, we contacted, directly and indirectly, thousands of people and alerted them that we were going to offer the amendment today. Let me read it from the chart on the easel:

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

Mr. President, that is just about as clear as you can make an amendment. But Senator KENNEDY and his Education Committee staff said, "Oh, no, we can't take that one; we're going to second degree you if you offer it."

Now, let me state the realities of the situation as the Senate is constituted today. The distinguished Senators on the other side of the aisle, the Democrats, control the Senate since they have a majority of the votes. So, only Democrats get to sit in the chair and preside over the Senate. And time and time again only Democrats are recognized to speak or offer amendments at crucial times—when push comes to shove—on an issue. Therefore, it is not possible for a Republican Senator to even offer an amendment without having it gutted if the Democratic manager of a bill persists in the notion that the Senate should not even vote on a particular amendment—such as the one I have just read to you.

I am now going to be able to offer that amendment in just a few minutes, and get it voted on by the Senate, because the Senator from Massachusetts had a change of heart overnight—perhaps because I fully intended to spend 7 or 8 hours on this floor discussing the amendment until I could offer it.

What is going to happen next is totally predictable. I shall offer the amendment and get a rollcall vote set for it. Then Senator KENNEDY is going to bring in Senator John DANFORTH, or somebody else, and they will attempt to muddy the water about what the issue raised by the amendment is. But I want the people of America to understand exactly what it is that really upsets them. It is this amendment language on the easel, which says that:

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

For those Americans who may be watching on C-SPAN, I suggest that you begin right now—if you favor this amendment on school prayer—to call your Senator. The telephone number is on the easel, let me read it, 1-202-224-3121. Ask for your Senators from your state and tell them how you feel about the amendment. If you are opposed to this amendment, tell them that. But please help ensure that the Senate has a vote on it that is meaningful.

Mr. President, I am going to refer to the text of this amendment from time to time so it will be clearly understood

by the public and Senators. All of the exhortations and obfuscations you will hear later you can make up your own mind about.

An almost identical amendment to this one was passed in 1989 by the House of Representatives by a vote of 269 to 135—I repeat, 269 to 135, almost two to one. This amendment—I shall reiterate time and time again in this discussion—will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act.

Let me make it clear that this amendment does not mandate school prayer or require schools to write any particular prayer. It simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

Senator DANFORTH and others may come in here and say, "Oh, how are you going to do this," and "How are you going to do that?" But let me remind Senators that for over 50 years this century—no 60 years in this century—there was no problem. Prayers were said everyday in my grammar school and high school—public schools—until that lady from Pennsylvania, using her little boy as a pawn, agitated on the issue until it came before the Supreme Court. And we know what the final result was.

Mr. President, in short under the amendment, if a school district actively prohibits voluntary student-initiated prayer in school, then under this amendment, yes, that is right, old HELMS is proposing that that school district lose its Federal funding. However, if the school district does not address the issue of prayer at all, then the funds will not be cut off. As long as they do not take a position one way or another—because that will restore the situation to what it was before all this foolishness started and when principles meant something in the schools—and I mean p-r-i-n-c-i-p-l-e-s.

Again, so there will be no confusion, a school is not required under this language to do anything in favor of voluntary prayer. It merely must refrain from instituting policies prohibiting voluntary student prayer.

As I said, Senators are going to hear all sorts of obfuscating remarks, but I hope the C-SPAN cameras will focus on language on the easel again, just so there will be no mistake. This is what the amendment says. This is all the amendment says:

> No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

And if those of you listening out there in America are in favor of this amendment, I implore you to put in a call to your Senator. If you cannot get your Senator personally, talk to their administrative assistant or their legislative assistant. If they will not talk to you about it, you can pretty well assume that that Senator is not going to vote for the amendment. Maybe not in all cases, though.

Once again, there is the phone number on the easel: 202-224-3121. Call and ask for your Senator and say, "Where do you stand on school prayer?" If you get a "non-answer," you can consider that that is an answer.

Mr. President, let me mention for the RECORD that language similar to the amendment that I will offer has been a part of every education appropriations bill since 1982. For instance, section 304 of the Departments of Labor, Health and Human Services, and Education Appropriations Act of 1993, passed just this past October, states that:

> No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Perhaps there are some parents out there watching this debate can attest that the principals or superintendents of their schools are scared of their shadows and have shut off any consideration of voluntary student-initiated school prayer for fear that they will be called on the carpet by the Federal bureaucrats or the ACLU—the dreaded American Civil Liberties Union.

That is the formidable intimidation that exists right now, Mr. President.

Now, let me read you from this other little book. It is called the CONGRESSIONAL RECORD. This is the issue for February 2, which is yesterday, and what do you know—the first thing entered in the CONGRESSIONAL RECORD for the House of Representatives yesterday reads as follows:

> The House met at 2 p.m.
>
> The Reverend Donald Frederick Lindstrom, Jr., Episcopal Church of the Mediator, Meridian, MS, offered the following prayer.

Is it possible that the Supreme Court has not said anything about prayers in the Senate Chamber or the House Chamber. Official prayers are offered every day in both houses.

Now let us read the Senate proceedings in the RECORD to see how the Senate began yesterday morning.

Well, what do you know—first page of the CONGRESSIONAL RECORD for the Senate for Wednesday, February 2 reads as follows:

> The chaplain, the Reverend Richard C. Halverson, offered the following prayer.
>
> He said:
>
> Let us pray.
>
> Eternal God, Lord of history, Ruler of the nations, with profound gratitude we thank You for the words with which the Constitution begins.

Then Dick Halverson continued with his typically eloquent prayer.

So you see, Mr. President, the Senate and the House can begin their days activities by praying with impunity, but not so American children in the public schools.

Now, I fully expect some Senators to argue later, "Oh, yes they can. HELMS is wrong."

But Mr. HELMS is not wrong. The American people perceive a lot of things, and that is the reason an overwhelming majority of them support restoring prayer to the schools. I do not know how Senators are going to vote. I do not even know whether the American people are calling their Senators' offices right now on the number I gave out. But is it not astounding that the Senate, the House, the Supreme Court, all begin with a prayer. Yet, you cannot do that in the schools—it is taboo.

I watched, a little over a year ago, the present President of the United States take the oath of office. And where do you reckon his hand was placed when he took that solemn oath? On the Bible. Yet the Supreme Court of the United States says school children cannot have anything to do with prayer when they are at school.

But, thank the Lord, in the polls, every poll that I have ever seen, the vast majority of the American people readily recognize the moral and practical imperatives of restoring school prayer. I hear it every time I go home. About a third of the mail that I get from parents makes the same plea, "Why? Why can you guys pray but my child can't?" We are going to answer that question shortly with a rollcall vote.

Mr. President, Reader's Digest magazine commissioned the Wirthlin Group to conduct a poll on the school prayer issue back in 1992. The Wirthlin Group found that, what do you know, 80 percent —eight, zero percent—of the American people disapprove of the Supreme Court's ruling that it is unconstitutional for prayers to be offered at high school graduations. What a silly ruling. I do not know what the Court was doing when it decided that case.

The Wirthlin poll also showed that 75 percent of Americans favor prayer in the public schools. And Reader's Digest pointed out that these opinions in favor of school prayer were expressed by Democrats, Republicans, blacks and whites, rich and poor, high school dropouts, college graduates, reflecting a profound disparity between the citizenry and the Court.

Despite this massive public support, all we ever hear on this matter is that the Constitution prohibits governmental establishment of religion. So what? That has nothing to do with the issue.

Read the first amendment. See if you can find any basis for the despicable situation in which we find ourselves in this country, when kids are shooting each other, when no moral principles survive in the schools or in many families, or anywhere else. We have run the gamut. Of course, the social engineers blame it all on poverty. They blame it on not spending enough Federal money. But what we really not have enough of is the moral character and backbone in this country needed to restore the family by restoring the principles that once guided us as a nation and as individuals in this country.

Despite all of this massive public support, all we hear from the media and the lawyers is that the Constitution prohibits governmental establishment of religion. But that has nothing to do with school prayer.

Because if it did, Mr. President, if the establishment clause really outlawed officially sponsored prayer, we would not be praying in this Chamber and the Supreme Court itself would not be able to open its own sessions with prayer. And the President of the United States would not put his hand on the Holy Book as he takes the oath of office. It is reductio ad absurdum, the ultimate absurdity, to interpret the first amendment as so many have interpreted it to prohibit school prayer.

Justice Potter Stewart, one of my favorite people—I miss him—dissented in one of the Supreme Court's earliest school prayer cases and I applaud him for it. Potter Stewart said in that dissent, and let me quote him:

> A compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in school, religion is placed at an artificial and state-created disadvantage.

In other words, the Government creates a disadvantage for religion if it keeps religion out of the schools, and that has surely been the result. To continue Potter Stewart's comments, he said:

> Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.

Of course, Potter Stewart was absolutely right. Then he continued:

> And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism.

Mr. President, Potter Stewart accurately predicted that governmental intolerance of religion would be the natural and precise effect of the Court's decision to ban school prayer. And can there be any doubt that the Supreme Court's myriad of school prayer decisions have in fact fueled governmental intolerance—and assaults—on any vestige of Christianity in the public schools?

Let me pause at this point to repeat to anybody who may be watching the Senate session who is interested in the school prayer issue, if you are in favor of the amendment that I am talking about, call 202-224-3121 and ask for your Senator. If they shove your call aside, make a note of it. But you deserve an answer. You are entitled to know how your Senator stands on the issue, and how they intend to vote.

Mr. President, let me cite a few examples of government's overzealous assaults on religion in the schools. Even in my State of North Carolina, which some of my liberal friends sarcastically refer to as being part of the Bible Belt—and I will proudly plead guilty to being from the Bible Belt—the confusion growing out of the Supreme Court decisions has left its mark.

There was a teacher in Lexington, NC, a man named Ronald Chapman, who resigned his job because he refused to end his 32-year tradition of reading the Bible and praying with his special education students. For 32 years, he had the enthusiastic approval of both students and their parents. But the school authorities put the heat on him about it until he quit. He said, "If I cannot have a prayer and give them hope from the Bible, forget this job. I quit." I do not think he should have quit. But I can understand the frustration that led him to it.

Then, in Thomasville, NC—a furniture manufacturing center in the same county—a school superintendent banned the decades-old tradition of permitting a public prayer before high school football games—somebody had protested to the ACLU of course.

And then a Federal court prohibited a State judge in Charlotte from opening his own court session with a prayer for wisdom and guidance from God, even though the Supreme Court itself, which caused all of this absurdity, opens every one of its sessions with prayer.

Since governments have put restraints on religious freedom in public all over this country, confusion has become rampant and people are discontent because moral principles and rights are being watered down.

I think it is possible to pinpoint when the decline of this country really began. It began when Madalyn Murray O'Hair—according to Madalyn Murray O'Hair's own son—conspired with Communist attorneys who came to her home to orchestrate the lawsuit that resulted in the first Supreme Court decision banning prayer.

Since that time, America has been on the slippery slope. Morality has been all but forgotten. It is scoffed at in a lot of circles. As I said earlier, right here in Washington, DC, if you have kids killing kids with guns, they say: OK, we have to have the Brady bill and control the guns, not the kids. But that will not stop it.

And of course it will not. The District of Columbia, I should observe parenthetically, has the toughest gun control law I believe in existence anywhere; certainly in this country. Yet, Washington, DC, is known as the "Murder Capital of the World," and the "Crime Capital of the World."

I believe, and millions of Americans believe, it is because we took this Book out of the schools. Away with it, and along with it went all regard for principles, fundamental principles including those concerning love for our fellow man and respect for human life.

Mr. President, in the State of Florida not too long ago, a school principal felt personally obliged to use his scissors to remove pictures of the Bible Club from each and every copy of the high school annual because he felt the Supreme Court's school prayer decisions required it.

So he took his scissors and took each one of the high school annuals and clipped pictures that might have any relationship whatsoever with religious matters out of the book.

In a number of States, believe it or not—and I am not making this up—students have been prohibited—forbidden—from praying in their cars in school parking lots before school even begins or during lunch. They cannot even bring their Bibles into the schools with them.

In Colorado, a Denver school tried to have all copies of the Bible removed from school libraries on the grounds that their presence on the shelves was an infringement of the Supreme Court decisions on school prayer. The lawyers can say they misread the Court's decision if they want to, but I am talking about the practical effect of the decisions all across the country.

There have been at least three separate studies, and maybe more than that, Mr. President, that have noted the textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because the publishers believe that the Supreme Court decisions require such censorship. I do not think they do. I do not think the Court intended that.

My older daughter is an elementary school principal. Governor Martin appointed her—Jane Helms Knox—to two successive terms on the State Textbook Commission, and Jane was appalled at what the textbook publishers have been doing. Bless her heart. I am proud of her. She said, "I am not going to approve these books unless you put some of our religious history back in."

Then, of course, there are my favorite organizations, the American Civil Liberties Union, and all the other liberal extremists. They are running all over the country using the Supreme Court ruling in the Weisman case to force school boards to ban public prayers at high school football, basketball games, commencements, and other school activities.

But, thank the Lord, all over this country good, old, plain American citizens are fighting back, and I am here today because I want them to know I am proud to be on the same team with them. We may lose today, but I say to them that we are going to continue to fight. If this amendment is not approved today, it is going to be back again and again and again, as Franklin Roosevelt once said.

In many cities and towns, school officials are providing a moment of silence in lieu of public prayer, and the people are grasping the opportunity to spontaneously recite the Lord's Prayer in unison. I guess the American Civil Liberties Union considers that to be a rebellion. But if that is a rebellion, Mr. President, let the people make the most of it.

But these spontaneous acts of prayer have been too much for the antireligious bigots in some cities and with the American Civil Liberties Union's help they have gone back to the Federal courts to try to block even moments of silence before ball games and other events.

Finally, there is the episode in Mississippi where the principal of a high school, Dr. Bishop Knox, was suspended and then fired, believe it or not, for allowing the students to read a short interdenominational prayer over the school intercom. What a terrible thing to let a student do, but that is how far we have come. The students themselves—and this is the point, Mr. President—in the Mississippi school had voted 490 to 96 in favor of having this brief prayer read during morning announcements.

Let me tell you, I was discussing this issue the other day with a friend from North Carolina. He said you spend a lot of time with young people. The truth is that I have never failed to meet with a young person or a group of young people who have come to see me—I met with a group, took them into the Vice President's Office just a little while ago before I began to speak today. I told them, as I so customarily do, that I get sick and tired of hearing that old expression about young people going to the dogs, that the younger generation is going to the dogs.

Mr. President, it is not so. They said that in the ancient time of Demosthenes. It was not so then and it is not now. The fact is that the young people who come to see me are fabulous—and I cannot believe only the young people who are conservative come because a lot of them say they do not agree with me on various things. By the way, I do not spend any time, I invest a lot of time with young people. But just last week—and this has happened a number of times in the past 20 years—I met with a group of people and the voting light came on and I said, "Well, I have got to go vote. Would you like to see the Senate in a roll call vote?" They said yes, so we came over. Before we did, however, one young lady took my hand and she said "Senator, before we leave, can we have a word of prayer?" And we did, standing there in my office.

I would not have thought about doing that if I ever had the privilege of meeting a Governor, a Senator when I was that age. But these young people are groping and grasping for role models. They want to do the right thing but they have so many forces pulling and tugging and say, oh, that is politically incorrect when they know what they need to do and these young people know what should be right. They have a familiarity with this Book and they have a desire to communicate with their God. No thanks to school administrators—no thanks to the U.S. Supreme Court, no thanks to the Congress of the United States.

But going back to where I started, what are we doing when we do not pass an amendment like this because we bring in the sophisticates to say, "Oh, what are you going to do if there is an Arab prayer?" I tell you what I would do. I would let there be an Arab prayer, anybody who wants to pray. You are going to hear that kind of argument in rebuttal to this amendment but the Senators are going to have a chance to vote for this amendment whether they make that argument or not.

Perhaps the irony of ironies in the whole situation, Mr. President, are the news reports recently about the spiritual resurgence in the republics of the former Soviet Union. Billy Graham, who I consider to be one of the greatest products North Carolina has ever exported, has told me about his experiences in the Soviet Union when it was the Communist Soviet Union and his experiences after that time.

A similar account was given in a January 4, 1998 Newsweek article detailing how the republics now, the former members of the Soviet Union, are allowing prayer and religious instruction in the public schools—and this was from Newsweek magazine. Let me quote:

> "[T]here is a religious revival in Russia, and educators—pressured, at times, by parents—are searching for ways to give students an ethic to live by. In a change as radical as its embrace of democracy, Russia—like several other former Soviet republics—has embarked on a massive effort to bring the teaching of religion back into its 160,000 schools.

There is the story of one Soviet schoolteacher, a lady. She has been teaching for 40 years and is an atheist. She understands the need for religious foundations in order to maintain her country's social fabric at this difficult time.

She said:

> Now [our] belief [in Lenin] is gone and that is why we have to turn to Jesus.

Oh, mercy. Can you not imagine the consternation among some Senators and some people in the administration and maybe in the Supreme Court, not to mention the ACLU at such a statement? Think of this woman being so dumb as to say that we must turn to Jesus in the Soviet Union.

There might be some Moslem over there who does not like to hear about Jesus, so we just have to throw the whole baby out with the bath water.

This Soviet teacher went on to say:

> Either the children will learn from his example, or they will turn to crime, drugs, and alcohol.

Wonder where she got such a misconception? I think she must know what is going on in America today.

The former Soviet republics obviously learned the hard way that without the underpinning of religion, no society, no economy, can survive, much less prosper. Unfortunately, it appears that the cultural and media elite in this country are determined to force us to learn the same lesson the hard way, with or without the consent of the majority of Americans who favor this amendment, whether Senators vote for it in the majority or not.

And then there is George Washington's final counsel. Do you remember that, Mr. President? His words are just as applicable today as they were the day he said them over 200 years ago. He gave a warning to this new Nation, which he had headed. He said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

AMENDMENT NO. 1382

Mr. HELMS. Mr. President, I send the amendment to the desk. And as the clerk reads the language of the amendment slowly, I hope the C-SPAN cameras will focus on that language on the easel here so that the people at home can see.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside.

The clerk will report

The assistant legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1382.
>
> At the appropriate place, add the following:
>
> "No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.".

Mr. HELMS. Mr. President, two things. I believe we neglected to lay aside a pending amendment, is that correct?

The PRESIDING OFFICER. That was granted by the Chair.

Mr. HELMS. Mr. President, the distinguished Senator from Mississippi [Mr. LOTT] desires to cosponsor the amendment. I ask unanimous consent that his name be added as a cosponsor.

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

Mr. HELMS. In conclusion, I call attention to the telephone number for the Senate. If anybody watching is interested, use your telephone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, there are some things that cannot be done by people in the name of their religion on the floor of the U.S. Senate. There are some things that must be done in one's own life and in one's own community.

That realization that there are limits to what Government can do and what Government cannot do pertaining to religious activity is the rationale for this Senator, or one of the rationale for this Senator, leaving the Senate.

That is not to say that important values cannot be stated on the floor of the U.S. Senate and even furthered on the floor of the U.S. Senate. But what is done here in Washington can never be confused with religious observance or purely religious activity. At least, it does not encompass the totality of religious activity.

So I would simply like to point out that when we deal with religious matters in Government, when we deal with religious matters in Congress, it is not necessarily a question of: Well, who is for religion and who is against religion? It is not a matter of let us go to the Senate floor and vote on whether or not we are going to be religious. Because, in fact, there is not any religious position that I know of on this legislation.

There are various denominations, I am sure, that have various views on the efficacy of school prayer and the wisdom of having prayers in public schools.

But this is not a vote or an amendment dealing with whether or not a Senator or whether or not the country itself is on God's side or not on God's side. That does not have anything to do with it.

Nor is this a constitutional issue that is being raised today. The Senator from North Carolina has not offered a constitutional amendment. It is not possible to amend the Constitution of the U.S. by an act of Congress. Whether or not there are constitutional prohibitions on prayer in school, how the Supreme Court interprets those constitutional limitations is in no way affected by this amendment.

This amendment implies that we take the Constitution as we find it, that we take Constitution as it has been interpreted by the United States Supreme Court. And, taking it as we find it, then we decide what to do about a particular amendment offered on the floor of the Senate.

So this amendment does not open up new constitutional possibilities for prayer in school. No, it does not. It does something else.

This amendment is what is known as a mandate. This is a mandate from Washington, or a proposed mandate from Washington, directed from us to the school districts of America.

Now, there are those who believe that we should be uttering mandates from Washington about everything and anything that goes on at the local level. There are those who believe that we in Washington know how local school districts should conduct their affairs, and, knowing how local school districts should conduct their affairs, we then hand down our orders.

Here is the way we hand down our orders from Washington. We say: Do you want our money? School districts of America, we have money in Washington, seemingly unlimited money. It does not matter if we raised it in taxes or not. If we do not have enough that we taxed from the American people, we borrow it. We have money. Would you like it? Would you like to have Washington's money? Well, if you want Washington's money, do things Washington's way. And that is exactly what this amendment does. It is a mandate.

We in Congress, if we pass this, have decided that our money, Washington's money, will not be available through our Department, the Department of Education, under this act to State or local school districts that deny or effectively prevent participation in prayer. That is our mandate.

My understanding of the debate heretofore on this bill that is now before us, Education 2000, was that a lot of people did not believe in Government mandates. A lot of people believe that the answers should be in the local school districts or in the States, not in the Congress of the United States; that we should be very reluctant to condition the granting or the withholding of Federal funds on people in the school districts doing things our way. That was my understanding of the debate prior to this afternoon.

But now we are told, school prayer is different. We believe in it. And, really, we know the answers, and the decision should no longer be made in the school districts. We in Washington should make the decision. If the school districts want our money, then they should comply, like it or not; no discretion. No discretion. No ability to make a judgment on the basis of the particular needs or the judgment of the people on the school boards of America. Forget them. What do they know? Poor dumb clucks out there. We know the answers here in Washington. So we pass a mandate, conditioning the granting or the withholding of Federal funds on the school boards of America doing things our way.

Let us suppose that there is a school district out there somewhere that is Northern Ireland writ small. Let us suppose there is a community somewhere in America where there is terrible dissension on the basis of religion. Let us suppose that it is someplace, say, in a State where Mr. Louis Farrakhan's representative has been making 2½-hour speeches castigating Jews. Let us suppose that a school district would say to itself: In this kind of volatile atmosphere we really think it would be better if our schools would not be involved in the business of the practice of religion.

We would say by this vote: We do not care about what you think. We do not care about the conditions in your school district. So what? What if there is disruption? What if people are at swords points in your community over religion? What if there have been all kinds of incidents, swastikas painted on buildings in your school district? What if Protestants are against Catholics? What if there is a true minority religion and it feels put upon in that community, and your school district says: Let our school be an island of peace. We do not care about that. Because if you want Federal money, you better do things our way. The central office has made the decision on this matter, not you in the local school districts.

I would point out, incidentally, that this amendment may be a backdoor way of preventing Federal funds going to any school district because there are cases where the Supreme Court has said that, under certain circumstances, what could be denominated as voluntary prayer is unconstitutional. If a schoolteacher stands up and says, "We are going to have a voluntary prayer in this school. You kids are free to join in it or not to join in it." It is my understanding that that is not permissible under the Constitution, as interpreted by the Supreme Court. This particular amendment does not do anything about the Constitution. But it does say that in that case, if a school district takes the position that it is going to comply with the Constitution, then that compliance with the Constitution is a limitation on voluntary prayer, thereby cutting off Federal funds.

So I point out the fact that the way this amendment is drafted it could be a trap. It could be a trap that says to school districts that, unless your schools operate in an unconstitutional manner, the funds are no longer going to be available.

I would also like to call the Senate's attention—I am sorry the exact form of the amendment, the wording, has been covered up. It is a very, very interesting last sentence which I will read to the Senate.

"Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer"—so far, so good—"or influence the form or content of any prayer in such public schools."

Let me emphasize the key points. Educational agencies, school boards, cannot "influence the form or content of any prayer in * * * public schools."

Under this amendment, if they do that, their money is cut off. School boards cannot influence the form of prayer. What does that mean? Let us suppose that, on a purely voluntary basis, a student in a public school decides that prayer out loud, in a loud voice, is the best kind of prayer. The student stands up in the middle of the class, disruptively, and begins to pray. Does this amendment say—and I think it does—why, the schools cannot do anything about that. This is prayer. We cannot influence that, because that is the form of prayer.

Do we mean that there is an absolute first amendment right enforced by the granting or withholding of Federal funds for children in schools to do anything in the name of prayer they want to do? To pray in any form at any time in any voice with any degree of disruption in the classrooms, out of the classrooms, in-school hours, out-of-school hours, in the middle of the math class, during tests, various sects? What kinds of religion? Satanism? Native American religions relating to peyote? Is that a form of prayer? The schools cannot do anything about that.

Mr. President, this is the kind of question that is raised when we in the U.S. Senate decide that we really do have all the answers, broad sweeping answers, answers to be mandated from Washington, answers to be issued to all people throughout this country in all school districts under all circumstances. We have all the answers to take away any discretion, any sense of responsibility that exists out there in America for people to say, here is what is in the best interests of our community.

Maybe there are those of us who believe that there should be prayer in public school. That is a different issue. I would be prepared to debate that, and I have debated that issue on the floor of the Senate. That is a different issue, whether or not there should be the possibility of prayer in public school. That is an issue to be determined constitutionally, not by statute.

But here we are not saying whether there should be the possibility of schools adopting some sort of program, we are saying from Washington, "Well, schools, you have to allow prayer in your schools and you cannot influence the form or the content of those prayers." It is a mandate. What is so great about that? What is so great about Government mandates? What is so great about Washington control? If we truly believe that there is a moral crisis in America—and I believe that—how many of us truly believe that the answer to that moral crisis is on the floor of the U.S. Senate? If we believe that there is a moral crisis in America—and I do—how many of us truly believe that this great country is waiting with bated breath for yet another amendment to be adopted by 100 Senators in Washington, DC? Is this the moral problem in America? Are we kidding ourselves? Are we taking an inflated view of our own importance? Are we taking the people of America themselves and our families and our parents off the hook?

Does the most fervent believer in prayer really think that the answer is in this kind of an amendment with mandates from Washington? Or is the answer much closer to the real world than this? Are the values in the home and are the values in the family and are the values in good parenting and in the churches? What is wrong with the churches? I thought that was where the religious nurture of children took place, not in public schools.

I hope we defeat this amendment. I hope we defeat this amendment not only because it purports to put the answer where it is not, but because in the actual reading of this amendment, it is a trap: Funds granted or withheld according to sweeping principles established in Washington, no discretion in school districts and in school boards to try to handle specific problems, even disruptive and volatile problems in their own communities; no ability of a school district even to decide to comply with the Constitution of the United States for fear of losing funds; and no ability of schools or school boards or principles or teachers to maintain some kind of decorum in the school and in the classroom, because under this, governments at any level, including the school boards, cannot influence the form or content of any prayer. Wide, sweeping, broad, powerful, big-Government answer to the problems of our country. It is not a good amendment. I hope the Senate defeats it.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to speak against this amendment, but before doing so, I want to express my appreciation to the Senator from Missouri, who certainly set out the realities of this whole issue as we approach it. I think every Member of this body has a great deal of respect for the Senator from Missouri, an Episcopalian minister by profession, a Member of this body, a very well-regarded Member of this body. I think he has very explicitly, very eloquently, very clearly indicated why the Senate should not be going down the road of adopting this kind of an amendment.

On behalf of myself, but I have the feeling I speak for 98 other Members of the U.S. Senate when I tell him how grateful I am for his leadership and his opposition to this amendment.

I do want to speak to the amendment myself. I feel strongly about it. I want to say, as I understood the Senator from North Carolina, when he was presenting this proposal, he read from something and I thought he was suggesting and I thought I heard him say that this is the language of some present law. I may have misunderstood him. But I want it clearly understood, to the best of my knowledge, this is not the language of any present law. This would be new law. I hope it will not be new law.

The Goals 2000 act, which we are considering and to which this amendment is being suggested, is probably one of the most important bills this Congress will pass this year. Productive and challenging schools are just as important for the future of our Nation as affordable health care, personal safety, economic prosperity. Yet, now we find ourselves diverted from the important business at hand so that some can make political points and hold up the President's agenda.

At a time when we are seeking to find common ground for improving our schools—and God only knows we sure have an obligation to try to do that—the divisive issue of school prayer is needlessly being injected into the debate. The separation of church and state is a cornerstone of our Constitution. The Constitution's establishment clause separates church from state to ensure that the religious beliefs of our citizens are dictated solely by their conscience and not by their Government.

Before they came to this country, our Founding Fathers had firsthand knowledge of a society with Government-supported churches. They understood the persecution and social divisiveness which results from the union of church and state. For well over 200 years, we have been fighting to preserve that separate position.

As a matter of fact, I was looking at the Congressional Research Service report on this subject, and let me explain for those who are listening what is constitutionally permissible according to the Congressional Research Service.

It says:

> Supreme Court decisions, coupled with dicta in the Court's opinion and related State and lower Federal court decisions, make clear that not all Government involvement with religion in the public schools is constitutionally forbidden. The courts have repeatedly affirmed, for instance, the constitutionality of Government sponsorship of objective instruction about religion, about religious literature such as the Bible, and about religious holidays as part of a secular program of education in the public schools.

It goes on to say:

> Moreover, no decision bars an individual student or teacher from engaging in private

prayer or other religious activity during the school day, at least so long as it is not disruptive of the school environment and does not connote school endorsement of the activity.

But this amendment would go much further. This amendment would practically insist upon, require, the utilization of prayers in school.

It is simply not true that prayer has been banned for public school students. The Supreme Court has never forbidden students from engaging in quiet, personal, and voluntary prayer. Students can also form and attend voluntary prayer groups and Bible clubs on school grounds. But the Helms amendment would go well beyond these well-established principles and practices. It could be argued that it would require schools to grant a student's request to designate a time at school for prayer. Even if the school-sponsored period of prayer is for voluntary and individual prayer, the Supreme Court has clearly held that such a prayer period amounts to Government endorsement of religion.

In the case of Lee v. Weisman, the Supreme Court held that a school may not establish a period for prayer at a graduation. In that recent 1992 decision, the Court concluded that by establishing a period for prayer, a student who objects "has a reasonable perception that she is being forced by the State to pray in a manner her conscience will not allow."

Forcing someone to pray is not what this country stands for, but it is what this amendment stands for.

Those of us who defend the principle of church and state are often accused of being antireligious. Nothing could be further from the truth. Anyone who truly cares about religious freedom should fight against any law that allows the Government, which includes public school officials, to tell us when, with whom, and how we should pray. Religion should be a matter of individual conscience and not Government edict.

I urge my colleagues to oppose this amendment.

My colleague from North Carolina, when he offered this amendment, held up a large board for the TV camera to zero in on and said call 1-202-224-3121 if you support the amendment. But I want anyone who might be within range of my voice to know that that same number can and should be called to indicate that you are opposed to prayer in the schools, and that the Helms amendment moves us in that direction. Call your Members of the Senate. Ask for your Senator and say you do not want prayers in the schools and you do not think the Senate ought to be butting into this area; that you believe the Senator from Missouri stated it very well when he indicated his opposition to this amendment because he was not certain how far it would go, and that he did not think this was the manner in which it should be done. He made it clear that at some point he might be in favor of considering the whole question of prayer in the schools but not in the Chamber of the Senate.

So I say to anyone who feels strongly that we do not want prayer in the schools, we want to maintain the separation of church and state, indeed, pick up the phone and call 1-202-224-3121 and tell your Senator you do not want any amendment to be adopted in this Chamber that makes it possible for or requires schools to open their doors to prayer in the schools.

That is not what this America is all about. It has not been that for over 200 years. There is no reason for us to move in that direction at the present time.

I urge my colleagues to defeat this amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I wish to say the comments of Senator DANFORTH simply illustrate why he is a valued Member of this body and why, after this year, we are going to miss him. He is absolutely on target.

This is—let us label it correctly—compulsory voluntary prayer. It is a strange beast that is being thrust upon us. But it is a beast. The Supreme Court uses what they call the Lemon criteria for determining whether something is constitutional in this area of church and state. Unlike a phrase that is taken out of context from Thomas Jefferson, we do not have an absolute separation of church and state or a wall of separation between church and state. If the local Methodist church is on fire, we call out the fire department. But that same help is there for the Catholic church or the Jewish synagogue, or whatever it might be.

But we have, in the Lemon criteria, said that any excessive entanglement between church and state is contrary to the Constitution. And I think this clearly violates what the Supreme Court has said.

My father was a Lutheran minister. My brother is a Lutheran minister. I came from a home where I understand the desire of having genuine religion. But genuine religion has to come from the heart. Do not expect the Senate or our schools or some other organization to do what our homes should do, what our churches, our synagogues, and our mosques should do. And when you say that we are required to have voluntary prayer, whose prayer is it? For example, according to the last census, we now have more Muslims in the United States than we have Presbyterians in the United States. I do not think most people realize that. I can see a lot of communities that might be very unhappy to have a Muslim leading that opening prayer at whatever the occasion might be, whether it is a class or not.

And then, when you say "voluntary," let me tell you an example that a colleague of mine in the House told me, that I used in debate after debate when I ran for the Senate in 1984, when I was getting hit over the head for opposing a constitutional amendment on school prayer.

Congressman DAN GLICKMAN is a respected Member of the House of Representatives. When DAN GLICKMAN was in the fourth grade, they had voluntary prayer in his school. Because he opposed this by his matter of conscience, every morning DANNY GLICKMAN, who happens to be Jewish, was excused from that fourth grade classroom and then brought back. Every morning, DANNY GLICKMAN was being told "You're different," and all the other fourth graders were being told DANNY GLICKMAN was different.

That is voluntary prayer. But let me tell you, that is something that is not good and something we should not have in this country.

I am sure this amendment is well intentioned.

I am equally sure that it is not good for the country. I hope we do the right thing. This amendment ought to be rejected, and rejected decisively.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, as has been stated previously, we will have the opportunity to address the amendment of the Senator from North Carolina. Then we will have an opportunity to consider an alternative to that which will be presented momentarily. At this time, I suggest the absence of a quorum. Before doing that, I would expect we would not take very much time on the introduced amendment. So we are expecting, I imagine, two back-to-back votes in the very near future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. KASSEBAUM. Mr. President, I would like to speak just for a moment about the amendment before us. I am not sure that any words spoken on the floor will change minds. I think it is particularly appropriate that on a National Day of Prayer, with the prayer breakfast this morning, we are debating the question of whether there should be prayer in public schools. Some have raised the point that some schools have prayers offered, and some

have not. I do not think there is anyone here who would, in any way, not want to state clearly and sincerely the importance of prayer in our daily lives. One can pray anywhere, and many do.

I think those of us who have spent a good bit of time in the classroom—whether as teachers, whether as assistants, whether as tutors—recognize the challenges that come in a classroom. I believe the difficulty today is in developing a spoken prayer that recognizes the diversity of religious beliefs in this country and is constitutional. In the past, we have debated the issue of a moment of silence in which students can pray. In addition, there is nothing to prohibit one's offering a silent prayer in the classroom. From the number of hours and years I have spent in and out of classrooms when my own children were going through school, I believe it is important to start the day with a moment of silence.

I think that everyone can pause and reflect on those things that are meaningful to them in their lives. I think it is important for young people to have that sense of discipline and responsibility in starting the day that way.

But, I think for us to get involved in a debate in which we try to say that schools should have prayer at the beginning of the class really takes away from the importance, the meaning, and the depth of the belief that individuals should have in praying as they choose.

Saying that this amendment is not the way to do it in no way negates the importance of prayer. But, for all of us who have spoken pro and con on the amendment, I think the question really is how to do it. On that point, we can and do differ.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I think in a very short time the Senate will have an opportunity to express its view on the amendment of the Senator from North Carolina, and also an alternative view that will encourage individuals in schools to take time for meditation, reflection, contemplation, or perhaps even a silent prayer.

I can remember back in 1962 when the Supreme Court actually made the decision on the prayer-in-school question. At that time, President Kennedy addressed the country and talked about the importance of prayer in the family and how important that dimension was in terms of individuals, in terms of families, and in terms of the spiritual well-being and life of individuals in this country.

He also reminded the American people of the role of the churches and the synagogues across this Nation, how important it was that all of us as individuals support those efforts, and how important it was that those great institutions have a powerful impact on the lives of all of us.

At that time, Mr. President, it was really quite clear that, prior to that decision, there was very considerable concern that children, who are basically captive audiences—unlike those of us here in the U.S. Senate —and are impressionable, and are influenced by a great variety of different kinds of factors.

Just yesterday we took a vote in the U.S. Senate about the teaching of an individual who was understood to be a minister of a faith. We had on the floor the introduction of his speeches and statements that he had given at universities and colleges, and the characterization of those teachings or expressions by that minister that appealed to the darker and baser side of individuals, and which talked in a way of anti-Semitism, anti-Catholism, basically antireligious expressions.

We can think of others who present themselves as individuals of the cloth. Right now even as we are here, we are seeing a trial of individuals who were followers of David Koresh, who presented himself as a man of the cloth—as a religious leader. What if it were a David Koresh follower talking about insights or religious thinking. If one of those individuals got up and made statements in the public schools, there would be other individuals who would say that those statements were not appropriate for the young people in this country.

Under the particular amendment those school districts would be denied participation in this Goals 2000 legislation.

We can remember even in the thirties a Father Coughlin, who was a member of my faith and who was known for his racist and anti-Semitic positions. And that individual preached in churches. I do not know whether he did in schools or not. But there was no question that he had a wide following, not only in terms of individuals who believed as he did, but also within his own religion as a whole. If those individuals who followed him were to speak in certain schools, and others said that those teachings were racist or anti-Semitic, and therefore not appropriate teachings, those individuals would say: "Oh, no, no, this is prayer. This is prayer." What would be the impact of this amendment?

It is quite clear. It would be to deny those schools any funds.

So, Mr. President, the current law as spelled out in 1992 in appropriations and again in 1993 says:

> No funds appropriated under this act may be used to prevent implementation of programs of voluntary prayer meditation in the public schools.

That is the current law and as I understand, sustained constitutionally.

I know that there will be the proposal that will be put forth by the Senator from Missouri [Mr. DANFORTH] that will certainly encourage in our schools across this country those moments of contemplation, reflection, meditation, and silent prayer which are so enormously important in terms of the spiritual well-being of all of us.

I would hope, Mr. President, that at the appropriate time the Senate would favor that as an alternative to the amendment put forward by the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Thank you Mr. President, for recognizing me at this time. I do wish to speak on this issue, and I would like to begin it by quoting a prayer.

> Almighty God, we ask that You bless our parents, teachers, and country throughout this day. In Your name we pray. Amen.

That was the prayer of the students read over the public address system in Jackson, MS, at Wingfield High School. That was the prayer read by a young lady who, I believe, was the president of the student body. It was a prayer that was written by the students, delivered by students, and voted for by an overwhelming majority of the students.

The principal in that school said that that was OK. His name was Bishop Knox. He was an African-American principal who said the students have a right on a voluntary basis to read this prayer. It is not a very offensive prayer in anybody's mind.

After the principal stood up for the students' right to do this, he was fired. Nineteen students were suspended because they skipped class, out of protest, in support of the principal. After the principal was fired, 4,000 people attended a rally on November 28, 1993, on the steps of the State Capitol.

So, now, we are suspending students and we are firing principals because the students would like to have a voluntary prayer: A prayer they selected; a prayer that is nondenominational and is nonoffensive.

That is what we are talking about here—the opportunity to have a prayer on a voluntary basis that is designed by the students. In the case of Wingfield High School in Jackson, MS, they are being told they cannot do that.

We saw today, or I guess yesterday, in the newspaper where students tried to have a Bible club after school at a school, and they were told they could not do that—a Bible club. I mean just about anything else can meet at a high school or on school premises. But a Bible club was prohibited and, therefore, there is legal action now that has been taken by people saying, "At least we should have that opportunity to have a Bible club just like any other club meets in the school on a voluntary basis after school hours, not during class hours."

Let me go back and remember. I was a student in the 1950's and 1960's. I remember we had prayers. I do not remember anybody being run off or offended or mistreated. I remember it

helped get us in the right frame of mind for the day. I remember it helped the teacher get control of the students. I remember that.

I remember in the House of Representatives when I was in the House several years ago, led by former Congressman John Buchanan, we tried to get a constitutional amendment for a prayer. Basically on a procedural mistake we lost that vote. And there have been votes in the House and Senate over the years.

A lot of our colleagues come to the floor and say, "Oh, but not a constitutional amendment. Oh, not here; not that language; not this; not that." In the meantime, prayer has been taken out of our schools.

And yet, every day when we begin a session of the United States Senate, we pray. Our students cannot pray, but we do in the Senate. Maybe that prayer is led by a Catholic priest or Greek Orthodox priest or Jewish rabbi or whatever, but we do it. We then turn right around and tell our students they cannot pray.

It is OK to promote in our schools the distribution of condoms. That is OK. Sure. And we wonder what is happening to our kids in our schools.

What happened to discipline? What happened to respect for authority? What happened to knowing the difference between right and wrong? When do we teach a little character?

No, we can talk about all kinds of sex perversions, but we cannot have a voluntary prayer selected by the students.

This is no crime. In fact, Senator KENNEDY read language that is in the law that I thought sounded an awful lot like what this says.

No funds made available through the Department of Education under this Act, or any other Act, shall be made available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

We have had a breakdown in our society of moral values. In my own State of Mississippi, where we have taken great pride over the years that our students respected authority and law and order. They were not prejudiced or bigoted. Students were raised, and are being raised, hopefully, to have an open mind and to not kill each other.

But even Mississippi is having problems. Let me give you some examples from the newspapers:

Jackson, MS: "Seventh Grader Arrested After Roaming Halls With Loaded Pistol."

Philadelphia, MS: "A Neshoba Central High School ninth-grader shot a classmate moments after the two were told to stop arguing and go to class." The student was 15 years old.

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I am not saying that not having prayer caused this sort of thing, but I am saying it is one of the things that led to the crisis we have in America today.

This is no sweeping move to force anything on anybody. It is voluntary.

Now, Members are going to rise as warriors and as preachers and express great concern. They are going to wring their hands and worry about how terrible this is going to be in our schools. I do not see it.

We have an opportunity—an opportunity—to have a voluntary prayer. Who is that going to hurt? What is that going to do to undermine the spirit of America?

Almighty God, we ask that You bless our parents, teachers and country throughout the day. In Your name, we pray. Amen.

That was the prayer at Wingfield High School, Jackson, MS. Tell me where the damage is with that prayer?

I yield the floor, Mr. President.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

WHITEWATER

Mr. D'AMATO. Mr. President, I rise once again today to bring an issue of concern to my colleagues' attention, a matter of urgent public concern which revolves around the imminent running out of the statute of limitations in the Whitewater/Madison matter.

The clock is ticking. Soon the RTC will be out of time and the American people will be out of luck. Today is February 3, so we can mark off another day in the race against the ticking clock.

Mr. President, it appears that the American people are losing that race and, for all intents and purposes, it is a race that the RTC is primed to lose.

The RTC seems to be using an old college basketball strategy —that is, the four-corner stall. The purpose of the strategy is to run out the clock. We have a right to expect the RTC to play a fast break, as if there is a shot clock. If the clock does run out, the losing team will be the American people.

Mr. President, the statute of limitations runs out on February 28, or at least that is what I have been led to believe. This means that anyone who is responsible for the loss of possibly millions of dollars of taxpayers' money will be immune from civil action.

We are not talking about the criminal proceedings, which are a different issue related to the appointment of a special counsel. I am referring to the day when the RTC believes the statute of limitations on civil action will run out.

Mr. President, do not try to get a precise answer from the RTC about the statute of limitations. I have been trying to pin them down now for weeks. The RTC's so-called review of Madison must really be a covert operation. Either the RTC's views pertaining to the statute of limitations do not officially exist or they put the answer in a code that is hard to crack.

But even if the RTC ducks the issue, the bottom line is the same. There are now only 25 days until the time runs out; 25 days until the American people are denied access to the full measure of American justice. This is unforgivable.

What has the RTC done to stop the ticking of the clock, to toll the statute of limitations in the Madison situation? In the past, it is interesting to note, the RTC has frequently sought voluntary agreements to stop the statute of limitations from running out. What are they doing to obtain such agreements in this situation? Are they seeking tolling agreements? Would that not resolve the time crunch that the RTC faces?

Mr. President, the fact is the RTC will not give us an answer. They will not give me a straight answer. They will not give anybody in the Congress a straight answer, and they give us an ambiguous response.

The statute runs out on the 28th. But how and when do we get some clear answers about the Madison Guaranty cleanup?

As I stated yesterday, it now appears that the Banking Committee will have an opportunity to question the RTC Oversight Board directly at an upcoming hearing. If we cannot get a hearing specifically devoted to the Whitewater/Madison problem, and it appears we cannot, the RTC Oversight Board hearing will have to suffice.

I will be prepared to ask pertinent questions about Whitewater and Madison. If the RTC must be prodded and cajoled into responsiveness, I am willing to do it.

But, Mr. President, I certainly hope that this hearing is held before the statute runs out. It does not make much sense to hold a hearing after the statute runs out, and that will prevent the taxpayers from pursuing civil actions to recover money on their behalf.

After February 28, there can be no meaningful oversight on this matter. Any discussion of this matter will simply be a history lesson. Once the clock ticks down and the statute runs out, any civil wrongdoing is, for all practical purposes, history.

It seems that there are some who are bound and determined to pursue the old tactic of the four-corner stall and run out the clock.

Just 2 days ago, the committee held an FDIC confirmation hearing. I asked Andrew Hove, the Acting Chairman of the FDIC, about the FDIC's hiring of the Rose law firm. I do not know whether the RTC ever retained the Rose law firm, but if they did, I think the American people and Congress should know. And if the Rose law firm was on the job, did the RTC analyze

any potential conflict of interest that may have existed?

Mr. President, this is not a matter of personal curiosity. The American people have a right to know. When the RTC Oversight Board appears, they will be called on to answer these and other questions. I will expect these officials to tell us when exactly the statute will run out, what action is planned to stop the ticking clock or to preserve the rights of taxpayers to obtain reimbursement from the wrongdoers, which runs well into millions of dollars.

The statute of limitations runs out on the 28th. When will the RTC level with the Congress?

In anticipation of that hearing, I will ask for a briefing from the RTC. I am writing to them requesting that they give us, the Banking Committee, a briefing. Meanwhile, time is running out for the American taxpayer.

Mr. President, some would have us look the other way, but the clock is ticking. I think we have a right to know from the RTC whether or not they are attempting to get those agreements that they regularly enter into in order to toll the statute.

If they were to give us the answer and the assurance that they are seeking to do this, it would satisfy this Senator. I would then know that this matter could be pursued as it should be. I would then have confidence and, more importantly, I believe, the American people could have confidence, in the fact that we have equal justice, equal justice for all and not justice that is applied willy-nilly, not justice that closes one eye and denies the American people an opportunity to see that things are done correctly. That is all we seek here.

Tomorrow I will return to this floor and bring forth some of the more pertinent questions that I believe we have a right to have answered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask my colleague from New York to remain on the floor because I would like to respond to some of his comments.

The Senator from New York has been taking to the floor these past several days making an argument that is getting curiouser and curiouser.

The Senator from New York has been righteously proclaiming a passionate belief that the statute of limitations should be extended in order to recover taxpayer losses in the Madison Guaranty failure.

That is a terrific joke. I compliment the Senator from New York for his ability to carry it out with a straight face.

Because the Senator from New York—just 2½ months ago, voted against extending the statute of limitations on suing officers and directors of failed S&L's like Madison.

I say to the Senator from New York, where were you when I needed you?

Where have you been?

What caused this complete conversion?

I can hardly believe my ears when I hear the Senator argue for an extension of the statute of limitations.

Mr. D'AMATO. Are you asking me that question, sir?

Mr. METZENBAUM. When I get done.

Mr. D'AMATO. The Senator asked me to stay on the floor.

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

Mr. METZENBAUM. Mr. President, The Senator from Ohio has the floor.

Mr. D'AMATO. Mr. President, I thought, in good conscience——

Mr. METZENBAUM. I demand order in the Senate. I have the floor.

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

Mr. METZENBAUM. You see, Mr. President, the Senator from New York voted on this very floor to strip a retroactive extension of the statute of limitations from an RTC funding bill.

The Senator from New York voted not to go after Madison Guaranty, and hundreds of other failed thrifts.

In short, if the Senator from New York had his way, the statute of limitations on Madison would have expired 2 years ago.

I cannot for the life of me understand the Senator's logic—if the Senator had his way, the Madison case would have been dead and buried 2 years ago. You can look up the Senator's vote: March 26, 1992.

I have been fighting for the extension of the statute of limitations for a period of years. I have been looking for support, but I was not very able to get that support from the Senator from New York.

March 26, 1992, was 26 days after the statute of limitations on Madison Guaranty Savings expired, and 3 weeks after the New York Times reported the Madison Guaranty Savings story.

It is as plain as that. The Senator from New York voted to strip a retroactive extension from the bill. The Senator from New York voted to kill an extension that clearly would have covered Madison Guaranty Savings and Loan.

For 21 months, the chance to sue Madison Guaranty Savings was nil. Nada. Zero. Zip. And just a couple of months ago, the Senator from New York voted to keep it that way.

This Senator and many others have been pushing to extend the statute retroactively, not just for Madison, but for all failed thrifts—hundreds of failed thrifts that resulted in billions of dollars of losses.

But on May 13, 1993, the Senator from New York for the second time voted against extending the expired statute. I repeat, the Senator from New York, voted against extending the statute of limitations on Madison Guaranty. I ought to know, I offered the amendment.

It was an amendment to the RTC funding bill which extended the statute from 3 to 5 years. A retroactive amendment that extended expired statutes of limitations on savings and loan failures that included Madison Guaranty. And for those who might raise the question: Can you extend a statute retroactively? That issue has already been resolved in the courts. And the answer is "yes."

If not for that amendment, the Madison case would not be open today. The Senator from New York keeps talking about the clock ticking on this case. It was this Senator, however, who put that time back on the clock. It was the Senator from New York who would have allowed the time to expire 2 years ago.

My colleague from New York and I debated my amendment on the floor. We disagreed. He said he thought the RTC would sue too many people.

He said "Let us focus our Government's energies on those people who conduct the egregious cases of fraud * * *"

But now the Senator from New York claims an urgent interest in suing a failed thrift that caused less than one five-thousandths of 1 percent, of all the taxpayer losses of the S&L bailout, but shows no interest in S&L's that cost the taxpayers billions upon billions.

The Senator from New York brings a calendar to the floor, and marks off the days. But if his interest is really in protecting the U.S. taxpayer, where is his calendar counting down the expiration of United Savings Association of Texas?

United Savings of Texas failed around the same time as Madison. Madison cost the taxpayers $46 million—a not insignificant amount of money. But, United Savings of Texas cost the taxpayers $1.6 billion.

Time is running out on the United Savings case as well, and the Government is scrambling to put together a suit to recover over a half billion dollars for the taxpayers. The clock is ticking—ticktock, ticktock, ticktock, and the time is running out.

In fact, I am told that the statute of limitations expires on the United Savings case on the same day as Madison.

A half billion dollars or more is riding on the United Savings case. But the Senator from New York is not interested. He hears no clock ticking: $46 million versus $1.6 billion. Both expire the same day. That fact speaks volumes about the real issues at play here.

Let me make something clear. I want to recover money from every failed thrift that we possibly can. That includes Madison. If the Government's got a case against them, I encourage them to file it.

But I remain bewildered by the position from the Senator from New York: What has changed his views? Does he now think the RTC was too passive, rather than too aggressive? If that is his view, it is only recently revealed.

According to the BNA banking report, Senator D'AMATO criticized my amendment. I quote:

D'Amato said that it will only invite further litigation against thrift directors, many of whom are complaining that they have been unjustly pursued by the RTC lawyers. D'Amato said, "this would hold thousands of people potential hostages".

The Senator from New York has certainly traveled a long road in a short time.

The Senator from New York also knows very well that the Madison case was investigated for 3 years in the Republican controlled RTC, and no suit was filed. While I am not familiar with the particulars, I have to believe that was a conscious, deliberate decision that there was not any merit in filing a suit.

I arrive at this conclusion because I happen to know that RTC lawyers were not always shy about filing suit against powerful politicians and elected officials.

I cannot understand why, under a Republican administration, the RTC would go lightly on a thrift connected to a Democratic Governor? After all, Governors were not beyond the pale. They sued a Republican Governor during this period, the Governor of Arizona.

I also remember the Senator from New York arguing that he was uneasy about retroactivity, and concerned about its fairness. Of course, the only reason the RTC is able even to look at Madison today is because of a retroactive extension. The Senator now argues for a rifleshot retroactive extension aimed only at Madison. His concern for fairness has been eclipsed by his interest in politics.

Let us just review briefly for the record, Mr. President.

Despite the opposition of the Senator from New York, my amendment prevailed in the Senate in May 1993, affording the Government a renewed opportunity to go after directors and officers of failed thrifts like Madison and dozens more. My amendment was tough—it extended the statute of limitations in the case of fraud, gross negligence, and even simple negligence.

That bill went to conference, where the Senator from New York continued his opposition.

All that conference, he opposed the Senate's position on extending the statute. That was last November 17, a mere 2½ months ago.

What an amazing turnaround. His Buffalo Bills should be able to change course so dramatically.

Mr. President, the Senator from New York had his chance to show some leadership on this issue plenty of times in the past. He had his chance, more than once. He took a pass.

I repeat, the RTC investigated the Madison thrift during the Republican administration for 3 long years and brought no charges. Through the efforts mainly of Democrats in this body, and over the opposition of the Senator from New York, we were able to pass legislation to give them another crack at Madison and dozens of other failed institutions. Again, I repeat, if there is a case against Madison, I will be the first to applaud its filing.

But is the Senator from New York really interested in recovering taxpayer dollars from Madison, or is he preoccupied with a President who has become progressively more popular with the public, and increasing effective in promoting a domestic agenda which the Senator from New York opposes?

The American people need to understand—as the President's approval ratings climb higher, the attacks on him will sink lower.

And I say to my colleagues, it isn't gonna work. This President is fulfilling the promises he made to the American people. This President is promoting a program to help people's lives. This President is working on problems that are real, and problems that have been neglected by 12 years of veto, after veto, after veto.

And now, if the junior Senator from New York is really sincere in his desire to recover taxpayer dollars, then I am prepared to join him in his call. But not for just one institution. For every failed thrift. Let us not stop at $46 million. I will support an amendment that extends the statute of limitations for any wrongdoing at any thrift, including Madison, for 1 more year, 2 more years—you name it. Whatever you want, I am willing to extend the statute of limitations across the board.

If that is the Senator's position, then we can do business. If the Senator cannot accept that offer, then one is apt to conclude that his speeches are about rhetoric rather than results, about politics rather than public policy.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let us get the record clear. The Senator has not come and asked that there be a special extension of law as relates to Whitewater/Madison. This Senator has not come down to the floor and said that we should extend it retroactively or in the future for Whitewater/Madison.

I have not changed my position. I did not come down here and say, "Oh, no; let's apply one standard of law for Whitewater/Madison." That is what the argument of the Senator from Ohio implies. I said let us see that the present law is enforced. Why can we not be told when the statute of limitations ends? Why does it take us 3 weeks to get an answer from the RTC? Why the stalling? Why the delays? What actions have they taken? We do not have a right to know? Are they considering obtaining that which they have done in thousands of cases—an extension, a voluntary extension of the statute?

Generally, let me tell you, if that does not occur, what the RTC often does is to file a broad-based lawsuit and complaint, and amendment later. I am not suggesting that they file that suit, or that they sue everybody who has been a part or parcel to Whitewater and/or to Madison. What I am suggesting is that we have a right to know what they intend to do and what they are doing.

We do not even have a Director of the RTC. Mysteriously, the President's nominee was pulled. Was he pulled because maybe he was looking into some of the files? Where are those files? And I am not talking about criminal files now, I am talking about civil proceedings.

Do not try to conclude and say to the Senator that I want another standard of law applied. I do not. I do not come here and ask to make Madison a special case. I say we should have equal treatment under the law. I say we have a right to know whether or not they are going to seek that voluntary agreement, an agreement that they seek in hundreds and hundreds of cases every single year.

And, by the way, if there is a bank in Texas that has a liability and costs the American taxpayers $1.5 billion and there may be $500 million in claims, let the RTC file that lawsuit too. If they want to get a voluntary extension, let them do that. Let them do what is appropriate.

But I have to tell you, to come and say to me, "Oh, Senator, you want a special application of the law here and not in any other case," is just not the case. I want the same application of the same law in this case as there would be in any other. It seems to me that we have a right to ask the RTC what they are doing; what they know and what they do not know.

I have been accused of trying to question or somehow impugn the integrity of the special counsel, Mr. Fiske. In no way do I intend to do that. His investigation has nothing to do with the civil aspects. In no way are we attempting to call witnesses that would somehow prejudice the prosecution of the criminal case. So do not let that be said.

By God, we have a right to know, are they reaching out to get the statute extended, and if they are not, why not? What conclusions have they come to?

The clock is ticking. It is 25 days to go. Some would like this matter to slip

by. On the subject of various votes on the statute of limitation, I make no apologies for saying that I do not encourage litigation as a general practice or rule where it is not merited. But I simply say, let us do in the Madison situation what has been done in other cases and give us the facts. We have a right to the facts. If those who want to obfuscate it by attacking my previous votes as it relates to whether or not you can extend the statute of limitations, that is only mere obfuscation. It does not go to the merits of what I have asked the RTC for.

I have to tell you, I am concerned that the Senator is attempting to imply that. I have not asked for another standard. I have asked for the same standard, not a different standard. If I were to seek out an extension for Whitewater alone, my colleague would be absolutely right in saying "How can you apply the law in this manner; how would you make fish of one and fowl of another?"

I have not done that. I said, "Give us the facts. Tell us when precisely the statute runs out. Tell us what actions you contemplate taking. What are you doing? Where is your investigation as it relates to this civil matter? Are you attempting to get a tolling of the statute?"

You can attack me all you want. If you think you are going to keep me quiet on this, you are wrong.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I certainly would never attempt to keep my friend from New York quiet. I want to point out to him, and I want to make it clear, that when I tried to extend the statute of limitations in the past, one of the leaders in that opposition was the Senator from New York.

If he had cooperated at that time, we would not have this problem before us today. The only reason we can go for another 3 weeks, approximately, is because I was successful in getting an amendment through over the opposition of the Senator from New York. And the Senator from New York at that time was worried about who was going to be sued and whether it was fair. This Senator said you have ripped off the American people. If you have, you ought to pay the money back. You ought to pay it back promptly. And the Government should not have to sue you, but if they do, they should not be precluded from doing so by reason of a statute of limitations.

That is the position I have taken here day in and day out when this issue has been before us. This is about the third or fourth or fifth time we have debated it in the Senate, and I regret to admit that each time the distinguished Senator from New York, who is the ranking member of the Banking Committee, was not with me. I think once he voted with me just before his election. But other times he has not been with me. He has opposed me. He has fought it. Now he comes here, and I say with unclean hands, to say that there is something special about this particular case and we ought to be extending the statute. I am saying extend the statute as long as you want. I will extend it for 2 years or 5 years or permanent, across the board, for all savings and loans. But do not try to make political hay out of this one company where the loss is something like $46 million as compared to just one I mentioned, the one in Texas of $1.6 billion and the statute may very well expire about the same time on that one.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me again say that my colleague from Ohio and, indeed, the wisdom of the Senate in the past was to provide an extension for 2 years to cover this and other cases as well. His views carried. That happens. There are those cases where reasonable people can and do disagree. I did not carry on because he was successful in moving to that point. I do not seek an extension of the statute of limitations as it relates to Whitewater. I have never suggested that. Never. What I have said is two things. Number one, tell us precisely when the statute of limitations expires. And to this date we have been led to believe that it may expire on February 28. We have been led to believe—this is the date if you read the letters that have come to us—and it took 3 weeks, 3 weeks to get any response. Is there any wonder why we are concerned? When eight Senators signed a letter, eight Members of the Congress, requesting basic information and it took 3 weeks. And we got an answer only after the Chairman of the Banking Committee interceded with a call to say, "My Gosh, why don't you answer?" Only then do we get a perfunctory answer that really does not answer the questions.

And then as to a tolling agreement, which is something that is entered into regularly, we want to know what, if anything, they are doing to pursue that. If you read the letter that came—and I do not intend to read it again into the RECORD—from the Deputy Secretary, Mr. Altman, who is nominally in charge, or was in charge in the absence of there being a head of the RTC, he says tolling agreements are regularly entered into. He does not tell us whether or not they are going to pursue it in this instance, whether or not there is any reason, whether or not they have discontinued. The letter avoids answers to any of those questions. We have a right to have those questions answered because this is a sensitive matter.

As it relates to any other institution, be assured that I certainly would not oppose a tolling agreement, and in lieu of that the kind of litigation that would ensue if, for example, the bank in Texas refused to enter into that tolling agreement, because I am sure that is what the RTC would do. But I think we have a right to be briefed and to be told what course of conduct is being taken because, to be quite candid with you, I do not think that the RTC has been acting with us in a good faith. They have had a four-corner stall, and I say look at the record and that is what you see.

So I am not asking for an extension of the statute. I do not apologize for my previous positions in saying in some cases what we have had is the RTC going after just deep pockets regardless of whether or not a board member or director had served well and caused no harm to the institution. I do not say that there is anybody who has committed any misdeeds in this case. I just want the facts before the statute runs out and before we get, "I'm sorry, it's too late. We can't, we didn't know,". That is all we want. We want the facts.

Mr. PRYOR addressed the Chair.

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

Mr. PRYOR. Mr. President, I wonder if my friend from New York would yield for a question.

The PRESIDING OFFICER. The Chair was under the impression the Senator had yielded.

Mr. D'AMATO. I have yielded, but I would try to answer.

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

Mr. PRYOR. First, the Senator from Arkansas would like to pose a question through the Chair as to the approximate length of time the distinguished Senator from New York has served on the Senate Banking Committee?

Mr. D'AMATO. I am entering my third term. I have been on the committee since then.

Mr. PRYOR. So over a decade. The Senator from New York has watched, as all of us have watched, the savings and loan debacle—hundreds of S&L's and banks going by the wayside with taxpayers of America losing billions and billions of dollars. And here we come to an S&L in the State of Arkansas that perhaps lost some $46 million. The question I pose to the Senator from New York, how many other times has the Senator from New York requested the RTC to give a full-fledged briefing on a single particular savings and loan?

Mr. D'AMATO. I would answer my colleague's question with another question. How many times have we had a sitting Governor of a State who is alleged to have borrowed $1 million and not paid back those moneys to that

savings and loan? How many times have we had the No. 3 person, Mr. Hubbell—let me answer—the No. 3 person in the Justice Department, whose father-in-law is alleged to have borrowed hundreds and hundreds of thousands of dollars from that savings and loan, not to mention others in the White House who were tied directly or indirectly to Madison Savings & Loan and to Whitewater? So I would say to you if we are going to have a conspiracy of silence, that is fine. My colleagues can go ahead and do that. But I am not about to do that. I am going to ask the questions because they should be asked. I want the facts.

Mr. PRYOR. Mr. President, if I might respond, I believe the Senator from New York now might be misstating the facts, a misstatement that the then Governor of the State of Arkansas, now the President of the United States, borrowed $1 million.

Mr. D'AMATO. I did not say the "then" Governor. I said the Governor from Arkansas. I believe that is one of the things that has been raised, that the present Governor may have borrowed $1 million. I do not know whether that is true or not. I would like to get the facts.

Now, let us understand it. Is it true or is it not true that Mr. Hubbell, who has recused himself since his father-in-law borrowed $500,000 or $600,000 from the institution and did not pay it back? I do not know. If you ask why I am interested, that is why. It is rather unique.

Mr. PRYOR. My question is simple. I am asking why such a sudden interest after 12 years as a member of the Banking Committee, why is this the first time the Senator from New York has raised a question about a particular savings and loan on the floor of the Senate?

Mr. D'AMATO. Because this is the first time that we have ever had a situation where we have had so many people in prominent places, in positions where it has been alleged that there may have been improper use of the resources of Madison through Whitewater and improper use, or at least failure to collect moneys from a savings and loan. People who are in high office and/or whose relatives are in very high office. That is why. I do not think my interest is unusual. I do not think it is unreasonable. But there has not been brought to my knowledge or to my attention any similar situation. That is why.

Mr. METZENBAUM addressed the Chair.

Mr. D'AMATO. If that is a mystery, then I plead guilty. It should be a mystery to most Americans.

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

Mr. PRYOR. Mr. President, my point is pretty simple, I think. I am going to sit down because I am going to not continue to come over and answer, or attempt to set the record straight each day the Senator from New York comes to the floor.

He has already taken about 9 pages of the Senate's RECORD earlier this week, Mr. President, on just Whitewater. He spoke for 6 pages worth of CONGRESSIONAL RECORD back on May 13 trying to make certain, as the Senator from Ohio has pointed out, that we did not extend the statute of limitations from 3 to 5 years. And in fact he made such an impassioned speech on May 13, 1992, he convinced me that he was right. He was very persuasive. I voted with him. I was one of 6 or 7 Democrats who joined my colleague from New York on that side of the aisle. He gave a very, very persuasive talk that day.

But, Mr. President, let me just say that the Senator from New York is using the floor of the Senate to smear the reputations of some good people. The Attorney General of the United States has appointed an independent counsel, an independent counsel who is at this moment forming a staff, at this moment moving into offices, at this moment beginning this investigation.

If the Senator from New York wants the facts, why does he not wait on his friend who is in fact the special prosecutor to present the facts to the Congress? And then at that time the Congress will make a determination as to whether to proceed further into the Whitewater matter.

He is smearing good names on the floor of the U.S. Senate, and this Senate was not created for that purpose. We should allow the prosecutor, the special counsel, to go forward with this investigation.

Mr. BUMPERS. Mr. President, I want to honor the request of the Senator from Massachusetts about not unduly delaying the proceedings here, but I cannot resist as a Senator from Arkansas making a couple of what I believe are propitious comments about what has just transpired on the floor of the Senate.

First of all, I had never heard of Whitewater until the summer of 1992 when it surfaced in the campaign. I do not recall ever having heard of Madison Guaranty until the former President of that company was indicted, tried and in approximately 20 minutes acquitted.

So, all I know about these matters is what I have read in the newspapers. One thing I do know is that I have hardly read one new single revelation in the past 3 months, and I have read most of the things that appeared at least in the local press which is generally a rehash of what I read 3 months ago just different paragraphs and different people saying it.

I know a lot of the people involved in both of those matters, some not so well, and some very well. I can tell you that Bill and Hillary Clinton have been very dear friends of mine and Senator PRYOR's for many, many years for all the obvious reasons: First, we like them; second, we belong to the same political party; and third, we have attended every frog gigging and chitlin fry in Arkansas together for the past 20 years. But we like them, and we trust them

Vince Foster was one of the finest men I ever knew. I saw a little chart from the Republican Policy Committee the other day, and it beat anything I have ever seen. If I had not been a trial lawyer for 18 years before I got into this business, maybe I would not have been so offended. It pointed out that Shella Anthony, who works at the Justice Department, is a sister of Vince Foster. It pointed out that she is the wife of a former Congressman, Beryl Anthony. Now, what conclusion are we supposed to draw from that? What does that mean? They listed some people who had hardly ever shaken hands with Bill Clinton.

The first thing I learned in law school and the principle that made an indelible impression on me is the presumption of innocence. Every commentator in the country, every time they cite maybe some alleged ethical misstep, possible criminal misstep in this matter, they are quick to say "but there is no evidence that the President and first lady knew anything about this at the time."

My friend from New York, and he is my friend, has been on this floor now 3 days in a row with his little calendar and saying he is coming back every day until someone answers his questions about the statute of limitations.

Certainly, I cannot think of a more appropriate response to that than the one the Senator from Ohio gave this afternoon, and that is to remind this body that the most steadfast opponent of extending the statute of limitation on civil wrongdoing in these RTC cases has been the Senator from New York. What we have here is a death bed conversion. It is hardly even a thinly veiled effort to keep this Whitewater thing as hot as possible.

I can tell you something else that is not so thinly veiled either, and that is that we have a young dynamic, intelligent, tenacious, determined President who has promised the American people a new way of doing things, a new agenda, and whose approval rating, despite an absolutely unending plethora of adverse stories about Whitewater, continues to climb, and is now at 60 percent, which is higher than Ronald Reagan was at the same point in his presidency. He is formidable indeed.

We have the lowest inflation rate, the lowest interest rate, the highest growth rate, the biggest deficit reduction, all because the President has had the determination to say to the American people there are only two ways to deal with the deficit and they are both very unpopular, two ways: Raise taxes

and cut spending. And you have big powerful forces opposed to each of those things.

And he won his deficit reduction package by one vote in the Senate and one vote in the House, and as a result you heard his State of the Union address saying that for the first time since Harry Truman the deficit will be headed south for 3 consecutive years. It is an incredible thing. As a matter of fact, his first year in office was incredible. It got off to a rocky start. But he is a quick study. I have watched him pick up on things quickly all of my life. He is one of the brightest men I ever knew.

He is having fabulous success, and the people of America, even when they do not agree with him, approve of his determination and his tenacity, and I have noticed as his popularity continues to climb there are those who try to accelerate the public discussion of Whitewater

Is there any doubt in anybody's mind about what that is all about? Of course, there is not. Is there any doubt in anybody's mind that there are people even in the United States Senate who will try to keep that thing on the front burner until 1996? None.

Mr. President, this is the first word I have said on this. I am not privy to any of the details other than what I have read in the paper, but I can tell you there are those who relish it for political reasons.

I did not hear anybody come to the floor with a calendar when George Bush's son was accused of improprieties in an S&L out in Denver. I had the utmost empathy for that young man's mother and father, the President and First Lady. I do not care who they are. If it is your child it puts an entirely different slant on it. If you want to get my attention, just bring up one of my 3 children. I am personally pleased it all turned out the way it did for Neil Bush.

I just cringe when I think of the agony some parents go through because of the plight of a child and especially when that child is the son of the President.

But nobody came to the floor with a calendar then. So we all know what is going on. Maybe we ought to just let it go. I think the American people know what is going on.

GOALS 2000: EDUCATE AMERICA ACT

The Senate resumed consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY], the manager of the bill.

Mr. KENNEDY. Mr. President, we have been, over the period of these days, trying to give focus and attention to the issue of the Goals 2000. We went through statements relevant to this subject matter yesterday for some period of time. We were involved in an extremely important debate and discussion of great significance and importance.

Obviously, under the rules of the Senate, people can get up and make statements and speeches. We have tried on a very important matter to cooperate both with the majority leader and the minority leader to recognize that there are some matters of importance that are taking place that are going to involve Senators this evening and are important deliberations.

We were around for a great deal of time during the course of the morning looking for amendments, and would have been glad to have statements and speeches. We are now in the 3:30 period. Obviously, Senators under these rules can get up and talk, and we have tried.

I see my friend and colleague from Indiana. We had hoped to be able to consider his amendment. Now the Presiding Officer, Senator LIEBERMAN, has been over here now for more than 2 hours, 2½ hours. The Senator from New Hampshire has another amendment and has been here 2½ hours.

We would like to request, to the extent that we can, the cooperation of the membership so that we might be able to move forward. I have been here for some time. So I understand that Members have views and positions, and certainly they are entitled to make those representations. But I would ask on behalf of the committees that we be able to go back and focus on the unfinished business of the Senate, which is the extremely important education bill.

We made that request yesterday. We are making it again today. I would certainly hope that we could get back to the considerations of the legislation. We are at a very important period of time in the course of this debate. We are trying to accommodate other Members.

But when we find that these matters come up in midafternoon when we have had time to consider them in the morning, then we think that the young people in this country are entitled to some action too.

So I would certainly hope that all sides on this now would at least give us the opportunity to see what further progress we can make. I know the Senator from Missouri is prepared to offer an amendment and to speak briefly. Then we are prepared to move ahead to permit the Senate to vote on two very important matters.

So I would urge the cooperation of our colleagues and friends so that we can get about the business of education policy here in the Senate.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. DANFORTH. Mr. President, my understanding of the parliamentary situation is that under the agreement, Senator HELMS has an amendment pending. It is not subject to amendment. Therefore, the Senate will vote on that. Then after that, the Senate will then vote on an alternative that would be offered by Senator KENNEDY.

Mr. KENNEDY. The basic agreement is that the Senator from North Carolina submitted his amendment. It is not subject to perfection or alteration. We had indicated in the consent agreement that he would be able to make the presentation, which he has. I imagine if he wants to come back, make additional comments, there is no time limitation. But at some time—we did not say at what time—another amendment will be introduced by Senator JEFFORDS or the Senator from Missouri and we will have a discussion. At the termination of the discussion, there will be two back-to-back rollcall votes; the first vote will be on the amendment of the Senator from North Carolina, and the second will be on the amendment of the Senator from Missouri.

That is, I believe, the current situation. I think that would be the way that we would proceed.

So after the time that the Senator would introduce an amendment, make what comment, then we would move forward to two votes.

The PRESIDING OFFICER. The Senator from Massachusetts has correctly stated the parliamentary situation as the Chair understands it.

Mr. DANFORTH. Mr. President, I may inquire about the parliamentary situation? Is it now in order to send the alternative amendment to the desk?

The PRESIDING OFFICER. The Senator is correct. It is now in order.

Mr. DANFORTH. All right.

AMENDMENT NO. 1383

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1383.

The amendment follows:

At an appropriate place, insert the following:

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill.

Mr. DANFORTH. Mr. President, let me just briefly tell the Senate the difference between the two amendments that we will be able to select between.

The amendment that has been offered by the Senator from North Carolina would be a Federal mandate to the State and local governments relating to prayer in school. It would say that local governments and local school boards must permit voluntary prayer in school or else they lose Federal money.

This amendment by contrast is not a mandate. It is a statement of position by Members of the Senate, a sense-of-the-Senate amendment. But it does not mandate how local school districts must act. It does not offer money or withhold the money depending on what is done by a local school district. It allows local school districts to make their own decisions about whether in that school district voluntary prayer should be allowed or not.

It also allows flexibility for those school districts to tailor whatever they are doing according to what the law is. Furthermore, it does not fall into the trap of the Helms amendment which is the trap that is in the very last sentence of the Helms amendment which says, in effect, that local school districts cannot have any control over the form of prayer in their schools which would mean presumably that any student could arise from his seat any time of day and do anything that he or she wanted to do in the name of prayer, out loud, in a belligerent way, whatever.

This is, therefore, much less directive. It is not directive. It is simply a statement of position by the Senate. What is the statement of position? The statement of position is that it is a good thing to have a brief period of silence. We do not direct the school boards do it. We simply advise that in our opinion it is an appropriate thing to do to have a period when students can reflect on their religion. They can reflect on their value system. They can reflect on how they want to be good citizens of that school or what they want to accomplish during that day in school.

So it is not an effort to try to impose from Washington through the granting or withholding of funds what should be done by the local school board. Therein is the difference.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Mr. President, on the amendment of the Senator from North Carolina, you will recall in the 1980's we debated a constitutional amendment presented to this body by President Reagan, a constitutional amendment dealing with voluntary prayer in school.

There was just one thing that was fatally flawed about that amendment. It did not provide for voluntary prayer. It provided for mandatory prayer to be written by whoever happened to control the school board of any particular school. And to the eternal credit of the U.S. Senate it was soundly defeated.

Some of us who feel strongly about the religious Judeo-Christian principles of this Nation went to work and crafted a bill called freedom of access. The freedom of access bill, which was essentially the product of Senator HATFIELD, I believe, and a few others, who had voted against the constitutional amendment. Hearings were held on it. The Senate passed it, and you know something? The constitutionality of it was challenged, and the U.S. Supreme Court in a hearing, the only hearing I ever attended in the Supreme Court—I went over to hear that case argued—and the Supreme Court said it was constitutional. The law says that any school district which allows nonacademic programs or functions in their facilities may not deprive any individual or group of the right to theological discussions, prayer, whatever they want to do of a religious nature as long as it is not teacher led or preacher led, and conducted during nonacademic hours.

The Supreme Court says, "That's just fine." And it is fine. If you are going to let the Young Communist League meet in the local school cafeteria, you certainly are not going to deprive a group of young children who consider themselves affiliated with some religion or another the right to meet, pray, discuss, whatever.

Today as a result of the constitutionality of that bill being upheld, there are thousands—thousands—of prayer groups all over America using school facilities.

Mr. President, the Founding Fathers knew exactly what they were doing when they crafted our Constitution. They knew there was always going to be somebody coming down the pike that wanted to make you dance to their tune; march to their drummer. But why would we want to mandate a loss of money to a school district without a definition of what is voluntary and what is not. We already have voluntary prayer in school—legal, authorized by the U.S. Congress and upheld by the Supreme Court.

Why do we want to threaten people when anybody in any school who is denied that right under the Freedom of Access law has a cause of action in the Federal courts? And they ought to use it. We have had one action in Arkansas in the last 2 years.

What the Helms amendment does, of course, is hold a great big club over the head of every school administrator of the United States, every school district in the United States, with a threat of losing all of their money if somebody alleges that they want to voluntarily pray, and have been prevented from doing so.

One of the reasons that amendment in 1980 was so soundly defeated is because the people of America were scared to death of who was going to get control of the local school board, and not just whether it would be Jewish, Muslim, or Christian, but also whether it would be Baptists, Methodists, Presbyterians, or Catholics. Whoever got control of the school board would have some say about the content of the prayer.

I can tell you, even my fundamentalist friends do not like that. They want prayer in school, but they cringe to think that somebody with whom they might have a serious religious disagreement would be composing the prayers down at the schoolhouse simply because they got control of the school board.

Mr. President, since I came to the Senate, I guess I have voted on prayer in school at least 40 times. Everybody knows what these amendments are about. They are designed for political embarrassment to everybody who votes no, so the next time their opponents can say, he voted against voluntary prayer in school.

I do not mean this to be self-serving, but I was the only Southerner who voted against that constitutional amendment. And when I ran the next time, sure enough, that is all my opponent wanted to talk about. That is all his campaign ads were about.

I waited one night until there were about 1,000 people in the crowd in a pretty good Bible Belt community in my State, and I explained my vote. And I am telling you, I had fundamentalists and everyone stomping and cheering because the American people know the truth when they hear it.

Harry Truman said, the only time this country ever gets in trouble is when there is some liar sitting in the Oval Office.

Tell them the truth about what that amendment did and once we did that, they did not want it.

So, Mr. President, I am going to vote against the Helms amendment as presently written. I certainly will support the amendment of the Senator from Missouri, and I applaud his efforts.

I thank God Almighty for those brave souls who have not jumped under their desks every time this issue came up in the U.S. Senate. Thank God Almighty for those brave souls who so far have prevented those who would destroy religious freedom from doing so under the guise of the false flag of providing religious freedom, of mandating prayers—their prayers—under the false and deceptive flag of voluntariness.

I yield the floor.

Mr. JEFFORDS addressed Chair.

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

Mr. JEFFORDS. Mr. President, I will be brief. I know that the Senator from

North Carolina deserves and will have, I hope, an opportunity to close debate, or hope to close debate.

I would like to follow up to some degree the comments of the Senator from Arkansas on what the status of the law is and also raise the awareness of my colleagues as to what could be the disaster of this amendment to a local school district, because I think it is incredibly important that we understand exactly what this amendment could do.

First of all, I point out the wording of the Helms amendment—and I will be supporting the Danforth amendment—"No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which," and it goes on.

I want to make sure you understand what is at risk here. It is not the funds under this act, which are rather small. It is not the funds of the acts of those things that go through the Department of Education, but it is all Federal funds that go to a local educational agency.

What are those? Well, you have, in addition to what we are dealing with today, all the educational acts, like the Elementary and Secondary Education Act, all those connected with that and anything else in the Department of Education; but also grants from NASA, grants from the National Science Foundation, of which there are many in these areas; agriculture; the school lunch program; the school breakfast program; all moneys that flow through HHS; Medicaid funds; funds of that nature which get involved in schools.

So if you run afoul of this amendment, all those funds—and you ought to remember the wording that they shall not be available—shall not be available—thus meaning, they are at risk, thus meaning if you violate it and you are found in violation, you do not get any of these funds. So this is an incredibly difficult amendment to understand.

Now here we can vote for these amendments and pray that somehow, somewhere, some way along the way they will not get into law. But we ought to be aware of what will happen if they do get into the law. And that is what will happen.

Second, I think we have to wonder about what the intent of the amendment really is. We have spent hours and hours arguing against amendments that would try to prevent mandates and the Federal involvement in the law in education, all those things.

I do not disagree with that. I do not think we should allow the Federal Government to have any way to dictate to the local educational institutions what their programs and the standards, et cetera, ought to be.

But I cannot help but wonder whether this amendment is an attempt to really get all Federal funds out of the schools or is just involved with voluntary prayer?

Well, I would like to restate, which I think has already been brought to your attention, what the law is now with respect to funds and voluntary prayer. The law for years and years in appropriations bills has stated this:

> No funds appropriated under this act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Very clear. That is existing law.

So what is the problem? I do not know. But if you read the bill, it sounds good until you get to the "or" clauses.

Let me give you the best example, and the Senator from Missouri pointed that out very clearly. It sounds very good.

> Neither the United States nor any state nor any local education agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

Well, you think, it is the last clause. You think it reads pretty well: "* * * or influence the form or content of any prayer in such public schools."

Now, you have the Constitution out there which has very strict provisions which allow or do not allow activities with respect to prayer in the schools. But as the Senator from Missouri pointed out, suppose somebody in the middle of school desires to get up and loudly proclaim a prayer? Well, it is perfectly allowable under the Constitution to control your classroom and to say there is an appropriate time for those activities, but you cannot do it to disturb the classroom. This would place you in violation of the Constitution and in violation of this amendment.

So the school agency is put in the dilemma of having the threat of losing all of its Federal funds on the one hand, or perhaps getting a lawsuit on the other hand to go to the U.S. Supreme Court on the issue of whether or not a person can get up and disrupt a classroom with a prayer.

Obviously, the easiest way to go would be, you would think: Well, do not worry about the Education Department; except you lose all your funds. So then you are forced into violating the Constitution. And then you are forced into going to the Supreme Court to solve the problems.

I hope we understand that the law right now is pretty clear what can be done. This amendment would throw everything into chaos, give the Department of Education a nightmare as to how to separate and delineate what cannot be done, what can be done, what is within this amendment and the Constitution, and what is without.

So I hope my colleagues will vote for what I think is a very sensible substitute by the Senator from Missouri, a man for whom I have immense respect. I have worked with him on civil rights laws. He and I were attorneys general together back in the late 1960's and 1970's. I just know also, as a minister, he is very, very much concerned about the ability of our young people to be able to participate in religious services and prayers. I just want to make sure my colleagues understand what could happen if this amendment passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I have not decided how I am going to vote on the amendments of the Senator from North Carolina or the Senator from Missouri or the Senator from Massachusetts. But I want to get something clear in my mind before proceeding. I have opposed constitutional amendments which would have allowed school boards to write prayers or teachers to direct prayers. If you ever want to stop a Rotary audience, when somebody asks you about school prayers, just ask them who should write it.

"The school board?"

"Well, no; don't trust the school board."

"The principal?"

"It depends whether he's Christian."

You say, "Well, what if he is not? Does the principal get to write it?"

"Well, no."

"The teacher? Have a different prayer in each room, depending on the teacher, and each day you get up and the teacher recites the prayer?"

No, they do not mean that either. Not even if you say Sally and Jimmy, if they do not like it, can go off in the cloakroom. But this is what I want to ask the Senator from North Carolina. If I read the intent of his amendment, it is to prohibit the distribution of funds to these school districts if they prohibit constitutionally permitted prayer?

Mr. HELMS. The Senator is exactly right. And that is all it does.

Mr. PACKWOOD. It is not trying to extend the Constitution?

Mr. HELMS. No, sir.

Mr. PACKWOOD. And those two words, if added, "constitutionally permitted," would mean if a school district does not allow a student to stand up and do silent prayer or stand up and do a modest oral prayer that does not disrupt the class, whatever the Court allows, the Senator from North Carolina would allow, and say the school district must allow.

Do I have it correct?

Mr. HELMS. You do, absolutely.

Mr. PACKWOOD. I want to go to this issue. I want to understand what the Senator is aiming at. Maybe the words "constitutionally permitted" should be added.

But it is this issue of the mandates that I find intriguing because we really are an Alice-in-Wonderland place. It is interesting to see the flip of liberal and conservative positions from time to

time. We do not shrink at all from mandates to local school districts. We load them up one after another. We did it with title IX in the old Grove City case, where the Supreme Court made a decision this was discrimination against women and girls, and we said we were going to withhold money. We had to finally change it statutorily because the Court's decision was a statutory, not constitutional, decision. I supported that. I supported withholding the funds if they were going to discriminate against women and girls. We had a 4-year battle. We could not break a filibuster the first time, trying to reverse Grove City. But it was a mandate.

We do it under title VI of the Civil Rights Act. We withhold funds for failure to enforce racial discrimination laws; if education districts will not enforce them, we will withhold funds. We do it under section 504 of the Rehabilitation Act of 1973 for discrimination against the disabled. And we do it under title III of the Age Discrimination Act, if there is discrimination on the basis of age.

Interestingly, those are all statutory. They do not rise to the dignity of a constitutional prohibition. They are all statutory and we all mandate the districts must pay attention to them. If they do not, they lose their money. In a couple of cases, they do not lose it all, but they lose part of their money.

So I fail to follow the logic of saying that if we are going to prohibit a school district from getting all or some of its money if it violates statutory prohibitions on age discrimination or racial discrimination or disabilities discrimination, that it is illogical to say we will withhold their funds if they violate the Constitution, which has a higher dignity than statutes that we may pass in the Congress.

So I find two issues. But I think the one can be separated. I do not find the mandate issue a particularly consistent argument with everything we have done. And usually in the past—and I have been on the liberal side of these—it is the liberals who pass these laws on age discrimination or racial discrimination and demand the mandates. It is usually the conservatives who are opposed. There is a mix, but that is a rough generalization.

Now, when we come to a mandate to enforce a constitutional right, I sense there is going to be a flip of positions. I find that interesting.

But if the amendment of the Senator from North Carolina is nothing more than a mandate with the threat of losing funds to the school districts, that they must follow the Constitution or they would lose their funds, I think most people will support that. My hunch is if this said they must follow the first amendment on free speech, it would have overwhelming support.

But, in any event, while I have not decided how I am going to vote, I would prefer a lot more to have the words in there: "constitutionally permitted." I do not think you can use the argument that this is a mandate to defeat this when we do not hesitate, on bill after bill after bill in education, let alone everything else, to mandate local governments and local education districts to do things that we think they ought to be doing, whether or not they do them.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Missouri.

Mr. DANFORTH. Mr. President, I am not sure I understand the point that has been made by the Senator from Oregon with respect to this mandating that school districts enforce the Constitution. Because there is nothing in this that mandates they enforce the Constitution.

What this does is to mandate the school districts to allow voluntary prayer.

Mr. PACKWOOD. As I understand——

Mr. DANFORTH. But there is no constitutional right, as I understand it right now, in schools, that a period of prayer be set aside, or that prayer be allowed even if it is voluntary prayer.

Certain types of voluntary prayer are not permitted under the Constitution. Certain types are permitted in the Constitution. But none is required by the Constitution.

Mr. PACKWOOD. Correct.

Mr. DANFORTH. What this does is to say that, henceforth, the school district's receipt of Federal funds will be determined by whether or not the school district will adopt a policy of allowing voluntary prayer?

Mr. PACKWOOD. No, that is not the way I read it. And I do not think that is absolutely what the Senator from North Carolina said.

Mr. HELMS. Absolutely not. The Senator is wrong.

Mr. PACKWOOD. The words "constitutionally permitted" are not in this amendment. What the Senator is saying is that school districts must allow prayer that is constitutional.

Mr. HELMS. Right on.

Mr. DANFORTH. All right. If he is saying that, then that does solve part of the problem. He does not say that, but if he were to say that, that would solve the odd situation in the amendment, as it now stands, which says that even an unconstitutional voluntary prayer, such as one that is led by the teacher, even though it is allegedly voluntary, would be mandated.

However, that is not the only problem with this legislation. The problem with this legislation is that it says to the school district, you can no longer be neutral. It says to the school district that you can no longer have a situation in your school district where prayer will not take place in your schools. It says that if it is voluntary prayer, you must allow that voluntary prayer or you will lose your money. So it mandates a change in policy in those schools.

Mr. PACKWOOD. It does not mandate—forget this amendment. I am not sure today if you are constitutionally permitted as a child to say a prayer that the school district can pass an ordinance or stop you from doing it. That is why I asked about the words "constitutionally permitted." I do not think we are compelling the school district to do anything. I think we are saying you must follow the existing constitutional law.

Mr. DANFORTH. Then the argument, as I understand it, is therefore the amendment does nothing.

Mr. PACKWOOD. Except it withholds funds. That is rather significant to a local school district. At the moment, I suppose we can pass a sense-of-the-Senate resolution that says to the local school district, "Do not violate the Constitution. If the Constitution allows certain types of prayer, you must allow it, period." That would be oratory language.

Mr. DANFORTH. Does the Senator believe that the Constitution now says that school districts must allow voluntary prayer in their school?

Mr. PACKWOOD. I am not sure exactly what the Court has said. I believe it has said that a child can have a moment of silent prayer. I am not sure what it has said about a minute of oral prayer, a child doing it himself, so long as it does not disrupt the class, or if somebody says grace before meals.

Mr. DANFORTH. I will point out this amendment, as the amendment is written, will clearly permit a child to disrupt a class. The Helms amendment says specifically that the school board cannot, and I quote "influence the form or content of any prayer in public schools." So that the form that the prayer takes, namely out loud, namely going on for a prolonged period of time, namely conducted in a disruptive fashion cannot, under this amendment, be influenced by the school board.

Mr. PACKWOOD. But if you were to add the words "constitutionally permitted" and the Court has said it is fine to have a moment of private, personal prayer or oral prayer but you cannot set yourself afire or you cannot roll about the aisles and disturb the other children, and the Court says that goes beyond freedom of religion, there is nothing here that compels the school district to allow that kind of prayer.

Mr. DANFORTH. But if the Senator will yield, a prayer that is out loud is not constitutionally prohibited. A prayer that is out loud is clearly permitted under the Constitution, but that does not mean that any schoolchild at any time of day during the middle of class or during the middle of an exam has an unlimited power today——

Mr. PACKWOOD. Correct.

Mr. DANFORTH. To stand up and begin uttering a prayer.

Mr. PACKWOOD. And the Court can put certain limitations on the disturbance of the school——

Mr. DANFORTH. This says that the school district cannot put those limitations on, and if it tries to, it will lose its money.

Mr. PACKWOOD. No, if you were to add the words "constitutionally permitted," the school district can put limitations on unconstitutional prayer. They can say you cannot——

Mr. DANFORTH. The school district clearly can put limits on unconstitutional prayer, but prayer is not unconstitutional. There is no such thing as an unconstitutional prayer, that I know. The question is, are there reasonable limits to prayer that could be imposed by a school district? And my answer to that is clearly there have to be or else you would have utter chaos in the schools.

Mr. PACKWOOD. Let me ask my good friend from Missouri a question then because this amendment really falls, in my mind, into three categories. First, we are going to withhold the funds; second, if you prohibit constitutional prayers; and third, the local school board or educational agency shall not require form. What if you took off the last sentence, shall withhold funds if you prohibit constitutional prayer; we have, no, they shall make no order or ordinances to the form of the prayer?

Mr. DANFORTH. You would then be solving a big problem at the end of this amendment. That is clear. You would still have the primary problem with the amendment; namely, this is the problem of Uncle Sam, we in the Senate, making a decision relating to the most fundamental values of a local community.

We are saying that under the circumstance—just as an example—under the circumstance in which there is divisiveness in a community—let us say this Farrakhan character has just shown up in the community. There is an uproar going on, total uproar, on the basis of religion. We are saying that school district under those circumstances cannot say that we believe this is disruptive and we are not going to permit it.

Mr. PACKWOOD. I am not saying that any more than what Justice Holmes said about shouting fire in a crowded theater. Freedom of speech does not extend that far. I am sure freedom of religion does not extend as far as if you are faced with a Louis Farrkhan-near riot the school system cannot shut the schools. You go way beyond prayer and you are into riot.

Mr. DANFORTH. I would be happy to stop short of riot, and I will posit another situation short of a riot.

Let us suppose a community is 90 percent Christian and 10-percent Jewish. And let us suppose that the Christian kids are very enthusiastic, very much into their religion, very much into forming prayer groups, very much into leading prayers and offering prayers and seeking opportunities to have prayers.

Let us say that the Jewish kids are humiliated by this; that they feel they are being excluded and left out and that the parents of the Jewish kids go to the school board and say, "My children are coming home in tears every night because of what they believe is kind of an in-group mentality of the school," and the school says we believe as a matter of educational policy that this is something that is disruptive and we would like to exercise our local responsibility and say we are going to have a little oasis in this school where people are not going to be divided on religious lines.

I believe that the school district should be able to do that on their own without Uncle Sam coming in and saying, "I am sorry, we're going to mandate that you do this or you lose your Federal educational money."

Mr. PACKWOOD. I would be inclined to, given the circumstance you mentioned, probably agree with you in that fact situation. If you had a zealous 90 percent Christian district with proselytizing kids, harassing their 10-percent, the 10-percent Jewish, harassing 10-percent Jewish classmates, my hunch would be the Court might say that you do not have a constitutional right to do that. But I am willing to leave it to the Court to determine the constitutionality.

My question is this: Once the Court has determined the constitutionality, the 90 percent cannot harass the 10-percent Jewish fellow classmates, but the 90 percent can pray and the 10-percent can pray, then the school district cannot say to the 90 percent and the 10-percent, "No you can't."

Mr. DANFORTH. Why not leave it to the school districts to make the decision without us making the decision? On something that is this latent with community values, on something that is this volatile, on something that is this community-sensitive, why should either the U.S. Senate or, let us say, the Federal district court be the deciding factor?

Why are not school districts in the business of trying to effectuate community values? We are not in this amendment dealing with the Constitution. If the Constitution prohibits the prayers, this amendment is not going to help it. What this does is to say that within the present constitutional boundaries, whatever they are, within those present constitutional boundaries, the school board is no longer going to be the decisionmaking body for determining how we are going to operate the school.

Mr. PACKWOOD. It is interesting. The Senator says should we not leave it to the local school board. A long time ago, we said, when it comes to freedom of religion, we are not going to allow the local school board to be the last word. We are not going to allow the school board in my county of Multnomah, OR, we are not going to allow the school board in Jefferson City to say this is what freedom of religion means in Jefferson City. The Court has said there is a national standard, and local school boards cannot violate that.

Now, if you have a national standard that says a child can pray, you cannot let the school board violate that. And if the school board does violate that, if I understand the Senator's amendment, he says we are going to take away your money. But heavens, we take away their money all the time, or threaten to if they do not adhere to a variety of other statutory obligations we pour on them.

Mr. DANFORTH. Well, the Senator is correct in the fact that there are some people who are really enthusiastic about we in Washington having just wonderful wisdom to tell people what to do. The idea that the power of the purse can be used by Washington to direct people at the local level as to how to function in their lives is very, very invigorating; it just sweeps us into the enthusiasm of the thing.

But I just do not understand why we should say that a school district cannot take the position that it wants to just keep out of the religious situation and let that be a matter for the families, for the churches, for the homes.

Mr. PACKWOOD. Apparently, the Court has said they cannot totally opt out of the religious situation. That is unconstitutional. They cannot say a child cannot pray. You cannot say you cannot meet after school on an equal basis, a religious or an athletic basis. The school cannot do that. It is unconstitutional.

Mr. DANFORTH. A school can certainly say we are not going to have prayer in classrooms during school right now, as of now, until we pass this.

Mr. PACKWOOD. They can say that you cannot have compulsory prayer, you cannot have school-led prayer, you cannot have teacher-led prayer. I do not know whether or not the Court has said, if school starts at 8:15 in the morning, that at 9:30 Susie or Jimmy cannot say a silent prayer to themselves right in the middle of class. Maybe the Court said that; maybe it has not. But if the Court has said that, the local school board would not have the constitutional right to stop it.

Mr. DANFORTH. As I understand it, I do not believe that the Supreme Court has ruled out the possibility of silent prayer. This is not limited to silent prayer.

Mr. PACKWOOD. It is limited to constitutional prayer.

Mr. DANFORTH. This is not limited to silent prayer.

Mr. PACKWOOD. It is limited to constitutional prayer, silent or otherwise.

Mr. DANFORTH. There is no such thing as unconstitutional prayer.

Mr. PACKWOOD. Yes, there is.

Mr. DANFORTH. Where is there any such thing as unconstitutional prayer?

Mr. PACKWOOD. When the school district attempts to require the student to say a prayer, that is unconstitutional.

Mr. DANFORTH. It is unconstitutional to require somebody to say a prayer. But anybody who wants to utter a prayer has a constitutional right to utter that prayer. I am not talking about officially mandated prayer. Nobody is discussing that.

Mr. PACKWOOD. And if the school district attempts to take away that right, should we sanction them by withholding funds?

Mr. DANFORTH. There is no constitutional right that I know of to stand up in the middle of the classroom and begin praying. There is no constitutional right during school hours that I know to organize prayer groups.

Mr. PACKWOOD. Then let me ask——

Mr. DANFORTH. Maybe the Supreme Court can decide such a thing.

Mr. PACKWOOD. Let me ask the Senator from North Carolina then, if there is no constitutional right, as the Senator from Missouri said, I assume the Senator's amendment could not stop any money, if there was no constitutional right.

Mr. HELMS. We are not into that. Throughout the legislative history of my speech, I referred to constitutionally permitted prayer. Now, if anybody doubts that, we will write it into it.

I ask unanimous consent, Mr. President, that those two words be added so that there will be no further argument about it.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HELMS. 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. 1382, AS MODIFIED

Mr. HELMS. Mr. President, I believe we have agreed on two modifications which were strongly referred to in my legislative history, my speech, on my amendment. Mr. President, will the clerk read the proposed amendment as modified.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.".

The PRESIDING OFFICER. Is there objection to the modified amendment? Without objection, the amendment is so modified.

The amendment (No. 1382) as modified, is as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.".

Mr. HELMS. I hesitate to make any remarks that I was going to make because the two modifications that have been agreed to are precisely what I have been emphasizing all afternoon anyhow, except I used the words "constitutionally permitted" and the modification says "constitutionally protected."

So of course I am grateful to Senator PACKWOOD for taking part in this discussion. He made an enormous contribution.

Let me just say this: as now modified, my amendment referred only to "constitutionally protected" prayer and previously it was "constitutionally permitted." I do not know whether that is splitting hairs or not. But if it suits Senators, it certainly suits me.

In any case, whether it is protected or permitted it does not force school districts to allow school prayer which the Supreme Court has determined to be prohibited.

My amendment does not prohibit school districts from establishing time and place restrictions on prayer. It does not mandate school prayer or mandate participation in school prayer, or require schools to establish particular prayers.

What this amendment does in short is to assure students their right to constitutionally protected voluntary prayer by providing that school districts which prohibit constitutionally permitted prayer and so forth. The rest of it is obvious.

Mr. President, the Supreme Court has never ruled directly on the constitutionality of student-initiated voluntary school prayer. But Supreme Court precedent indicates that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school.

In 1981, in *Widmar* v. *Vincent*, 454 U.S. 263, the Supreme Court held that religious speech is protected under both the free speech and the free exercise clause of the first amendment.

In 1969, in *Tinker* v. *Des Moines School District*, 393 U.S. 503, the Supreme Court held that students exercising their free speech rights in the school cannot materially disrupt the school day or substantially infringe upon the rights of others in the school.

In 1990, in *Mergens* v. *Westside Community School District*, 496 U.S. 226, the Supreme Court upheld the Federal Equal Access Act for religious activities in the schools against a challenge against the act by the school which argued that student-initiated religious activities on campus violated the establishment clause in the Constitution. The Supreme Court thus rejected the argument that any student religious activities on school campuses violated the Constitution.

Those cases are still good law, and taken together, they should make it clear that students have a right to engage in religious activities in the school if those activities do not materially disrupt other activities in the school day or infringe upon the rights of others in the schools.

There is nothing in the language of the Helms amendment contrary to those Supreme Court holdings and I fully expect that the amendment, if enacted, will be interpreted and upheld in a manner consistent with these Supreme Court precedents concerning student-initiated religious activities in the schools.

The yeas and nays have been ordered on the amendment, have they not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I suggest we vote so we can move along.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. If I could just inquire of the leadership, and have a brief quorum call, I am prepared to vote. I want to vote.

Mr. HELMS. 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. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent I be allowed to pro-

ceed as if in morning business for no longer than 5 minutes.

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

BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, a sour note occurred this morning when the newspaper Roll Call indicated that consideration of the balanced budget amendment to the Constitution may not necessarily lead to a vote. I am deeply disappointed, to be very honest with my colleagues, at the prospect that a few Senators are hoping to gridlock this amendment. This, I believe, is a momentous issue, and the need for an amendment increases with every passing day and the growing of a monstrous Federal debt.

To explore adequately all of the issues involved with a balanced budget amendment will require lengthy and appropriate floor debate. Amending the Constitution is a serious undertaking, and this legislation deserves full and adequate consideration.

However, it also deserves fair consideration, and Senators deserve to vote on final passage. If a minority tries to bottle up a balanced budget amendment, it implies that they just do not trust the judgment of the American people. Polls have consistently shown that people are demanding this amendment by 4-to-1 and 5-to-1 margins.

Obstruction of this amendment also implies mistrust in the democratic process and the will of the people as exercised through State legislatures that would be responsible for ratification of any amendment that we might send forth. The American people deserve a chance to see this debate in process, to hear of the issue, and to see Senators as they vote on a final decision of whether the American people ought to have a right to determine whether we should operate under a Constitution that would require a federally balanced budget.

Senators have been chastised on this floor for creating gridlock, which, of course, in some instances might appear to be legitimate. But certainly, in an instance that denies the majority the right to vote, the right to debate, the right to discuss an issue, it is, in fact, a serious charge and a serious challenge.

I call on the majority leader, and I call on my colleagues to implore the majority leader to help, not hinder, the Senate in doing its job of completely considering a balanced budget amendment and in that consideration to take a final vote on its passage.

This Senator also pledges, Mr. President, to stay out here on the floor as long as it takes to win the final vote on this issue. I am confident that a sufficient number of my colleagues, a strong majority of this body, will join with me and argue that it is absolutely necessary that we debate this issue and that we vote on this issue and that opponents who may want to prolong the debate only for the purpose of denying a vote will be denied that opportunity.

I yield back the remainder of my time.

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

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

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1382, AS MODIFIED

Mr. DANFORTH. Mr. President, first let me say that a lawyer, particularly a constitutional lawyer, would say that Senator PACKWOOD has made a real contribution and that the Helms amendment, as modified, is not as pernicious as its original form because of the adding of the words "constitutionally protected." However, I am concerned about the effect of this amendment, not on constitutional lawyers, but on real-world school board members and real-world school administrators.

I think that even as modified, what this amendment says is, if you are on a local school board, you better watch out. If you are on a local school board, you better watch out because the Feds are after you. If you are on a local school board and you make a mistake of law, we are going to come and get you and we are going to take your money away from you.

I do not think in some of our smaller school districts and some of our poorer school districts the constitutional lawyers are going to be consulted. I believe there is going to be some vague threat that, if you do not have school prayer, you are going to lose your money. Therefore, I think this is still a bad amendment.

I would prefer my own amendment. I would prefer to have a sense of the Senate that a period of silence is a good thing to have. But once we get into the business of mandates, we have created a real problem because there is only one reason to have Federal mandates, and that is to change the way of operation at the local level. The only reason to have a Federal mandate is to have a weapon held at the head of people at the local level and in this case held at the heads of people in the local school districts.

That is the reason to have mandates. That is the reason for the heavy hand of Government. That is the reason for those of us in Washington saying we are going to give you money if you do things our way, and we are going to withhold money if you do not.

What we are saying in this amendment is Federal education money is not going to be available. And, Mr. President, where does that money go? Where does Federal education money go? Does it go to the wealthy school districts which have access to the sophisticated constitutional lawyers who can say this is not as big a threat as it looks? No. The education money goes to those school districts that are least likely to hire the constitutional lawyers.

We are saying to those most vulnerable school districts, Big Brother has spoken on the subject of school prayer. I do not think they are going to make the fine distinctions. I think they are going to say that We are really going to lose something that is crucial to the lifeblood of this school district if we do not start opening up to all types of prayer. They are not going to make distinctions between constitutionally protected and constitutionally permissible. These school boards are not going to make that kind of distinction. They are going to be scared sick.

I mean, there is something scary in the minds of a lot of people about Uncle Sam. We think we are very benevolent around here with great largess in Washington, we are concerned about the values and the morals of the American people. But there are a lot of people out there who are scared of us. They are frightened about Washington, and they are going to be frightened about this. They are going to say: "Let us start having our prayer clubs and our prayer groups. Let us start Balkanizing our school. Let us start having Christian groups and Jewish groups and Catholic groups, all joining in our schools offering prayers because, if we do not, we are going to lose our money." And the fine distinctions will not be there.

So I continue to oppose this. I really think it is pernicious, and I really think it is divisive, and I really think that the fine distinctions do not apply.

There are a lot of times in legislating when we look for the fine distinctions and we try to cut some kind of compromise. But when we talk about the religious lives of our people, it is very hard to make those kinds of minute distinctions and small compromises on the floor of the Senate. We are dealing with how people perceive themselves as human beings, how minority kids perceive themselves, how kids who are not in the group perceive themselves, how kids whose religious values come from their families and their churches or their synagogues perceive themselves, 8-, 10-, 12-year-old kids, how they perceive themselves when the school is being Balkanized.

I do not think that those who are running the schools are going to know

the difference between "permissible" and "protected." I think it is all going to be lost. It is typical of us to make these kinds of fine distinctions, but in the real world it is not going to amount to anything at all, and it is just very, very threatening.

I do not think we should be shoving people around like this. I do not think we should be shoving the school districts around. I think we should let them manage their own problems.

Mr. President, I ask unanimous consent that Senator CHAFEE be added as a cosponsor to my amendment, which is the alternative amendment, which is a sense-of-the-Senate amendment, and which does not use the power and the wealth of the Federal Government to push the school districts around.

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

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I agree with the very excellent remarks by the Senator from Missouri. I think I cannot improve upon the way he explained it.

But I would like to explain how we are reversing present law. Present law states that no funds, no Federal funds, may be used to prevent the implementation of programs in voluntary prayer and meditation in the public schools. That means the school boards are free to implement it. There is nothing to be done to prevent that.

What we are doing now is to say the other way around; that the school boards cannot control whether school prayer is implemented in the public schools. In other words, we have created a huge hammer over the local school boards who will be faced with a dilemma of a group that comes forward and says that they want voluntary prayer every morning, every noon, whenever else, and you better implement it or else they will make sure that all your Federal funds are gone.

I think we ought to understand what we are doing here. That is an incredible change in existing law. It may be what is desired and, apparently, it is what is desired.

But I would also remind everybody, we are not talking about the loss of the planning funds under this bill, which are very minimal, in fact, almost nonexistent as far as the school boards are concerned. We are talking about all programs under the Education Act. That means the Elementary and Secondary Act, all of those acts which the school districts are so dependent upon for a large part of their funding, special education, all of those would be gone. It would create a crisis for that local school district.

In addition to that, there are NASA grants, National Science Foundation grants, the school lunch program under the agriculture program, school breakfast programs, the HHS, such as Medicaid funds, all of these would be lost.

Now, granted, probably those will never get lost because there is such a huge hammer now that we will end up with school districts over the country bowing to the pressure of those who want to have school prayer in the schools.

And whether that is right or wrong—obviously, the author of the amendment thinks that is right, that is good—but I would wonder what would happen, depending if your religious balance shifts in these schools. If you get into a school where your child is a Protestant and you are in San Francisco where there are other predominant religions or Asian religions, would you want that? That is the question. And that is the question the flip side asks.

I just want to make sure we know what we are voting on here. It has been nicely corrected from the perspective of constitutional lawyers, as has been pointed out. But it has not been explained correctly in the sense of what it will do. And the power of the Federal Government will be used to change what is now considered a well-working system with respect to when and where voluntary school prayer will be used in school.

Mr. President, I will be opposed to the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Did the Chair say, "Who yields time?" Are we under controlled time?

The PRESIDING OFFICER. No, we are not. The Chair stands corrected.

Mr. HELMS. I thank the Chair.

Mr. President, I do not know precisely how to say what I am about to say. I do not mean it in any mean-spirited way, but I am puzzled.

I met the objections of Mr. Justice DANFORTH and perhaps Mr. Justice METZENBAUM, and Mr. Justice SIMON of Illinois. We have a court of 13 Justices now telling us what the Constitution is.

I am just a country boy doing the best I can trying to respond to the wishes of 75 percent of the people polled on this question time after time. They want to see school prayer restored in their schools, and this amendment of mine will do it.

Now, if you want nothing to be done about the school prayer situation, then vote down the Helms amendment. That is very simple. You can leave it just like it is, because, with all due respect to my friends Senators DANFORTH and KASSEBAUM, and I understand Senator CHAFEE wants to cosponsor it, they are acting as surrogates for Senator KENNEDY, who has opposed this amendment every time I brought it before the Senate.

The amendment that they propose, which is now the Danforth-Kassebaum-Kennedy-Chafee amendment, is a nothing amendment. It is a nothing amendment. It does nothing. It means nothing. And nothing is ever going to happen if it is adopted, if the Helms amendment is not adopted.

So if you want something done about the school prayer situation, if you want to respond to those 75 percent of the American people who want something done, you better vote for the Helms amendment.

Now I am not going to go home and cry if the Helms amendment is not passed, because I have been around the track a few times and I win some and I lose some. But the losers in this will be the 75-percent of the American people who are fed up with the things that Senator LOTT described in Mississippi, and I described other things that have gone on which are perfectly outrageous with respect to school prayer.

So the Helms amendment, which will be voted on first, is a response, as I have said over and over again this afternoon, to the 75-percent of the American people who want constitutionally protected, as it now reads, school prayer restored. It is virtually identical to a provision adopted by the House of Representatives by a vote of 269 to 135.

So, if you want something done, it is OK with me if you vote for both amendments. I may do exactly that, because the second amendment means nothing.

But make no mistake about the implications or the reality of my amendment. My amendment refers only to constitutionally protected prayer. I had it constitutionally permitted. I am not sure I understand the difference between protected and permitted, but I agreed readily.

My amendment does not, despite what has been said on this floor, force school districts to allow school prayer the Supreme Court has determined to be prohibited. No way. My amendment does not prohibit school districts from establishing the time and place restrictions on prayer. My amendment does not—does not, I say for emphasis—mandate school prayer or mandate participation in school prayer, nor does it require schools to establish particular prayers.

What my amendment does is assure students their right to constitutionally protected voluntary prayer by providing that school districts which prohibit constitutionally protected prayer will have to do without that free money from Washington.

I thank the Chair and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Massachusetts, the manager of the bill.

Mr. KENNEDY. Madam President, first of all, I would like to ask unanimous consent that the vote on the Helms amendment occur at 5:40 today.

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

Mr. KENNEDY. Madam President, I intend to support the amendment of the Senator from North Carolina, as amended, and for these reasons. Under the modification, the amendment only applies, actually, when a court determines that a school district has a policy that effectively prevents a student from engaging in a constitutionally protected prayer. The way I read it, a court would have to make that judgment. So it is only those situations where a student has a constitutional right to pray, as determined by a court, that would be implicated by this amendment. This is, obviously, a difficult balance to be struck in the area of free exercise and the establishment of religion. It is a delicate balance. The modification protects only those situations that the free exercise clause protects.

We withhold funds here if we find that there is going to be discrimination on the basis of race. We withhold funds if there is going to be discrimination on the basis of religion. We also have done that with regard to disability.

The way I read this amendment, as changed, the amendment would say that if they are going to deny, as a matter of school board policy, constitutionally protected rights, then that school district will lose funds under this act.

So I have enormous respect for my friend and colleagues—the Senator from Missouri and the Senator from Vermont—in terms of their positions; the uncertainty that might be out there in terms of the schools and understanding what is appropriate or what is not appropriate, and the arguments that are made in terms of the issues of public policy that are raised. But it does seem to me, as this amendment has been changed now for the constitutionally protected speech, that basically we are just saying if a school board is going to violate that as a matter of policy, it would be ineligible to receive money under this provision.

As one who has supported that position with regard to race and religion and disability, I think the amendment is not inconsistent with that policy. So when the time comes to vote, I will vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, I hope the vote on this amendment will not be close. I am delighted the Senator from Massachusetts is going to support it. But I want to add my voice as one who has opposed most of the school prayer amendments, either statutory or constitutional, that we have had in the past, in support of this.

A little bit of background and history as to school prayer in this country is worthwhile at this stage.

When we had the first Supreme Court decisions 30 years or so ago limiting school prayer, there were some interesting studies done as to what geographic areas of the country prayed and did not. It was interesting. It was not a uniform breakdown.

Heavily in the South it was common to have prayers in public schools. In some cases they were a common prayer each day. In some cases it was a different prayer each day. In some cases, they were picked by the teachers; in some cases, by the school boards. But it was heavily in the South, and you found it in urban public schools that were heavily Catholic.

They were basically a geographic prayer that represented the predominant religion in the area.

I think unconsciously, probably—I do not think it was meant to be a proselytizing prayer for Catholics in urban areas or for Baptists in the South—but it was unconsciously a reflection of the predominant religion of the area.

Interestingly, in the West prayer was not common. I take this not only from my own experience but from the study. I went to public grade and high schools in Portland, OR and we did not pray. We said the Pledge of Allegiance everyday but we did not pray. It turns out that was common in the West, common throughout the State of Oregon.

The Court started striking down prayers where there was an obvious sectarian overtone, or where there were objections from students who were not of that sect and felt they were being compelled to participate in a prayer that was not of their religion. Initially, the schools thought they could take care of that by having the students who did not want to pray go in the cloakroom or go out in the hallway. The Court, in essence, felt it was unfair pressure, if you are 7 years old or 8 years old, and everybody in the class is praying but you, and the teacher says, "Johnny, you go outside," well, 7- or 8-year-old kids are not going to do that so they stayed there when the prayer was held.

The courts, in some people's minds, went too far then—not in mine. I thought the decisions, by and large, were quite consistent. But I do applaud the Court when it came to the place where it said voluntary prayer, individual prayer, is constitutional. This is not something you try to impose on others. This is you. And the school board or the schoolteacher or the school principal cannot take away your rights to say your prayer so long as you are not interfering with other people.

I am one who thinks we ought to push to the outer limits of constitutionality prayer in public places. It is not going to hurt a single one of us. It may do more good than most of the policies we adopt. But to the extent it is constitutional, then this Senate should do everything possible to protect that right. If that means that on occasion we are going to say to some school district you will be threatened with the loss of your money if you do not let Sally or Jimmy constitutionally pray, that is no greater a threat than saying to the school district we may threaten to take away your money if you discriminate against women and girls; we may take away your money if you racially discriminate; we may take away your money if you discriminate against the disabled or the aged.

So let us add one more. We will threaten to take away your money if you are possibly going to discriminate against constitutionally protected prayer.

It is a good amendment. I hope the Senate will adopt it and I congratulate the Senator from North Carolina.

Mr. LEVIN. Mr. President, locally elected school boards ought to have the right to adopt a policy providing for constitutionally protected voluntary school prayer. However, that is not the effect of the Helms amendment.

Instead, the Helms amendment is an example of the Federal Government's, in effect, imposing on locally elected school boards the requirement that they allow voluntary prayer in school as long as it would not violate the Constitution. In other words, it could override a locally elected school board's decision not to allow voluntary school prayer if that school board seeks any funding from the Department of Education.

At a time of increasing concern about Federal mandates and the overriding of local decisionmaking, this amendment is particularly troublesome because it is in the context of our first amendment freedoms. it is for that reason that I will vote against it.

Ms. MIKULSKI. Mr. President, improving our educational system is a top priority. Yet, it has not gotten the attention it rightfully deserves.

But today we consider legislation, Goals 2000—Educate America Act—that gives a boost to States and local communities for education reform initiatives.

And at the same time, this legislation suggests an education framework for the entire Nation by establishing national goals.

Of these goals, here are my top three: getting kids ready to learn, making sure United States students will be first in the world in mathematics and science, and making every school safe and drug free.

First, it is vitally important for American children to start school ready to learn. How can we tackle school reform without tackling school health?

Health is a major concern in this country for everyone including our youth. Sadly, less than 40 percent of 2-year-olds receive complete immunizations. This is not satisfactory.

Every student must start school healthy not just in the first grade but in every grade because we know that healthy students have better attendance and are more productive. This legislation supports developing healthy young minds and healthy bodies.

Second, we must strive to make United States students first in the world in mathematics and science.

As Chair of the subcommittee that funds the National Science Foundation, I have worked to strengthen math and science education for all children, especially in the early grades.

Mr. President, by age 13, the math and science achievement of American students lags behind that of students in other countries. Yet, if we are going to keep pace with the rest of the world in developing new technology, our students will need strong math and science skills.

It is critical that both girls and boys get the math and science skills necessary to compete for the high tech jobs of the future.

And finally, Mr. President, we must do all we can to make every school in America free from drugs and violence. This is an extremely important goal.

And I am especially pleased that my amendment was accepted to make this goal better. My amendment asks every school to make the elimination of sexual harassment a part of its mission to create a healthy school environment. It will help make the school environment more conducive for learning all students—girls and boys.

Mr. President, it is important to have safe, disciplined, and drug-free schools.

I have seen the way that crime has infiltrated our schools and our community. In January of last year, I held a town meeting with students at Canton Middle School in Baltimore.

I asked these assertive 12-, 13-, and 14-year-olds: "If you could talk to President Clinton, what would you tell him?" They gave me an earful. But of all the issues they asked about, crime was their greatest concern.

Just yesterday, a Baltimore school teacher, Julie Lombardi, who worried about the safety of her kindergarten class, was shot in the face as she left the school parking lot near Reisterstown Road.

Mr. President, we cannot tolerate any more of what is happening on our streets and in our schools. We need to make investments in our youth before the trouble begins.

For many young people in our cities today, gangs are the only option if they want a social life or want to feel like they belong. We need to show them that there are other things to do.

These students come to school every day in fear of crime. They want gun control, safer streets, and more programs like community policing that get the police officer out of the car and into the neighborhood.

Mr. President, to prevent crime in our schools, we need good public schools, good teachers, good resources, and the ability to learn. And I think we can do that.

That's why I am proud to be a cosponsor of the Safe Schools Act being offered as an amendment to this bill by Senator DODD. We need to say "yes" to kids who say "no" to drugs and "yes" to homework. We need to give a good guy bonus for those who stay in school, work hard, and participate in community service.

In my State of Maryland, we have made a commitment to community service and a commitment to improving education.

Maryland has established an innovative education reform plan called "Schools for Success." It is aimed at comprehensive school improvement and reform.

The Maryland Schools for Success Program encompasses—and exceeds—the seven national goals that this bill puts into law. It provides a framework for schools to measure their progress and to make any needed adjustments in order to keep pace with changes in technology.

The support that Maryland could get from this bill would add the financial spark that Maryland's schools need to keep their plans going and to keep change coming.

My State is a pioneer in many ways; education reform is one of them. But some States are not so lucky. They, in fact, could use the guidance that this bill provides.

With this legislation, States and schools develop and try their own innovative reform methods because States do not want their hands tied when it comes to school reform. They want to do it their way in order to get the job done.

Mr. Chairman, education reform is one of the most important issues in America today. Our youth must have the knowledge and know-how to compete in today's work force. By helping them get that education, we will have bright and articulate workers of tomorrow.

Mr. President, the Government cannot do everything. But, clearly, it can give an opportunity structure by supporting good health, good schools, and a safe environment.

We must build our communities by bringing down violence and bringing about change. The education of our youth is an investment we cannot afford to overlook. It is what is best for our children and our future.

AMENDMENT DIRECTING A STUDY OF GOALS 2000 SCHOOL REFORM AND STUDENTS WITH DISABILITIES

Mr. DOLE. Mr. President, I wish to thank the bill managers for including in their package my amendment which directs the Secretary of Education to conduct a study of how well students with disabilities are served by the Goals 2000 school reforms. The National Academy of Sciences was selected as the contractor because of its reputation for both independence and excellence.

Mr. President, there are three reasons why this study is important and, in my view, way overdue.

First, I am concerned that students with disabilities will miss the bus when it comes to school reform. Whether one agrees with Goals 2000 or not, the national debate over education sparked by the 1983 report "A Nation at Risk" has been important and sometimes riveting.

Regrettably, in the past 11 years there has been little attention to students with disabilities, although they comprise 10 percent of all students and are among those most in need of education reforms. For example, Goals 2000 aims for a 90-percent high school graduation rate. Even without reform, the graduation rate among nondisabled students has been growing, to 83 percent today. But among students with disabilities, whose graduating with either a diploma or a certificate dropped from 60 percent to 52 percent between 1986 and 1989.

Mr. President, I know that the bill contains many references to students with disabilities, and I commend the Committee on Labor and Human Resources for its strong report language in this regard. But neither bill or report language can make up in one fell swoop for a decade of neglect. At the very least, I hope this study will jump start attention to this issue.

Second, there are many unanswered questions about Goals 2000 school reforms and students with disabilities. Although I do not intend or expect this study to rewrite Goals 2000, we must be sure that goals, standards, and assessments work for students with disabilities, not against them by promoting their exclusion.

Lastly, I hope that this study will also provide ideas for the upcoming reauthorization of the Individuals With Disabilities Education Act, and help spur a badly needed, careful review of how well this Nation educates its students with disabilities and the challenges faced by the States and by schools in serving such students.

Mr. President, when it comes to disability, we live in a new world. In 1990, Congress enacted the Americans With Disabilities Act, determined to make full participation by people with disabilities our national policy, and committed to the proposition that we can

create a fully accessible society. I expect this study to be carried out in that spirit.

In closing, Mr. President, almost 25 years ago, in November 1969, I gave my first speech to this body on the education of students with disabilities. At that time I said, "In our Nation, education has become the major route to full participation in society. [But] the simple stark truth this is: We have not committed ourselves to the concept of providing equality of educational opportunity * * *." Since then, we have worked hard to close the opportunity gap. This study will help ensure we keep moving forward.

THE GOALS 2000 EDUCATION BILL

Mr. HEFLIN. Mr. President, I rise in support of the legislation we are considering today, the Goals 2000 education bill.

I believe it is important to address the idea of school readiness, and this legislation does that. Its first goal is that by the year 2000, all children in America should start school ready to learn, thereby increasing the graduation rate to at least 90 percent. Another important goal is that our students would leave grades 4, 8, and 12 having demonstrated competency over basic but challenging subjects like English, mathematics, science, foreign languages, civics and government, the arts, history, and geography.

In addition, it is time that we make increasing adult literacy a top priority so that individuals will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

One of the six goals contained in this legislation pertains to drug-free schools. This is an extremely important goal and one in which I feel education can play a vital role. We have held hearings in the Judiciary Committee pertaining to drug abuse, and almost every individual who is involved in law enforcement tells us that if we are going to win the war against drugs, we have to win it through education.

These officials have impressed upon us the idea that you must win this battle on the demand side. We must decrease the demand for drugs, and education is the best method for conveying to young people the ills of drug abuse.

We can take pride in setting as a goal by the year 2000 that every school in America will be free of drug and violence and offer a disciplined environment conducive to learning. The Federal Government will take steps to ensure that all students receive drug abuse prevention education and counseling services.

Goals 2000 will support the development of work skills and standards to identify those skills required to enter different occupations. These standards will help individuals in their transition from school to work, as well as influence the education they receive in secondary schools.

Perhaps the most serious concern regarding those students who do not pursue formal education beyond high school is that entry level workers with a high school education or less have experienced real decreases in their earning power. Also, we have to be concerned that those youths who do not go to college may face difficulty moving from school to the adult work force.

Although many high school students work, their jobs are usually low-skilled, low-wage, and occasional. Many young adults never move into real careers. Some of the possible causes for this problem are skill deficiencies, particularly in academic areas, low student motivation in high school, and increases in job-skill requirements. This legislation responds to these concerns by establishing the National Skills Standards Board to serve as a catalyst in stimulating the development of a national system of voluntary occupational skills standards.

The Board is to be composed of members representing the business community, labor, education and training, community-based organizations, State and local governments, and civil rights organizations. The Board will identify broad clusters of major occupations involving industries in the United States which share characteristics that make them appropriate candidates for the development of a common set of skill standards.

In Alabama, Governor Folsom's task force on education reform has drafted a similar plan for the reform of Alabama public schools. The plan, entitled "Alabama First: A Plan for Academic Excellence," calls for the adoption of learner goals and objectives, the restructuring of secondary education, and the development of student assessment strategies. The Alabama reform plan also calls for a leadership and mentoring program, teacher assistance teams, and learning resources teams for educators.

The legislation we are considering today will strengthen and improve teacher training, textbooks, instructional materials, technologies, and overall school services so students will have the tools to achieve higher standards.

This bill will create new partnerships in which parents, schools, teachers, business and labor leaders, the States, and the Federal Government all work together to benefit and educate all students. As I mentioned before, the National Skills Standards Board to be established by Goals 2000 will promote the development of occupational skills standards that will define what workers need to know and will ensure that American workers are better trained and internationally competitive.

Goals 2000 will encourage the development of innovative student performance assessment to gauge progress and increase flexibility for States, school districts, and schools by waiving rules and regulations that might impede local reform and improvement.

Our schools must prepare young people of all ages for a wide array of jobs and careers. During the coming years, with the explosion of technology and a corresponding demand for specialized education, emphasis on skills will play an increasing role in the training of the young people of this country and in preparing them for the role they must play in our economic future.

It is said that America is losing its competitive edge. How well prepared are we to enter the 21st century? In the past, America has set standards for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will meet this challenge by providing young people of this Nation with the advantages which result from programs setting goals and achievement targets in education. The quest for excellence begins in the classroom, but must proceed into the workplace. I urge all of my colleagues to support this legislation.

Mr. DASCHLE. Mr. President, I come before this body today to voice my support for S. 1150, the Goals 2000: Educate America Act. It is long past time to strengthen our national commitment to the most important natural resource this country possesses—its children who, after all, are our future. The bill we consider today represents a comprehensive national attempt to promote that end by helping our local schools educate their students in the best manner possible.

The Goals 2000: Educate America Act establishes a framework for ensuring that our educational system helps all students realize their full potential. It begins by codifying the national educational goals that were adopted by President Bush and the Nation's Governors in 1990, and then authorizes $400 million in Federal aid to States and communities to develop and implement local education reform initiatives.

The National Education Goals endorsed by this bill are:

First, that by the year 2000, all children in America should start school ready to learn;

Second, that by the year 2000, the high school graduation rate will increase to at least 90 percent;

Third, that by the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter and will be prepared for responsible citizenship, further learning, and productive employment in our modern economy;

Fourth, that by the year 2000, United States students will be first in the world in mathematics and science achievement;

Fifth, that by the year 2000, every American will be literate and will possess the skills and knowledge necessary to compete in a global economy;

Sixth, that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning; and

Seventh, that by the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

These goals are the cornerstone for the establishment of a system of academic and occupational standards designed to improve teaching, learning and occupational skills across the country. While an ambitious undertaking, the attainment of these goals is, given the quality of our educators and potential of our children, certainly well within our reach.

In addition to setting concrete goals for which to shoot, the Goals 2000: Educate America Act establishes a true partnership between the Federal Government and local communities in the education of America's youth. The legislation is designed to stimulate a community-based reform effort by providing the greatest amount of flexibility to states and local school districts in designing their curricula while allocating the Federal dollars needed to implement locally-initiated reform in our schools.

Some concern has been raised at the local level that Goals 2000 promotes "outcome-based" education [OBE] and shifts a school's focus from how much students know to how well they are socialized. On the contrary, Goals 2000 focuses on academic performance and results. It supports the development of high standards that define what students should know and be able to do in core academic subjects, such as English, math, the arts, science, history, civics, and geography. The legislation does not endorse nonacademic outcomes.

More specifically, Goals 2000 does not encroach on the right of parents to guide their children in the development of personal values. In fact, greater parental involvement is an integral part of the educational improvements that this legislation envisions.

Simply stated, Goals 2000 is intended to help us, as a Nation, focus on the skills that will be needed by students in their future workplace and commit greater national resources to that effort. This is not an attempt to impose particular values or educational philosophy in each community. It is not an attempt to overtake local control. Rather, it provides a national framework for grassroots education reform and provides Federal funds to support State and local improvement plans, written at the local level.

Finally, I want to commend President Clinton and Education Secretary Dick Riley for crafting this ambitious concept and making it an Administration priority. Both men are former governors who understand the importance of education to the future of our communities and States, and who have a longstanding interest in the role of our local communities in the education of our children. Their experience as governors clearly contributed significantly to the formulation of this bill.

Mr. President, approval of S. 1150 is only a beginning. Once we take this step, we can build on its achievements, confident in the knowledge that the quest for learning is the fight for our future.

EDUCATION GOALS 2000 AND THE ENVIRONMENT

Mr. BAUCUS. Mr. President, I rise today in support of the Goals 2000 legislation because it is important to the effort of preserving our natural resources and environment. A strong educational system has many ripple effects—even on the environment. Environmental leaders have universally urged that the educational system be strengthened. In this way, the citizens of this country will have the knowledge and understanding to grapple with today's more complex and subtle environmental challenges.

Russell Train, a former EPA administrator and the current chairman of the World Wildlife Fund, articulated the goal of environmental education in his report entitled "Choosing a Sustainable Future" published last year. He called for an American with an environmentally literate citizenry that has the knowledge, skills and ethical values to achieve sustainable development. I could not agree more that literacy is key to preserving our environment as well as our economy and our way of life.

Unfortunately, with respect to educating the public and our children about the environment, we still have a long way to go. Last year the Environment and Public Works Committee held a series of hearings to take stock of our environmental policies. During those hearings, we heard repeatedly that environmental literacy is now in the United States.

Thomas Jorling, who heads the New York Department of Environmental Conservation, provided the committee with a gripping example of the need for greater environmental education. He told the story of one polluted site in his State in which a very advanced treatment system was rejected by the local citizens because of its technical complexity. Jorling chalked up this environmental defeat to the lack of people conversant in chemistry and physics.

So, the result of this environmental illiteracy is that sometimes fear and misinformation drive decisions regarding environmental actions and priorities. We cannot allow that to happen. Too much is at stake—both in terms of the cost of environmental regulation and in terms of the risks to human health and the environment. We can require cost-benefit analysis in environmental policy-making. But it won't make a bit of difference if the public does not truly understand the risk and costs involved. We must be able to communicate these things to the public, and they must be able to make informed choices about what is best for their communities and this country.

The goal of improving education in this country cannot end with this legislation. I plan to hold a hearing on the subject of environmental education later this year. I hope that we can focus more attention on the need to build environmental education into science and geography curriculum standards. And there is a great need to educate adults, as well as our children, about the environment.

The Goals 2000 legislation is a good starting point. Environmental literacy is woven into some of the goals, and that is good for the environment. It will ensure that students are prepared for responsible citizenship, further learning, and productive employment in our Nation's economy. The legislation also calls for U.S. students to be first in the world in math and science. That is critical to the U.S.'s ability to compete in the global economy. Nowhere is this more true than in the burgeoning envirotech industry. Without smart and capable young scientists and engineers the growth of envirotech business, and therefore the U.S. economy, will be stunted. So I plan to vote for this bill because I care about education and because I care about the environment. I urge my colleagues to do the same.

Mr. HARKIN. Mr. President, the Sixth National Education Goal states that by the year 2000 every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning. The Safe Schools Act will provide funds to local education agencies to reduce violence in schools and make this important goal a reality. I rise to offer my strong support for this legislation. The Appropriations Subcommittee I chair provided $20 million in funds for this program for fiscal year 1994. However, expenditure of those funds is contingent on this authorization.

There has been a rash of violence by youth sweeping our Nation and no community or school is immune. In my home State of Iowa, juvenile crime is on the rise and many people are frightened. Beginning in the mid-1980's an increasing number of Iowa juveniles have been charged with murder, rape, aggravated assault, and kidnaping. While the juvenile population declined by 26 percent during the past decade, violent crime committed by this group has in-

creased 27 percent. This is a crisis and we must take immediate action to deal with this serious problem.

Many of us have difficulty understanding what is happening. I am shocked every time I hear about a young person settling an argument with a weapon. Don Conway, the chief juvenile officer in Sioux City said this in a recent article in the Des Moines Register on violence by youth in Iowa. He said:

It's coldblooded, without any remorse. "Bang, bang, you're dead." I mean, it's scary what these kids are doing these days.

I would like to thank the chairman of the Education Subcommittee, Senator PELL, and the lead sponsor of the legislation, Senator DODD, for accommodating concerns I raised about the limitation that only schools eligible for chapter 1 concentration grants could apply for these funds. I think we reached a reasonable compromise by giving these schools a priority, but allowing any school that can show need to apply for these grants.

This bill will help some of our most troubled schools come to terms with youth violence. It sends the important message that we are not going to tolerate violence in our Nation's schools. The very least we can give our children is a safe learning environment.

In September, the Des Moines Register published an excellent four part series on juvenile crime in Iowa. As I mentioned earlier, the number of violent crimes committed by youth is on the rise in Iowa. The articles dramatically show the pervasiveness and seriousness of this problem which touches communities in all corners of my State. Mr. President, I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A CHILLING WAVE OF TEEN BRUTALITY

IOWA JUVENILE CRIME ON THE RISE

On a freezing early morning in February, a day when emergency calls would flood the Sioux City police switchboard, Tonya Rubottom attempted to help her friend push his car, stuck hopelessly in the snow.

Two people walked up to the car in an alley and helped push it free. In a city full of disabled cars, the help was a turn of good luck. Or so it seemed.

To show his gratitude, Rubottom's friend invited the good Samaritans to his apartment for a few drinks. Within hours, police reports say, Rubottom, 16, was raped and strangled at the apartment.

Charged with first-degree murder is Carlos Medina of Sioux City, who had helped push the car. He is 16 years old.

If police are correct that the teen-ager was involved, the death of Tanya Rubottom becomes another footnote to a troubling story: More Iowa teens are participating in violent crimes. Many are picking up guns, knives, ropes and bricks and killing people, often with no provocation.

Unlike some other states facing a growing problem with violent juvenile crime, Iowa's litany of violence occurs as the state's juvenile population plummets.

Dan Conway, chief juvenile officer in Sioux City, says: "It's cold-blooded, without any remorse. 'Bang, bang, you're dead' stuff. I mean, it's scary what these kids are doing these days."

Some recent examples are chilling.

In 1992, Bryant Cook, then 16, took a .22-caliber rifle off the wall of the small house near Woodburn where he was living with his father, leveled the weapon near his father's head and pulled the trigger, investigators said.

Daniel Cook, 37, died instantly. His body was taken to the basement and left there for days until a relative found it.

The teen-ager pleaded guilty of second-degree murder.

"We don't know exactly what triggered him," says Clarke County Attorney Gary Kimes. Bryant had no criminal record. Records show that before the shooting he had told friends, "I wish my dad were dead."

Also last year, 18-year-old John Allan Holmes was found guilty of killing Luann Simms, 39, in her apartment in West Burlington. Her head had been battered seven times with a brick.

Police Chief George Rinker says Holmes entered her apartment looking for money. "He told a number of friends that she looked like a girl he had dated, so he beat her until she didn't look like her anymore," Rinker says.

"I don't believe he had to kill her. There was no indication he was forced to kill her," the chief says.

Holmes, who just three weeks before Simms was slain had been released from the State Training School at Eldora when he turned 18, is now serving a life sentence without parole.

TOLD FRIENDS

Rinker adds, "What really alarms me is that she was killed on the 13th of June, and by the first part of July, he told seven of his close friends that he did this murder. None of those people came forward."

The random nature of these vicious acts puzzles police and juvenile authorities.

Even some of the juveniles caught up in the events have been unprepared for the violence.

"It's crazy," says Clyde Edwards, who has begun serving a 50-year sentence for second-degree murder. "I'm 15 years old. I never thought I would be locked up. Six months ago, I was in school playing sports."

In Davenport in April, Edwards fired the handgun that killed Lawrence Brown during a neighborhood argument. He is now at the Oakdale prison to begin a long sentence.

Dressed in a blue prison jumpsuit, Edwards looks no older than some of the children visiting other inmates. He recently discussed his future while sitting at a table in a meeting room.

"They think a bit like Al Capone," Edwards says of his "associates" outside.

"They like drive-by shootings, like in the movies. They want to be cool. They want to be noticed. They want to get themselves noticed by doing something big so people can have something to talk about and say, 'Oh, that's that dude who did that.'"

To be sure, the number of slayings by Iowa teen-agers is only a sliver of teen-age crime.

For instance, in 1990 alone, more than 7,700 juveniles were arrested for crimes from car theft to murder. During the 1990s, an examination of several sources—police reports, court records, newspaper clippings—shows 27 juveniles have been taken into custody on homicide charges.

What troubles authorities is that even though changes in the way the state compiles crime statistics prevent precise comparisons, the homicides appear to be occurring at a record pace.

Compared with official records of previous periods, the number of teen-agers accused of murder in the 1990s is unmatched. Notably, many of the killings have been in rural corners of the state, in villages like Derby, population 135, and Woodburn, 240.

In fact, one-third of the juvenile homicide arrests during the 1990s have been in communities with fewer than 5,000 people. One in four juveniles sent to prison in 1992 was from a rural county, Department of Corrections figures show.

ESCALATION OF VIOLENCE

The statistics underscore some gloomy developments: Several of the alleged killers are barely into their teens, some as young as 14. The homicides have sprung from a disturbing escalation of violence among the young.

Historically, Iowa's teen-agers rarely went to jail for anything more than stealing or other crimes against property. Beginning in the mid-1980s, more teens began being charged with murder, rape, aggravated assault, kidnapping—brutal crimes against people.

Juvenile crime against property fell 26 percent in the past decade. Vicious "personal" crimes, including rape and aggravated assault, jumped 27 percent. The switch took place while the state's juvenile population fell 26 percent.

Some of the killings have been linked by police to gang and drug activity. But the influence of gangs has surfaced in only a few of the state's larger cities. Overwhelmingly, authorities say, the violent acts have been solo encounters with no hint of gang involvement.

The numbers also show that more Iowa teen-agers are being slain.

Of the three major types of teen-age violent deaths—suicides, traffic accidents, homicides—only homicide has increased in the past decade.

The Child and Family Policy Center in Des Moines says the rate of teen-age homicide deaths more than doubled, to six per 100,000, in the 1980s, while the rate of traffic deaths fell and suicides stabilized.

"Homicides stick out," says Mike Crawford, director of data management for the center. "More children are exposed to violence not only on television and in the movies, but in their daily lives and in their homes and neighborhoods."

There would likely be more deaths and more murder charges, suggests Polk County Attorney John Sarcone, had it not been for improved skills aboard rescue ambulances and inside hospital emergency rooms. New techniques have saved many victims who faced certain deaths only a few years ago, he says.

The recent growth in slayings is in sharp contrast to Iowa's touted low-crime, low-stress image, a picture of health the state projects well beyond its borders. In many ways, it's a reputation well deserved.

As far back as numbers go, the state has been near the bottom of the nation's crime summaries. In 1990, Iowa was ranked 49th in its murder rate, tied with New Hampshire. It was 49th in rapes, 41st in robberies and 40th in overall violent crimes.

Zero Population Growth, a Washington, D.C.-based organization, recently listed three Iowa metropolitan areas—Cedar Rapids, Omaha-Council Bluffs, Des Moines—among its 50 best places to raise a family.

It isn't likely that Iowa will go higher in the nation's crime summaries. But the wide gap that once distinguished it so much from other places has begun to narrow.

For example, the rate of forcible rape among the nation's juveniles was seven times greater than Iowa's rate in 1980. By 1990, the difference was five times greater.

There were 15 rapes by Iowa juveniles in all of 1980, or a rate of 1.5 per 100,000 juvenile population, state reports show. By 1990, the figures more than doubled to 32 rapes, and a rate of 4.5 per 100,000.

FROM FISTS TO GUNS

District Judge George Stigler of Waterloo added his concern at a recent Iowa State University symposium.

"When you were in school and had a fight, you might meet in a parking lot and punch the guy in the nose once or twice," said the Waterloo judge. "It wasn't an enjoyable event, but at the very least you could go home and clean up.

"Nobody does that any more," Stigler told the hushed audience. "If you insult a kid, he will come up with a knife or a gun or God only knows what. His intent will not be to hurt you, but to kill you or give you very serious or lasting injury. Violence is the way of dealing with differences now."

The new violence has prodded Polk County Attorney Sarcone to boost efforts to put juveniles away for a long time. In three years, Sarcone's get-tough policy has resulted in four times the number of juveniles "waived" for trial in adult court, where longer sentences await them.

State law says that anyone under 18 and as young as 14 can be tried as an adult if a judge agrees. If the young defendant avoids adult court and is declared a delinquent, he or she must go free at age 18.

Says Sarcone, "What's most alarming about this is that many kids believe that you can't do anything to them until they are 18. They think they're going to be taken home and have their wrists slapped.

"We've sent the message that people who commit forcible felonies are not going to be tolerated," he says "What they have done to the victim is wrong. They know better. They're not going to hide behind the fact that they're only 16 or 17."

ARMED AND DANGEROUS—MANY CULPRITS BEHIND TEEN VIOLENCE

(By Frank Santiago)

After a defenseless, elderly Dubuque woman was fatally stabbed in her home, police asked a 15-year-old suspect why he did it. "Well, she got in my way," the youth replied.

That answer, says psychiatrist Greg Roberts who analyzed the boy's reactions for police, was chilling because of its "raw sense of human nature."

"In the past you'd hear the excuse like, 'I don't know why I did it. I can't imagine myself doing it.' But this guy didn't even have the gumption to tell a story," says Roberts, former director of Sioux City's Grehill Academy for Boys, a treatment center for delinquents.

Why more Iowa teens are killing, and why vicious crimes by teens are escalating have sent Roberts and other experts searching for answers.

To be sure, the violence could be a passing thing, an unsettling blip of history destined to disappear in more uneventful times.

But the numbers are escalating and the message they carry is a bleak one:

Twenty-seven juveniles have been arrested in Iowa for homicide since 1990, including Sean Rhomberg, who was found guilty last fall of first-degree murder for the 1991 Dubuque stabbing.

The aggravated assault rate by teens has tripled in the past decade.

The rape rate has doubled.

So why the violence?

University of Iowa psychology professor John Knutson, an authority on child abuse and aggression, says, "It's not a single behavior and not a single problem and it isn't controlled by a single variable."

Teen violence, say experts who work with children, has a wide range of culprits: The proliferation of guns and drugs; the broken family; widespread violence in the culture and in the media; a lost sense of belonging; the lack of services in rural areas to help teens.

"Iowa? Why not Iowa?" asks Knutson.

Roberts, the psychiatrist, says the intensity of the aggression has been disturbing.

"These kind of things happened in New York City when I was growing up. You wouldn't expect them in Iowa."

LACK REMORSE

Many teen-agers in trouble, Roberts says, lack remorse or a sense of being part of something.

"It is a blatant narcissism where they can only see themselves. They lack bonding with anyone, be it a family or school or society. They have no ability to care for anybody or anything but themselves."

Dan Conway, chief juvenile officer in Sioux City, blames television and movies.

"You wonder if it isn't the violent stuff they see. There are people dying and shooting and blood and gore. There's no way to prove it, but, my God, those things desensitize kids."

John Burns, assistant state appellate defender in Des Moines, agrees.

"It's trite, but you turn on television and you see men who show their masculinity using handguns. Arnold Schwarzenegger and Sylvester Stallone movies are big hits. You can bet 20 to 30 people are killed in these films."

MORE WEAPONS

More guns and more knives add up to more violence, computes West Burlington's Police Chief George Rinker.

"There are a lot more kids who have weapons and who don't hesitate to use them. These kids don't have the experience of life, so to speak, to support good decision-making."

WHY TEEN VIOLENCE IS ON RISE

Louis Wright, psychologist at the State Training School in Eldora, says the aggression is imitating the violence that surrounds teen-agers in and beyond the home.

"It's hard to establish a long-term goal with that student. You ask, "Where are you going to be five years from now?" They'll respond, 'Probably dead.'"

Teen-agers tend to duplicate the abuse they see at home, he says.

Indeed, the breakup of the family gets a good share of the experts' blame.

For instance, more children are growing up in poverty in the state, and more households are headed by single parents, many of them poor families.

Michael Crawford of the Child and Family Policy Center in Des Moines, notes that 14 percent of Iowa's young live in households that have incomes below poverty levels. That's less than the nation's 17.9 percent. But the percentage increase in Iowa in the past decade outpaced the nation's, 21.7 percent to 11.9 percent.

Households headed by a single parent soared 53 percent in the past decade, from 12.9 percent of all families to 19.7 percent. Iowa remains below the nation's average of 22.9 percent of households headed by one parent, but the percentage increase in the decade far outpaced the nation's 22 percent rise.

Poverty and single-parent families—40.2 percent of them in poverty in Iowa during 1990—are suspected breeding grounds for crime, but the extent of the influence isn't clear, Crawford says.

Certainly, he adds, poor youngsters and those with one parent stay out of trouble and grow up to be successful. But the risks are higher.

Polk County Attorney John Sarcone connects the violence to indifferent parents.

"What really bothers me, is there is no teaching of right and wrong coming from home. Parents are too wrapped up in their own lives to care for their own kids," he says.

FOLLOWS ADULT CRIME

Teen crime, says Sgt. Michael Leeper, juvenile services coordinator for the Des Moines Police Department, often follows adult crime.

"If you have a mom and dad who are fighting and there's domestic abuse, the kids will pick up on it," he says.

The teen violence, contends Drake University sociologist Dean Wright, reflects trends that have finally arrived here.

"Beginning early in the 1970s, there was a shift in murder patterns from places like New York that has since spread out across the nation. These were killings of strangers for essentially no reason. Murder has been common among associates, but we're seeing more and more of the random stranger stuff."

NOT SURPRIZED

Drake's Wright isn't surprised the violence has spread to Iowa's smaller communities.

"You have no safety nets, no crisis lines, no counseling in many rural areas. They don't want the services. They are telling the individual to take care of yourself."

The "loss of sense of community"—the isolation of families and individuals from others—has kindled the law-breaking, the experts assert.

"The biggest social mechanism in the past has been the community," Wright says. "It was the community's involvement that made people feel guilty and remorseful when they committed a crime. Now, there is the lack of grounding of people to the community."

TEEN CRIMINALS TELL OF ANGER, MISTRUST

(By Frank Santiago)

At the age of 15, Clyde Edwards, inmate No. 1054271A at the Iowa Medical and Classification Center at Oakdale, is beginning a 50-year sentence for second-degree murder. He isn't happy about a long stay in prison, but he says it may be the safest place for him.

"They are going to come after me," he said of the relatives and friends of a Davenport man he shot dead in April. "I'd rather be locked up right now than be out there to face being killed. I don't want to bring heat on me or my family."

Edwards is one of 14 juveniles—inmates 17 years old or younger—now in the Iowa prison system for serious crimes including first-degree murder.

Teen-age violence in Iowa has been rising sharply. In 1992, 24 juveniles were sent to prison throughout the year, almost double a typical year.

The growing number of teen prisoners raises a number of questions. Who are these youngsters? Why the violence?

If interviews with three of them—all involved in homicides—are an indication, they are brimming with anger and a mistrust of friends. They blame others for their circumstances and they are wary of what's ahead.

"I don't know if these kids are getting desensitized or what," said assistant Dubuque county attorney Ralph Potter, who prosecuted some of the juveniles. "But a lot of them show no remorse."

Three young inmates, whose names were on a randomly selected list submitted to the Department of Corrections, agreed to discuss their crimes and their lives:

CLYDE EDWARDS

Edwards believes he's a marked person. Barely 150 pounds, this slight, youthful figure in a blue prison jump suit is easily noticed among the inmates, many twice his age.

One day Edwards was in the ninth grade. A few days later he was in jail on a murder charge.

It began during an April evening. Police said gang members were harassing residents of a Davenport neighborhood. Edwards was in the fracas but claims he wasn't part of a gang. He says someone came at him with a knife.

He shot a .25-caliber handgun three times. One shot hit Lawrence Brown in the forehead. Brown died later.

"I didn't even know him," said Edwards, who contends Brown walked into the weapon's path. "I was just in the wrong place at the wrong time."

With earlier minor scrapes with police behind him, and now a long imprisonment ahead, Edwards says he's taking things one day at a time.

"You don't think about the future. You think about it day by day. After this day is over with, you go on to the next day. I don't know if I'm going to be living that long but that's just the way I think."

On the outside, his friends, he says, were fascinated with power and money.

"They say, 'I want to be like you. You got gold. You got money. You got a woman. You got a car.'"

But he rarely uses the word "friend" to describe those he hung around with. He prefers "associate."

"You don't trust anybody except yourself. Soon as you get into trouble your friends go with another crowd and talk behind your back. You're there by yourself."

Edwards says it isn't easy to be 15 in Davenport these days.

"Times are hard. You have to watch yourself. It ain't like the old days when you could walk down the street at night. Now you got to watch your back. People come to you and beat you up just for the fun of it.

"I'm going to get my education in prison. I don't want to make $4.65 an hour minimum wage when I get out. I want to make at least $7 or $8 an hour."

JAMMI REINIER

On March 24, 1990, David Conley Scott, 32, a Des Moines convenience-store clerk, was beaten to death with a hammer. Jammi Reinier, raised on Des Moines' east side and a member of the "Young and Wasted" gang, pleaded guilty to second-degree murder and was sentenced to 50 years. A friend who wielded the hammer was convicted of first-degree murder. Reinier scooped up the cash, which he estimates was less than $100.

"It was money to party with," he said.

Now 19, Reinier is an inmate at the State Men's Reformatory at Anamosa. He is soft-spoken and has long, blond hair that reaches his shoulders.

"I've missed out on life—period," said Reinier, who was 15 years old when arrested. "I haven't gone to parties, graduated high school or gone to a prom. I'll never be able to tell anybody what it felt like because I wasn't part of it."

He dropped out of school when he was in seventh grade.

"I was bored like a lot of my friends. They could sleep in and watch television. They had freedom. Being in school you had to get up every morning and stay in school all day. I wanted to be like everybody else."

Reinier says he thinks about the robbery a lot. "We were all drinking that day," he said.

He says street gangs have gotten more violent and more racist, situations he insists didn't exist when he belonged.

"Everybody in the gang had money. They always had a place. We'd party but nothing like what I read about today."

At Anamosa, he shares a 6-foot by 9-foot cell with a man much older than he.

"I really don't announce what I'm here for. It's my own business. I'm not proud of what I did. People don't ask. They mind their business here."

"The young kids seem a little more rowdy. The older inmates just basically want to do their time and settle down. Everybody has their own pals and they hang out with them. It's like you have to pick a crowd that ain't going to get you into trouble."

He is studying landscaping and working toward a high school diploma. "Time passes fast. It seems like a year ago I was on the streets. I'm approaching four years here. My life is just flying by."

GABRIEL HUDSON

Gabriel Hudson called Mason City police at about 6 p.m. on Dec. 1, 1988, to report he had just shot his brother in the head while his brother was washing dishes.

"He talked about his brother calling him names and that he got mad at him and he is laying on the kitchen floor," a police report said.

Hudson was 12 years old at the time. He has been in institutions since.

Now 16, he is an inmate at Anamosa serving a 75-year sentence for kidnapping and attempted murder. The charges are from an attempted break-out at the Grehill Academy, a locked residential home for delinquent boys in Sioux City.

Reports say Hudson beat a female worker with a bar to get her keys.

"Me and another resident were having a lot of problems. One of the consequences were we had to write a 1,000-word essay. We decided we didn't want to put up with that. I wanted to get out."

The plan was to take the keys from the woman. But, Hudson says, the accomplice got cold feet.

Hudson exhibits no remorse about his actions. "I don't want to become another person. I want to be different. I like being a criminal. It's interesting," he said with a slight smile, looking through his heavy-framed glasses.

He claims he has no friends, only "buddies."

"I don't trust people. Nobody is ever for you. There's always something to break the trust."

He thinks about the attempted Grehill break-out but the thoughts aren't about the victim.

"I think about the situation, what I did wrong. How come I didn't escape?"

STEERING YOUTHS HEADED FOR CRIME TO STRAIGHTER PATH

(By Frank Santiago)

A look at efforts to redirect the course of wayward youths wraps up an examination of teen crime.

It's late in the afternoon and Jason Davis is uneasy and showing the effects of being grilled for more than an hour.

Across the table at the Mediation Center at 1200 University Ave. sit David and Diane, whose Sears credit card was stolen. Jason, who is 19 and an East High School dropout, faces them. He's relating how he used the credit card to buy $200 worth of blue jeans and shoes.

"You know what?" says Diane with a bit of anger. "I feel you did it on your own."

Jason shakes his head slowly to say "no" but refuses to disclose the young accomplices he claims gave him the card that was in David's wallet in his locked truck.

"I had no idea where the credit card came from," he pleads with David and Diane.

So unfolds another confrontation in the Victim/Offender Reconciliation Program.

By sitting down crime victims and perpetrators to face each other, the Polk County attorney's office, which sponsors the program, hopes to help those who have been hurt and to reduce crime.

It is one of a growing number of efforts by Iowa authorities in the last few years to head off a chilling increase in violence and vicious crime among teen-agers.

In the Polk County program, explains Fred Gay, an assistant county attorney, victims get the rare opportunity to vent their anger at the person who disrupted their lives, either violently or through lesser ways, such as stealing credit cards.

Offenders look straight in the eyes of the people they have victimized. They sweat it out and agree to a plan of restitution.

"Until the sessions, most of the offenders truly didn't give any thought to what impact they had and that they were hurting somebody," says Gay. "They can go through the whole system and never realize that they had hurt someone."

The program is for offenders of all ages but many participants are teen-agers, who agree to see the victims in exchange for a lighter sentence.

Although approaches differ, the Polk County and other Iowa programs have in common their attempt to intercept the teen-agers, defuse their hostilities and show them the right way out.

Most of these programs are too new to measure results. But supporters contend the work is showing some signs of success: Teens who participate often return to school or find a job.

Waterloo has the Second Chance Youthful Offender Program, operated jointly by the juvenile court and state job-training authorities. It is a 16-week program aimed at so-called "high-risk" youths from 14 to 18.

Each week for 1½ hours the teens meet in a group to wrestle with several topics, including controlling anger or applying for a job or staying away from drugs.

"It's kids helping kids," says spokeswoman Jane Patton. "They look more at their own behavior in terms of changing it."

In Davenport, a day-treatment program intervenes to help 12- to 14-year-olds and their families. The teens and families meet each day after school at the Friendly House, an inner-city community center, where they participate in recreation and get counseling.

STABILIZE FAMILIES

A more important part is getting the family situations stabilized," says Pat

Hendrickson, chief juvenile officer. "Sometimes it's as simple as finding housing or as complex as dealing with substance abuse.

"Many of these families are so dysfunctional that they don't know how to have fun together. They've never been to a potluck."

In Cedar Rapids, the "Hands Off" program by juvenile authorities is aimed at youngsters who shoplift.

"Shoplifting seems to be the first crime a lot of kids do," Carol Thompson, chief juvenile officer says.

The offenders attend classes with parents. "We figure the parents have already told them it's wrong to steal. Our focus is that there are consequences to this. You lose your right to privacy, for example. An officer has the right to look in your pockets when you're suspected.

"About 75 percent of the children who participate in these classes don't show up again in our system in the next two years," estimates Thompson.

RARELY OUT OF HAND

Gay says the victim-offender confrontations, moderated by a staff member from the county attorney's office, get emotional but rarely get out of hand. One burglary victim, though, threw a punch at the burglar.

One of the anticipated successes is that the victims "gain relief," he says.

"A Vietnam veteran who was 50 years old related how he went out and bought a gun after a burglary. He said, 'Now I can go home and tell my wife he wasn't an ogre.'

"Even adults have this bogeyman image," Gay says. "When they don't know who did it they create this child-like image of who did do it. When he saw it was this punk, he felt relieved."

But Hendrickson says the programs are only a Band-Aid where major surgery is required.

The root causes of teen violence are numerous and go very deep, she says.

"The best thing that could happen is that every child would be born to a functional family. That's the solution, but how to get there is absolutely beyond me. That's why we have to have a variety of approaches."

One of those may be intervening at a younger age.

"A lot of advocates are saying you should be able to go way back when these youngsters are 5 and 6, when they are first identified in school, and then intervene intensely. Then you might have a shot at success. If you wait until he or she is 14, it can be real hard to turn it around."

Back at the Mediation Center in Des Moines, Jason Davis is telling David and Diane that he got involved in the wrong crowd and wants to turn his life around.

He had been charged with two counts of forgery for signing David's full name—which Jason misspelled—on the Sears sales slips. If he successfully completes the Youthful Offender Pre-Trial Intervention Program, which includes drug rehabilitation and the victim confrontation, Jason would likely get probation. Each of the forgery convictions could have sent him to prison for five years.

It was the loss of the family photographs from the wallet and the fear that "someone out there knew where we lived" that bothered Diane the most.

"They had our address, and I said, 'Oh, my gosh, they know where we live.'"

Did Jason realize the anguish he had brought to the family?

"You should have the right sense to know right from wrong. You're getting off pretty easily and should be charged with forgery," Diane tells him.

He responds, "I don't want to be in trouble. I don't feel too good about myself."

He also contends it would be dishonorable and dangerous to name accomplices. "They would be jumping out of cars . . . shoot at me without a blink of the eye," he says.

Jason eventually agrees to pay about $100 in restitution, most of it to cover the cost of replacing the car's broken window. Sears didn't bill the couple for the items Jason got. He says he turned the items over to a friend.

David tells Jason, "You know you've got to get yourself on the right track?" He also notes that when he was Jason's age he also got into trouble but that his wife had turned his life around.

"I think you're pretty lucky. I wish the best for you," says Diane.

Jason says: "I want to apologize. I know it doesn't mean a lot."

"If you really mean it," David says, "it does."

And they shake hands.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, was leaders' time reserved?

The PRESIDING OFFICER. It has been reserved.

Mr. DOLE. I ask my comments not interfere in the debate on this particular amendment.

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

LIFTING VIETNAM EMBARGO

Mr. DOLE. Madam President, as I understand it, President Clinton will sometime between now and 6 o'clock end the trade embargo on Vietnam today. While we had a vote, a sense of the Senate vote here, and many of my colleagues think this is the right course, I believe it is the wrong decision at the wrong time for the wrong reasons.

If the concern is about American exports to Asia, President Clinton should extend most-favored-nation status to China. When we get to that event in June, maybe make it permanent, maybe make it 2 years or 3 years.

President-elect Clinton said—ironically on Veterans Day, 1992—"There will be no normalization of relations with any nation that is at all suspected of withholding any information." Those suspicions remain among many Americans. It is difficult to square a decision to lift the embargo with the earlier comment and the earlier commitment.

Numerous objective observers believe Vietnam is withholding information and remains that could readily be turned over—if Vietnam had the political will and if the United States had decided to use political leverage. Many believe Vietnam is not being fully forthcoming—but why should they? While going through the motions on POW/MIA's, Vietnam guessed accurately that the administration would give them what they wanted and lift the embargo.

The National League of Families asked the President to wait until they traveled to Vietnam to assess POW/MIA cooperation firsthand. We do not know what they would have found. We do not know what impact it may have had on the President. We do not know because President Clinton could not wait a week or two to end a three decade old embargo. What was the hurry?

Veterans groups—representing millions of Americans who served their country—are united in their opposition to this decision. And according to a poll in December, the American people—some 85 percent of them—are not satisfied with Vietnam's cooperation on prisoners of war and those missing in action.

Earlier this week, the Senate approved my amendment to require the President to report on the POW/MIA issue within 30 days after a decision to ease or end the embargo. It is not much, but at least we will get a report from the President. Maybe he will put some of the families' concerns to rest.

I think he wants to do that. I do not say he does not want to do that. But it seems to me—and I know many of my colleagues who served in Vietnam have a different view. I did not serve in Vietnam, but I suggest that many of the families have concerns. They still have loved ones who are not accounted for.

After stonewalling for years, Vietnam impressed the administration enough to get the embargo lifted. I expect Vietnam will provide more remains and information very soon. And then, the argument will be over most-favored-nation status, and full diplomatic relations. But unless Vietnamese cooperation changes—and maybe this will bring the cooperation we have needed over the last many, many, many years and really have not had it until the last few years—if we do not get more cooperation, I will say I think all of my colleagues, even those who may have supported lifting the embargo, are going to be very slow to respond as far as most-favored-nation status is concerned and full diplomatic relations are concerned. There will be widespread opposition to any further steps.

There may be a right time to lift the embargo against Vietnam, but we have not reached that time yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUMPERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so.

TRIBUTE TO MANFRED WOERNER

Mr. NUNN. Mr. President, I rise today to pay tribute to Manfred Woerner, the Secretary General of the

North Atlantic Treaty Organization. This weekend, on February 5, in Munich, Germany, Manfred Woerner will receive the prestigious Eric M. Warburg Award for achievements in German-American friendship. This award is given annually to distinguished Germans or Americans who have furthered the cause of German-American friendship. American recipients of this award have included Dr. Henry Kissinger and Ambassador Paul Nitze.

Mr. President, many of our colleagues know that Manfred Woerner is a man who has dedicated his life to the security of Germany and to the nations of the NATO alliance. NATO has been the most successful alliance in which the United States has ever taken part. NATO has kept the peace in Europe for over 45 years, one of the longest periods of peace ever enjoyed by that troubled continent. NATO has also been instrumental in bringing to a peaceful end the long and dangerous nuclear confrontation that existed between East and West during the cold war.

Manfred Woerner began his service to Germany in 1961 at the height of the cold war. He held various important positions in the German Government, eventually rising to become Federal Minister of Defense in 1982. These were critical years for Germany, and Manfred Woerner's service and leadership was an important factor in laying the foundation for the eventual reunification of Germany.

Next year we will celebrate the 50th anniversary of the end of World War II. Looking back over the years that have passed since that terrible and costly war, we have seen a new Germany develop in the heart of Europe. In Western Germany we have seen a thriving free economy and democracy develop under leaders like Manfred Woerner. In Eastern Germany we saw a dictatorship which not only enslaved its people, but a government that ruined its economy and despoiled its ecology to a shocking degree unknown in the west.

During those troubled years of the cold war it was leaders with vision like Manfred Woerner who demonstrated to all Germans and to people all over Eastern Europe and the former Soviet Union that the path of freedom in political and economic sectors was the path to follow. Nowhere was the contrast between East and West so clear as it was between the two Germanys.

In 1988 Manfred Woerner became Secretary General of NATO. Under his leadership that great Alliance began the transformation that is still taking place as the alliance adjusts to the realities of the end of the cold war. During Manfred Woerner's tenure as Secretary General the Warsaw Pact has disbanded. Former members of the Warsaw Pact are clamoring to join NATO. The Soviet Union also collapsed during this period bringing on a new era full of promise but also full of new dangers and instabilities. Throughout this period NATO has stood firm as a bulwark against instability and a forum for its members to coordinate their mutual security in the face of such vast changes.

Mr. President, Manfred Woerner's vision and leadership have helped lead the way for the unification of his beloved Germany, kept the NATO alliance strong and effective, and contributed to our own national security. Recently, Manfred underwent serious surgery. I know that all of our colleagues in the Senate join with me in congratulating him on his receipt of the Warburg Award.

His wife will be receiving the award for him. This is an award, as I said, that is for recipients who have promoted German-American friendship and who have strengthened the NATO alliance.

Manfred Woerner is a most worthy recipient, and all of us join in wishing him a rapid and complete recovery from his recent operation.

Madam President, I yield the floor.

EXECUTIVE SESSION

Mr. MITCHELL. Madam President, I ask unanimous consent to proceed to executive session to consider the nomination of William Perry, to be Secretary of Defense; that there be 20 minutes of debate equally divided between the chairman of the Committee on Armed Services, Senator NUNN, and the ranking member, Senator THURMOND, or their designees; that following the conclusion or yielding back of time the nomination be temporarily laid aside and that the vote occur immediately following disposition of the Helms amendment No. 1382; that upon conclusion of the vote on the Perry nomination, the motion to reconsider be tabled; that the President be notified of the Senate's action, and that the Senate return to legislative session.

I further ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Madam President, reserving the right to object, and I do not intend to object, I think for the very reason stated by the distinguished chairman we should approve this nomination. I am just wondering whether they have used some of that time. Is that 20 minutes from now or does that count the time that has already been used?

Mr. NUNN. I will not need all of my 10 minutes. I would like to reserve just for the purpose if the other Members on our side want to speak on this nomination. I do not intend to use it all.

Mr. MITCHELL. Madam President, I am prepared to reduce the time to such amount as is agreeable to the chairman and ranking members of the committee.

Mr. DOLE. They probably will not use it all.

Mr. NUNN. We have a vote at 5:40. I will not use any time between now and then, if the Senator from South Carolina would like to use all of his then. I will probably yield my time back and yield some of my time to him if he needs more.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. MITCHELL. Madam President, I now 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.

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of William J. Perry of California to be the Secretary of Defense.

The Senate proceeded to consider the nomination.

Mr. NUNN. Madam President, I am pleased that the Senate of the United States is considering the nomination of William J. Perry, to be Secretary of Defense. Earlier today the Armed Services Committee voted unanimously to report this nomination to the Senate recommending our approval of the nomination. President Clinton announced his intent to nominate Dr. Perry to be Secretary of Defense on January 24, and the Senate received Dr. Perry's nomination on January 26.

The Armed Services Committee considered Dr. Perry's nomination in the same way we consider all other nominations of this importance. We sent our standard committee questionnaire to Dr. Perry on January 24, the same day the President made his announcement.

The following day, January 25, after consulting with the minority, I sent Dr. Perry a lengthy series of policy questions for his answers to be received in writing prior to the hearing. Dr. Perry returned the committee questionnaire on January 28. He also provided the committee his written responses to the policy questions on the same day, and those responses were provided immediately to all members of the committee.

The committee received the required opinions from the General Counsel of the Defense Department and from the Office of Government Ethics certifying the nominee is in compliance with all applicable laws and regulations regarding conflict of interest.

We also reviewed the report of the FBI background investigation of Dr. Perry. Yesterday, the committee held a public hearing with Dr. Perry. Nineteen of the committee's 22 members attended the hearing, which lasted about 4 hours.

Dr. Perry's testimony was comprehensive from my point of view and, I think, most members'; it was impressive and it was straightforward.

Madam President, the record clearly shows that Bill Perry is highly qualified to serve as Secretary of Defense. He has had distinguished careers in Government service and academia and in the private sector. Dr. Perry has substantial expertise on national security issues and has consistently demonstrated the high standards of personal conduct and integrity.

Last year, he was confirmed by the Senate to serve as Deputy Secretary of Defense, the number two position in the Department of Defense. It is my hope, Madam President, the Senate can act promptly on Dr. Perry's nomination, hopefully today.

Dr. Perry will be delivering a major address on national security policy at the Wehrkunde Conference in Munich, Germany, this weekend. The President's fiscal 1995 budget will be released on Monday of next week, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff are scheduled to present the fiscal 1995 budget as well as the 5-year defense plan to the Armed Services panel next Tuesday.

Before closing, I wish to acknowledge the tremendous contributions that Secretary Aspin has made to our national security. As Secretary of Defense for the past year, Secretary Aspin established a foundation for the restructuring of our defense establishment through his Bottom-Up Review and made important strides in integrating women more fully into the military services. As a member of the House Armed Services Committee for 22 years and chairman of that committee for 8 years, Les Aspin was a vigorous leader in the Congress for a strong and effective national defense. I am grateful to Les Aspin for his service to the Nation, and I believe I speak for all of us on the Armed Services Committee in wishing him continued success in whatever he undertakes in the future.

Madam President, Dr. Perry is highly qualified and suited to serve the Nation as Secretary of Defense. He has the strong and unanimous support and endorsement of the Armed Services Committee. I urge all of our colleagues to support his nomination.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I am pleased to join the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, in recommending the confirmation of Dr. William Perry to be the 19th Secretary of Defense.

Dr. Perry has a long and distinguished career in the public and private sectors. As the Deputy Secretary of Defense, he was at the forefront of acquisition reform and the modernization of our Armed Forces. As the Secretary of Defense, I believe he will distinguish himself by maintaining our defense interests while streamlining the Department of Defense. In my opinion he will continue to insure a strong and well-trained military and provide for the welfare of the men and women who proudly wear the uniforms of our great Nation.

Madam President, I am optimistic that Dr. Perry's confirmation as Secretary of Defense will begin a new era of consultation and cooperation between the Department of Defense, the White House and the Congress. I look forward to working with him and urge my colleagues, Republican and Democrat, to give him their unanimous support.

I yield to the distinguished Senator from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, Dr. William Perry will, undoubtedly, bring a fine mind and extensive knowledge of the Pentagon and our Nation's military establishment to the job of Secretary of Defense. During his 10 months as Deputy Secretary, he has done an admirable job in running the day-to-day operation of the Pentagon, and his abilities in the areas of research, analysis, and defense procurement are well known. I will support his nomination as Secretary of Defense, and I certainly wish him success in his new role.

Today's post-cold-war world, however, will require more than technical and administrative excellence. Dr. Perry's considerable abilities will be significantly challenged.

While many believe that domestic agendas and budget shortfalls should now be America's top priorities, the fact remains that the world today is probably less stable than it has been at any other time in the last 45 years.

The pressure to divert already scarce defense dollars to pay for what might seem like more immediate domestic concerns will be great. The temptation to defer to louder or stronger voices may at times be overwhelming. But America's military establishment needs decisive leadership; our military men and women need a strong advocate; and the Nation needs a strategic thinker with America's national security interests at heart.

I truly hope that Dr. Perry is that person to address those important concerns.

As evidenced by Somalia, Bosnia, the former Soviet Republics, Central Europe, the Middle East, and the Korean Peninsula, the world still holds the potential for threats that we may not yet even recognize. At the same time, our allies have every right to expect us to uphold the commitments we have already made.

We must maintain a high level of military readiness. We must, at all cost, take pains to ensure that our haunting memories of the hollow force of the 1970's does not become a painful reality in the 1990's and beyond.

And finally, we must ensure that our policy with regard to homosexuals in the military—a policy that goes to the very heart of our ability to maintain a combat-effective military force—is not undermined by the implementation of regulations that significantly undercut that effectiveness or erode Congress' clear intent in drafting and passing that law.

All of these concerns will be difficult enough to meet without adequate resources, but they will be absolutely impossible to meet without the right leadership. The President's recent rhetoric regarding his commitment to a strong military is somewhat reassuring. Bill Perry is a man with the talent and experience to translate that rhetoric into policy. Whether or not he is backed up by an administration with the determination to accomplish the job remains to be seen.

Madam President, we have heard some reassuring rhetoric from the President recently, particularly in his address to the Congress about his commitment to a strong military. We will need more than rhetoric . We will need a man with the talent and experience to translate that rhetoric into policy. Whether or not he is backed up by an administration, we need someone with the determination to get this job done.

I sincerely hope and trust that Dr. Perry is this individual.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, I yield to the Senator from Michigan 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Georgia.

Madam President, Dr. Perry is the right person to run the Department of Defense. He has the experience and he has the temperament. He has a balanced view of the world. He is thoughtful.

Some people have said that he is not charismatic; that you need somebody who is charismatic to run the Pentagon. I disagree. We need somebody who has the experience to change the culture there when it comes to the procurement practices of the Pentagon. We need reform in the way we operate the Pentagon in terms of management and in terms of the way that we buy things. There are billions of dollars to be saved. Dr. Perry said so yesterday.

It seems to me that if we are going to do what we must today, which is meet those future threats—and they are real—and if we are going to give the support to our fighting men and women—and we need to do that—we

must manage our budget a lot better. And we can do that with Dr. Perry as Secretary of Defense.

So I think he does have the vision we need. He surely has the thoughtful approaches that we need. He is totally committed to the security of this country.

I am proud to support him by voting for his confirmation this afternoon.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, does the Senator from South Carolina need any time?

I will be glad to yield the Senator from Virginia 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to compliment the distinguished chairman of the committee and the ranking member, the senior Senator from South Carolina, for the very swift yet thorough manner of this nomination. It is important that there be continuity in our defense leadership.

I wish to compliment President Clinton in handling a different and a difficult situation in the retirement of Secretary Aspin, for whom we have great respect and gratitude for his service, and the very swift selection of an absolutely well-qualified individual in Dr. Perry.

I have always taken an interest in this particular nomination, having been privileged to serve in the Department under three Secretaries of Defense, and during my tenure in the Senate having worked with five other Secretaries.

Dr. Perry will rank at the very top among the finest of those Secretaries of Defense in the history of the United States.

We saw yesterday in his testimony responses to the most difficult of questions, such as North Korea—complex, unanswerable in many ways. Yet, he went to the very heart of that serious problem consistently and explicitly, and sent a message to this Nation.

Then he shifted to the mundane yet no less important battle of dealing with waste, fraud, and abuse, primarily in the procurement process in the Department of Defense.

The American taxpayer is totally intolerant, totally intolerant of the waste, fraud, and abuse which has plagued that Department no matter how strenuously previous Secretaries have fought that battle. Dr. Perry is imminently qualified to deal with that problem.

Madam President, it is a privilege to have the opportunity to speak on behalf of the nomination of Dr. William J. (Bill) Perry to become the next Secretary of Defense. The unanimous vote for Dr. Perry by the Armed Services Committee says a great deal about this gentleman, and he is a true gentleman, in every sense of the word. This unanimous vote attests to the confidence and trust the members of this committee have in Bill Perry.

I have known Bill Perry for many years and have served with him in many different circumstances and capacities. He has always distinguished himself with the utmost intelligence, reason, and integrity. He has been recognized for a long time by Senators on both sides of the aisle as one of the most knowledgeable and respected authorities on national security issues.

Madam President, I was particularly moved by Dr. Perry's statement before the Armed Services Committee yesterday in his nomination hearing and I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT BY WILLIAM J. PERRY BEFORE THE SENATE ARMED SERVICES COMMITTEE, FEBRUARY 2, 1994

Mr. Chairman and members of the Committee, I am proud to be before you today, and humbled by President Clinton's decision to nominate me as Secretary of Defense.

We welcome the end of the Cold War, but in the past year we have learned to be less sanguine about the benefits we hoped for. Many argued that with the end of the Soviet Empire there would be little need for military forces. The ending of the Cold War has not brought about, as Professor Fukuyama has suggested, "the end of history." History continues to be made every day, in the hills of Bosnia, in the dusty streets of Somalia and in the underground bunkers of North Korea.

In the past year a diverse set of national security problems has demonstrated a critical need for strong, flexible and ready military forces.

Today they are deployed around the globe in a variety of postures—peacekeeping, peacemaking, border monitoring, humanitarian relief, and deterrence through presence. Some troops overseas are in garrisons, some are deployed for training, but more than 80,000 are this day involved in active operations, daily engaged in difficult duties that only they have the skills and training to accomplish.

This past year has reemphasized that old threats can still pose new dangers to peace and security—I refer to the potential for conflict on the Korean Peninsula. The prospect of the rogue regime of North Korea acquiring a nuclear weapons capability to add to their massive conventional forces is emblematic of proliferation problems we face. We are continuing aggressive diplomatic efforts to deal with this nightmare scenario, but the presence of 100,000 US soldiers, sailors, airmen and Marines in the Western Pacific is a major factor in our deterrence planning.

We also have seen that the road to democracy and stability in Russia is going to be rocky and twisted. The emergence of powerful reactionary forces is challenging progress toward the building of democratic institutions and traditions. No national security issue is more important to us and to our children than a stable government in Russia dedicated to democracy.

Of course we cannot control the outcome of events in Russia—only the Russian people can; but we can have a significant positive influence. President Clinton has made assisting Russian democratic reform a top national security priority. And the Department of Defense has played a key role in this effort.

We have initiated actions to facilitate a safe and speedy reduction in nuclear forces. The trilateral nuclear agreement recently signed by Presidents Clinton, Yeltsin and Kravchuk is a concrete result of these actions.

We have initiated actions to assist US businesses in the effort to convert Russian defense enterprises to the production of commercial products.

We have promoted military-to-military contacts at every level. Whatever happens in Russia, the military will continue to be an influential institution, and we want to do what we can to encourage the Russian military to be a force for reform, not an opponent of reform.

And President Clinton's leadership has been instrumental in launching the Partnership for Peace initiative with NATO. The Department will have the key US role in carrying out the practical implementation steps.

All of these efforts are dedicated to supporting the Administration's efforts to integrate Russia with the rest of the world and lock in democratic reforms. These efforts are conditioned on progress. We must stay engaged with our Allies in case the process is reversed, but we must be patient and not be deterred by temporary setbacks.

These are just several examples of the important and diverse missions that the US military is performing and will continue to perform in the post-Cold War era.

All of these missions are occurring in a period of declining defense budgets. The decline is consistent with the reduced threat to the United States and US interests. But it does present us with the difficult problem of managing these assets and forces during the transition.

Historically we have not managed well such budget declines and attendant downsizing. The experiences are well known and well documented. The rapid contraction after World War II gave us forces which were inadequate to the challenge of the onset of the Korean War. The post-Vietnam downsizing gave us the "hollow force" of the mid-70's. This time we must get it right, or we will pay the cost later either in blood or treasure or both.

This is the daunting challenge facing the Secretary of Defense today, and I understand the difficulty of the problems I will face if I am confirmed. I am proud of the confidence shown in me by President Clinton in asking me to undertake the responsibilities of the US Secretary of Defense.

Broadly summarized, I see those responsibilities falling into six areas.

First, the Secretary of Defense has the responsibility to oversee the Joint Staff and the CINCs in their direction of military operations. If I am confirmed as Secretary, I pledge to give first priority to reviewing and assessing war plans and deployment orders, and I pledge to provide the required support to CINCs as they direct our forces in the field.

Second, the Secretary of Defense has the responsibility to ensure readiness through oversight of the services as they equip and train our forces. They are right now, as President Clinton said: "they will remain the best equipped, the best trained, and the best prepared fighting force on the face of the earth."

Third, the Secretary of Defense must be a key member of our national security team.

President Clinton, in his recent summit meetings, demonstrated the vision we need. But the waters are uncharted, and we owe the President our best advice and counsel in planning strategy as we maneuver through the shoals of the post-Cold War era. If confirmed, I pledge to work constructively and with the best of my ability as an active member of that team, fully engaged on all issues of national security significance.

Fourth, the Secretary of Defense is responsible for the military component of our national security strategy. This requires strong relations with the respect for the military leadership so we can make full use of their talents and expertise to get the best ideas and options. Secretary Aspin left us an excellent legacy in his Bottom Up Review. We will build on that excellent base. If confirmed, I pledge to lead a strong team effort, of military and civilians alike, in the Department to prepare the military strategy and options we need.

Fifth, the Secretary of Defense must prepare for approval by the President and congress the annual defense budgets which make difficult resource allocations and program decisions. If confirmed, I pledge to work with the military and the Congress in that effort. But I will not shirk from making the tough choices necessary to ensure we provide the nation with the ready forces necessary to carry out our strategy.

Sixth, the Secretary of Defense must manage resources, particularly during this difficult drawdown period. If confirmed, I pledge to institute innovative management techniques, to vigorously foster acquisition reform and to preserve the necessary industrial base. I also pledge to tell you what help I need from Congress to allow me to fulfill this responsibility.

Finally, Mr. Chairman and members of the committee, I pledge myself to the service of the men and women who today wear the uniform of the United States military, and to those men and women who will wear it in the future.

In the Pentagon, in the stairwell near my office, is a painting of a soldier in church praying with his family, perhaps before a deployment overseas. Below it are inscribed the words from Isaiah: "Whom shall I send and who will go for us?" The men and women in uniform have responded to the nation's call with, "Here am I: Send me." We owe them, I owe them, my best possible effort, and they shall have it.

Thank you very much.

Mr. WARNER. Madam President, Dr. Perry spoke eloquently about the challenges which face our Nation and which he, in particular, will face if he is confirmed by this body as the Secretary of Defense. He also pledged his best possible effort to the men and women in uniform who serve our Nation.

Dr. Perry has demonstrated the highest standards of professionalism and experienced success in positions of great responsibility in both the Government as well as the private sector. His knowledge of Government acquisition is without equal and will continue to be of great value to the Department of Defense as we strive to achieve more and more defense out of each dollar we spend.

I was impressed, by the way Dr. Perry considered the impact on his family prior to accepting the President's nomination to this demanding position. Having met his family, I understand clearly why they would be a factor in his decision-making, but his taking the time to consider the impact of his decision on his family says a great deal about this man.

One of Virginia's greatest statesmen, Thomas Jefferson, once said, "God grant that men of principle shall be our principal men." Bill Perry is such a man.

The President has chosen wisely by sending forward a nominee of such stature and character and I urge my colleagues to vote in favor of his nomination.

Madam President, in closing, I would also like to say a few words about my good friend and colleague, Les Aspin with whom I worked many years on national security issues here in the Congress and during his tenure as the Secretary of Defense. Les Aspin has given greatly and unselfishly of himself to the Nation and has had a great impact on this Nation's military forces and the successful outcome of the cold war. He was also one of the first and most steadfast supporters of President Bush's stand against Iraq in the war in the Persian Gulf.

I am sure that all my colleagues join me in thanking Les for his great service to the Nation and in wishing him success in all his future endeavors. I hope that we will not lose his great expertise in national security issues and that he will continue to contribute in some way to those matters that affect the security of this Nation.

Madam President, I yield the floor.

Mr. THURMOND. Mr. President, I inquire if there are any more Republicans who wish to speak on this nomination. If not that is all we have.

STATEMENT ON THE NOMINATION OF DR. WILLIAM J. PERRY TO BE SECRETARY OF DEFENSE

Mr. SIMPSON. Mr. President, I am very pleased to see that the nomination of Dr. William J. Perry—to be Secretary of Defense—was reported out of the Armed Services Committee by a unanimous vote today. Dr. Perry has been the number two official at the Pentagon for the past year. Prior to his Pentagon experience, he was recognized for his brilliant work in Silicon Valley. Because of his work on the stealth fighter, which we saw so effectively used in the Persian Gulf war, he has been called the father of stealth technology.

At his confirmation hearings this week, he addressed all questions posed to him in a remarkable fashion. During the committee hearing, Secretary-designate Perry talked about the possible tragic quagmire we may yet face in North Korea. He feels that we should use a "carrot and stick" approach in North Korea. I would agree with him, but I feel we should be more coherent than we have been to date.

North Korea must realize that they must conform with international law and the International Atomic Energy Agency's ruling regarding the inspection of nuclear weapons. Unfortunately, this administration has sent mixed signals to North Korea, and I would hope that policy does not continue under William Perry.

I know this man. I met him when he was serving in the Carter administration. I have high personal regard for him. He will do us proud. My wife Ann and I wish him and his fine and capable wife Lee, our very best in their new endeavors for our country.

I urge my colleagues to join me in supporting this nomination.

Mr. KENNEDY. Madam President, I know that in just a few moments the Senate will be voting on Bill Perry to be the Secretary of Defense. I look forward to voting for Bill Perry for that position. Many of us know of the very effective work he has done in the Defense Department a number of years ago and during these recent months as Deputy Secretary of Defense.

All of us who have watched Bill Perry, have been impressed by the contributions he has made to public policy, even when he has not been in the Defense Department—even when he was not serving in any administration. This was true at Stanford University; true at the National Academy of Sciences. He worked as one of our most important and distinguished advisers in the Office of Technology Assessment, at a time when the OTA had become one of the most invaluable institutions available to this Congress in making tough and difficult decisions on matters of technology. His life has been associated with public service, and all of us who know him and who have worked with him know that we are extremely fortunate to have his continued service as the Secretary of Defense.

I applaud the work of a very valued and dear former colleague of mine, Les Aspin, and pay tribute to his very distinguished life and service as a Congressman, as chairman of the Armed Services Committee in the House, and as Secretary of Defense. I look forward to his continued involvement in public policy, and I look forward to voting for Bill Perry.

Mr. BAUCUS. Mr. President, I wish to express my wholehearted support for the nomination of William J. Perry to be the next Secretary of Defense. Mr. Perry's eminent career both with the Government and in the private sector demonstrates that he is the man that the Department of Defense needs at this critical juncture. The country is indeed fortunate that the President of the United States has tapped this very capable man to lead the Defense Department.

Mr. Perry's distinguished career is part of the public record, so I will not reiterate his many accomplishments now. Nevertheless, his career shows an

individual who is highly qualified to manage the needed reductions in the Defense Department while at the same time ensuring that the United States remains capable of defending freedom and protecting democracy around the world. His initiatives to streamline the defense acquisition process, while saving the taxpayers a great deal of money, will cut needless bureaucratic red tape and make the process more responsive to our operational commanders. Furthermore, his understanding of the defense industrial base will ensure that much needed capabilities in the industrial base are retained and that needless duplication is eliminated. We should all be optimistic about the future of the defense establishment while it is in the hands of this very capable individual.

I would like to add that, from my personal experience, I have found Mr. Perry to be very helpful when dealing with the Congress and to be sensitive to local needs. In Livingston, MT, it appeared that a contentious issue was developing over the construction of a tower for a relay node of the Ground Wave Emergency Network. Mr. Perry's personal intervention as the Deputy Secretary of Defense quickly averted any chance for continued controversy, and as a result, the interests of national security and the local community were served equally well. Mr. Perry's sound and sensitive judgment made the difference.

So, Mr. President, I add my strong support in favor of Mr. Perry's nomination to be the next Secretary of Defense. His capable leadership and sound judgment will successfully take the Department through the interesting challenges that lie ahead. I look forward to working with him on the many important defense issues that are in front of us.

Mr. McCAIN. Mr. President, I wish to express my support for the nomination of Dr. William Perry to be Secretary of Defense. During this period of continued uncertainly in the world, it is essential that the Pentagon have a strong and steady voice in the formulation of our national security policy. I hope that his counsel will be taken seriously.

I am very concerned about both the size and the pace of defense reductions. Since 1985, the national defense budget has declined by 34 percent, and if we continue down the track laid out last year by the Clinton administration, we will have reduced real defense spending by 43 percent by 1998. The devastating impact of the planned future cuts will greatly exceed the level of pain experienced by defense industry and the Armed Forces in the drawdown to date.

One of the greatest responsibilities of the Secretary of Defense is to ensure that adequate resources are available to maintain the capability and readiness of our Armed Forces to ensure our security, respond to future crises, and support our international commitments. I seriously question whether this administration's Defense budget is adequate to sustain the force levels required to carry out the stated strategy.

And one of the greatest challenges facing the new Secretary of Defense, regardless of the budget topline, will be to manage the ongoing builddown of our military forces. Some hard decisions are required to ensure that scarce defense dollars are wisely spent.

I am very concerned about the deleterious impact of steadily declining Defense budgets on the All Volunteer Force, on the men and women in uniform, especially minorities, and on military families. The current drawdown of over 400,000 military personnel and another 100,000 civilians has created severe hardships for those involuntarily separated from the force, even though transition benefits are in place. We will need to watch carefully how many service members voluntarily accept transition benefits as we continue to draw down the force, and we may want to consider fine tuning this program if the results are not as beneficial as expected.

In addition, the negative impact on recruiting, as well as morale and unit cohesion in the Active Force, is becoming more serious. These factors, if ignored, will seriously impair our Nation's ability to deal effectively with any future national security threats.

Within this body, I intend to pursue the elimination of unnecessary and wasteful pork-barrel spending and earmarking, which could save as much as $5 or $6 billion every year for important military requirements. And this figure does not even include the cost of the *Seawolf* submarine program—a high-technology boondoggle—which is the largest single pork-barrel item in the Defense budget today. Funds set aside for these programs could instead be used to minimize further end strength cuts and for other validated military requirements. I hope that Dr. Perry will act decisively to propose rescission of unauthorized appropriations and congressionally earmarked funds.

Another place to look for funds that could be better used to fund military requirements is in the defense conversion accounts. I applaud the impetus behind allocating defense funds to convert defense industries to commercially viable enterprises. However, my fears have been realized: Defense conversion has become a slush fund for Congress to earmark dollars for noncompetitive university or institutional grants with little or no benefit for either the military or commercial enterprise. We should look carefully at the Technology Reinvestment Program and other accounts to ensure that the billions of dollars set aside for conversion are used for their intended purpose.

Mr. President, I know that Dr. Perry shares my goal of maintaining a high level of readiness of our much smaller military force. As early as last July, when I asked for information from the Service Chiefs, I found that serious indications of declining readiness had already emerged in many areas. Again, dollars wasted on pork-barrel projects could be spent for training, depot maintenance, spare parts, and other areas where the readiness trends are declining. I look forward to reviewing the fiscal year 1995 budget request with an eye toward rectifying these problems, and I trust Dr. Perry will work with the Congress to ensure that these shortcomings are addressed quickly.

Finally, on the issue of defense industrial base requirements, the Congress anxiously awaits the Department's recommendations on this urgent issue. It has become a popular political tool to claim that any program which may be cut or reduced is somehow vital to the defense industrial base. That claim helped defeat my amendment last year to reassess the Seawolf Program. Industrial base concerns have been invoked for everything from ammunition plants to manufacturers of chemical protective clothing. We need the input of the Department of Defense in order to properly assess these statements. I am confident Dr. Perry will do everything possible to submit the Department's views to Congress as quickly as possible.

Mr. President, I must also note that I intend to pursue with Dr. Perry an area of serious disagreement on a policy matter. I have had the opportunity to review a Brookings publication entitled "A New Concept of Cooperative Security," which Dr. Perry coauthored. To my dismay, this publication appears to set forth a premise which is a matter of some concern to me; namely, that multilateral cooperative engagement is the new strategic imperative which should take precedence over actions based on unilateral national security concerns. In addition, many of the statements made in the paper appear to endorse the establishment of a standing U.S. military force—a prospect with which I strongly disagree. I have not had an opportunity to raise these issues with Dr. Perry, and I hope that he will be able to clarify his views on these matters.

Mr. President, Dr. Perry's qualifications are impressive, and he has an excellent record of public service. I support his nomination and look forward to working with him during a very challenging period for the Pentagon and for U.S. national security overall.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1382, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 1382 offered by the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER [Mr. DASCHLE]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—75

Akaka	Domenici	Lugar
Baucus	Dorgan	Mack
Bennett	Durenberger	Mathews
Biden	Exon	McConnell
Bingaman	Faircloth	Mikulski
Bond	Ford	Mitchell
Boren	Gorton	Moseley-Braun
Bradley	Graham	Murkowski
Breaux	Gramm	Nunn
Brown	Grassley	Packwood
Bumpers	Gregg	Pressler
Burns	Hatch	Pryor
Byrd	Heflin	Reid
Campbell	Helms	Robb
Coats	Hollings	Rockefeller
Cochran	Hutchison	Roth
Cohen	Johnston	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simpson
D'Amato	Kerry	Smith
Daschle	Kohl	Thurmond
DeConcini	Lautenberg	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wofford

NAYS—22

Boxer	Hatfield	Murray
Bryan	Inouye	Pell
Chafee	Jeffords	Riegle
Danforth	Kassebaum	Simon
Feingold	Leahy	Specter
Feinstein	Levin	Wellstone
Glenn	Metzenbaum	
Harkin	Moynihan	

NOT VOTING—3

McCain	Nickles	Stevens

So the amendment (No. 1382), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

NOMINATION OF WILLIAM J. PERRY, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE

Mr. MITCHELL. Mr. President, the vote about to occur on the Perry nomination will be the last vote today.

The PRESIDING OFFICER. Under the previous order the Senate will now vote on the confirmation of William Perry to be Secretary of Defense.

The question is, Will the Senate advise and consent to the nomination of William J. Perry, of California, to be Secretary of Defense?

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. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—97

Akaka	Faircloth	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—3

McCain	Nickles	Stevens

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania

AMENDMENT NO. 1384

(Purpose: To encourage local educational agencies and schools to enter into a contract with a private management organization for the reform of schools)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. DOLE, proposes as amendment number 1384.

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

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

The amendment is as follows:

On page 66, line 23, strike "; and" and insert a semicolon.

On page 67, line 2, strike the period and insert "; and".

On page 67, between lines 2 and 3, insert the following:

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

On page 90, line 11, strike "(I)" and insert "(J)".

Mr. SPECTER. Mr. President, in consultation with the managers of the bill, I had arranged to submit this amendment next and will not take a great deal of the Senate's time because it has been agreed to by both managers. I consider this to be a very important amendment, Mr. President. I am sure all my colleagues will want to hear the details of this amendment.

This amendment provides for the private administration of public schools. It may turn out to be a very important experiment which could materially improve the educational system in the United States.

More accurately, and with some elaboration, it provides that funding under this bill may be allocated by local school boards, at their own discretion, to hire private management organizations to administer the operation of their schools.

This is an idea which has been gaining currency in the United States with a company known as Education Alternatives, Inc., which has established contracts for the private administration of schools in Baltimore, MD, Minnesota, Arizona, and Florida.

The activities of Education Alternatives, Inc., in some 9 schools in the city of Baltimore is most impressive. The Appropriations Subcommittee on

Labor, Health, and Human Services and Education, held a hearing on January 25 and heard extensive testimony on this subject. Those offering testimony at the hearing included the superintendent of schools for the city of Baltimore, Mr. Walter G. Amprey, and the chief executive officer of Education Alternatives, Inc. Mr. John T. Golle, who testified about their experience with the nine Baltimore schools. On the surface, this testimony was very impressive.

On a dissenting note, Ms. Bella Rosenberg, assistant to the president of the American Federation of Teachers, did offer a challenge to this testimony calling for an objective evaluation of what has happened in the Baltimore schools. However, based on the testimony of the superintendent of schools and the chief executive officer of Education Alternatives, Inc., the early results have shown substantial promise.

An important thing to note on this amendment is the fact that it is not mandated, it is not Federal policy. Instead, it is only an alternative which the school administrators may consider when they receive funding under this legislation.

Mr. President, the issue of public administration received quite a boost, at least publicly, when the president of Yale University, Dr. Benno C. Schmidt, left that prestigious position to take a position with the Edison Project. When I noticed that Benno Schmidt had undertaken this type of activity, I sought a meeting with him, and after some considerable discussion was very much impressed with the undertaking.

When I first heard about administration of public schools for profit, it, frankly, was somewhat surprising, and very unusual. But after careful consideration, it seemed to me that if the private administration of public schools could attract people of the caliber of Benno Schmidt, and we could have the advantage of his insights, his initiative, and his experience, it was certainly an idea worth pursuing.

In addition to Dr. Schmidt, Mr. Golle, Mr. Amprey, and Ms. Rosenberg, we also heard testimony from the superintendent of the schools of Washington, DC, Dr. Franklin L. Smith, who testified about the deep interest of Washington, DC officials in experimenting with this program.

We also heard testimony from Mrs. Patricia Parham, with experience in Dade County schools in Miami, FL, from Mr. Dennis Doyle of the Hudson Institute, who testified that it was a matter worth experimenting, and from Mr. Thomas Payzant, Assistant Secretary for the Department of Education.

The bulk of their testimony was to the effect that private management is something which should be looked at closely.

That, Mr. President, is the essence of the amendment. We will, however, have to have further tests, in greater detail, to see precisely how it is working. But with this bill in the Senate it seemed to me this was a good opportunity to include private management as an alternative which school boards may explore with the funding provided in this bill. It is for those reasons I have offered the amendment and have sought the agreement of the managers of the bill.

Mr. President, I believe that widespread public concern about the inadequacy of our education system demands that we test any and all promising avenues for school reform. The challenge is to find new and better ways to teach our Nation's 43 million schoolchildren. This takes new and innovative ideas. It also means finding new approaches to free up teachers and school administrators from noninstructional duties, allowing them to devote more time and resources to the task of educating our children. As a member of the U.S. Senate subcommittee that last year appropriated more than $28.7 billion for education programs, I take this challenge seriously. That is why I recently called a Senate hearing to learn more about an idea now being tested by a handful of school districts—contracting with private firms to manage some facets of public school education.

The past few years have seen the emergence of a number of private firms offering to assume certain aspects of school operations, including day-to-day administration, teacher training, and other noninstructional activities. Typically, these companies will manage the school for the same average cost, about $5,900 per pupil, incurred by public schools. Initially, the companies invest their own capital in securing and upgrading the learning environment by repairing and modernizing the school building, and installing state-of-the-art computers. After that initial investment, the onus is on the companies to reduce school operating costs while maintaining quality educational results. A portion of the money saved through management efficiencies is reinvested in the school. Since the remaining allocation is profit to the management firm and there is a presence of competing firms, the incentive for accountability is likely to be greater than that of our present system of monopoly.

Among those at the hearing were school superintendents, union representatives, education policy experts, and the heads of two private management firms. Each lent his or her own unique perspective on the idea.

Former Yale President Benno Schmidt explained the Edison Project's school design which calls for a longer schoolday and year, a student teacher ratio of 17 to 1, and innovative teaching ideas to foster long-term sustainable relationships between teachers and students, and teachers and parents, by having students taught by the same teacher for a period of 3 to 4 years. But Mr. Schmidt also talked of strict accountability—accountability that is different from the current school systems and that is—if the private firms fail to deliver and do not improve educational services to students, then they will be fired.

John D. Golle, CEO of Education Alternatives, Inc. [EAI], the firm currently managing schools in Maryland, Minnesota, Arizona, and Florida, told the committee that companies like his aim to do for public schools what Federal Express and the United Parcel Service did for the U.S. Postal Service—they introduced competition, and made mail service in the United States the best in the world.

In Baltimore, where nine schools are being run by EAI, preliminary results are encouraging. Student test scores are beginning to show improvement, absenteeism is on the decline, and school facilities are gradually being transformed. Baltimore City Superintendent Dr. Walter Amprey reported seeing an increased level of parental involvement and greater interest in computerized instruction. Perhaps most importantly, Dr. Amprey views the link between public education and business as a way to untie the hands of educators and at the same time instill accountability in our education system.

D.C. School Superintendent Franklin Smith, also testified concerning preliminary plans to turn over a portion of the District's schools to a private firm. Smith views private firms as a way of avoiding the slow-moving school bureaucracy and quickly pumping money into schools for facility improvements.

Bella Rosenberg, assistant to the president of the American Federation of Teachers told the committee that the AFT has been "willing to entertain any idea, within the bounds of mortality, to reinvent our public schools and to make them first and foremost more effective and more efficient." She also stated that the federation was not opposed in principle to a role for private management companies in public education. However, she expressed reservations regarding the results these management companies could produce in education in terms of effectiveness or efficiency.

When I first thought of the concept of schools for profit, I found it different, if not disquieting. And then, after careful consideration, I said, "Why not?" I think we ought to be looking at every alternative we can find, which offers any prospect for improving our educational system in this country.

I am not the only one considering this alternative. During his State of

the Union Address, President Clinton endorsed the idea of private school management companies when discussing the Goals 2000 legislation. He talked of "empowering individual school districts to experiment with ideas like chartering their schools to be run by private corporations."

Accordingly, I am offering an amendment to the pending legislation to ensure that private management companies will have an opportunity to form partnerships with public schools and give school administrators an option though the use of funds awarded to them by the Federal Government. My amendment would not require, but allow funds under this legislation to be used to support activities for planning, startup costs, and evaluations for school systems that wish to contract with private management companies.

Although this amendment addresses only one possible method of reforming our schools, I believe that it merits a thorough review process. I urge my colleagues to support this amendment to ensure the most efficient and accountable educational system for today's students, and to provide the next generation with the most promising opportunities to learn.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. Mr. President, just very briefly, we urge the Senate to accept this amendment. It is supported by the administration. I believe there was this kind of flexibility in the legislation initially. This makes it more explicit, and we support the amendment.

Mr. JEFFORDS. Mr. President, I also want to join in commending the Senator for his amendment, and I know of no objection on this side. I think it is an excellent addition to the bill.

The PRESIDING OFFICER. If there is no further debate—

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator DOLE be listed as an original cosponsor.

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

Mr. SPECTER. One further comment is in order, Mr. President. That is that a commendatory reference was included in the President's State of the Union speech, as Senator KENNEDY has stated. There is support by the administration, by the President himself in that speech.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment (No. 1384) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for 3 minutes.

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

INSURANCE SALES ACTIVITIES BY BANKS

Mr. DODD. Mr. President, as many of my colleagues know, I have been for many years concerned about the sale of insurance products by our Nation's banks. Over the past 2 years, banks have dramatically expanded their insurance sales activities. This has occurred not as a result of sound policy choices made by the Congress but, rather, as a result of creative legal interpretations by Federal bank regulatory agencies.

As a result of these interpretations, we have reached, in my view, the absurd point where we now have financial regulation by loophole. I believe Congress ought to put a halt to the further creation by the regulators of what has become a hodgepodge banking system. We ought to provide sound, coherent and consistent policy on the sale of insurance products by banks. Congress must meet the challenge posed by the D.C. Circuit court last July by enacting legislation clarifying congressional intent on insurance powers of national banks.

For several months, Mr. President, I have been working with a number of banks, insurance agents groups, and insurance companies to craft a reasonable amendment to deal with banks' sales of insurance.

Unfortunately, it has become apparent to this Senator that while I could possibly get such an amendment through the Banking Committee, I do not think such an amendment has enough horsepower or interest to move beyond the committee.

More importantly, it is also apparent that we have reached an ideal time to pass legislation which is enormously critical to me and to the long-term health of our banking system, and that is interstate banking legislation.

Today the House Subcommittee on Financial Institutions Supervision, Regulation and Deposit Insurance approved interstate banking and branching by unanimous vote of 29 to nothing. As the Senate sponsor of interstate legislation and a strong, consistent advocate of branching efforts, I am very pleased that this important legislation has moved one step further to enactment.

While I continue to support legislation to rationalize bank sales of insurance, I do not want to hold up interstate branching legislation. Therefore, Mr. President, I am announcing today I will drop my efforts to link legislation affecting the insurance powers of national banks to interstate legislation. I do not want to compromise interstate legislation by linking these two issues, which I think would defeat or severely slow down the full branching legislation.

Therefore, when we have a markup on the 23d of this month in the Banking Committee on interstate banking, I will not be offering that insurance amendment, nor will I offer it during floor consideration of interstate.

Full interstate branching is needed to streamline administration, improve bank efficiencies, ease regional economic slumps, boost consumer conveniences, ameliorate the impact of future credit crunches, and enhance the safety and soundness of the banking industry.

Let us move forward and get an interstate bill ready for the President's signature by Memorial Day.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. 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.

The Senator from Nevada [Mr. REID] is recognized.

AMERICA'S HEALTH CARE IN CRISIS

Mr. REID. Thank you, Mr. President.

This past Friday, I was honored to welcome and host First Lady Hillary Rodham Clinton at a health care forum for Nevada's health care professionals and providers in Las Vegas.

The purpose of the forum was to educate providers about the President's bill and to address the specific concerns about health care reform. The First Lady in Las Vegas last Friday outlined the President's Health Security Act and the health care benefits that will be afforded all Americans under this plan.

Most importantly, Mr. President, Mrs. Clinton devoted more than an hour to answering specific questions from the provider audience. The audience was made up of physicians, hospital administrators, State officials, rural health providers, nurses, representatives from our medical school, and Nevada's nursing schools.

It was not necessary to include the general public in this forum or in these discussions because the citizens of Nevada know that there is a health care crisis in existence today. They live with it every day. It is an issue that affects the financial, emotional, and physical stability of Nevadans and every American.

We thought it was important to have the health care providers share their

questions and their concerns with the First Lady and help them understand how the American public and the people in Nevada feel about this crisis.

We have all often described the health care crisis in statistical terms. There are upwards of 40 million Americans uninsured, many millions more that are underinsured. Every month, 2 million people lose their health coverage. Health care costs are approaching $900 billion a year. And this year, Mr. President, health care costs will go up over $100 billion.

So the total health care costs of this country after this year will be near $1 trillion. Even though health care costs will go up over $100 billion this year, our health care will not be any better. If health care costs are not brought under control, Americans will be spending $1 out of every $5 they earn on health care in less than 7 years. That is by the year 2000.

While these figures are alarming and say much about our current system, let us not forget that there are faces behind these statistics that I will enumerate and that we have heard talked about so often. People who can paint a picture for us of the crisis we are currently facing in health care more powerfully than any statistics we have seen or heard.

President Clinton brought the plight of two of my constituents, Richard and Judy Anderson, of Reno, NV, to national attention in his State of the Union Address. In September 1989, Judy Anderson suffered a brain aneurysm. It was the second one that she had suffered. She was in intensive care thereafter for 21 days and had many more days of recovery. Richard, her husband, had recently lost his job and the family's health insurance. Before Judy was well the Andersons had a hospital bill for over $120,000 and thousands and thousands of more dollars in medical bills from doctors and other providers.

Although Richard soon went back to work, the hospital bills, with the money that he made, were still insurmountable. High medical costs and a health insurance system that is broken eventually forced the Andersons into bankruptcy.

No one sums up the health care crisis we are facing better than Mr. Anderson in his letter to Mrs. Clinton. "Mrs. Clinton", he said "no one in the United States should have to lose everything they have worked for all their lives because they were unfortunate enough to become ill."

That says it all. But the Andersons are not alone, Mr. President. They are not the only citizens of my State who are feeling the pain of the health care crisis. They are not the only people in the United States that are suffering from the health care crisis.

Before attending the health care forum, Mrs. Clinton had the opportunity to tour the University Medical Center, a county hospital located in Las Vegas. Almost 30 years ago, Mr. President, I was elected—it was my first elective job—to the county board of this hospital that she toured.

On her tour of University Medical Center, the First Lady met with many Nevadans who know that there is a crisis. Mrs. Clinton shared with the providers attending the forum the compelling stories of three families she had met while at this hospital, UMC. I would like to share these stories with the American public and the Members of the Senate.

Pamela Hinkley of Las Vegas has four children, is 8 months pregnant, and uninsured. To insure Pamela would drive up the cost of her family's insurance another $300 a month. A sum the family could not afford. Curtis and Pamela Hinkley, faced with the difficult circumstance of having to decide whether to insure their four children or Pamela, decided to insure their children. Now, 8 months pregnant, Pamela and her husband Curtis are faced with choosing between making the family house payment or providing Pamela with a $1,200 pain-blocking epidural for the delivery of her child. A tough choice for Pamela who delivers 10 pound babies and received two epiduarls during her last delivery. Mr. Hinkley expressed regret and a sense of failure to Mrs. Clinton on his inability to provide insurance for his family. Mrs. Clinton responded quite accurately. It is not Mr. Hinkley who has failed. It is a system that has failed.

Then, there is the story of Mr. and Mrs. Bittman. Mr. Bittman is chronically ill and Mrs. Bittman suffers from severe diabetes. Two and a half year ago, Mrs. Bittman lost her job as a bookkeeper. Prior to losing her job, she and her husband had insurance through Mrs. Bittman's employer. For 3 years, Mrs. Bittman had to go without insurance and Mr. Bittman was forced to apply for county assistance to cover the cost of his medication. Although Mrs. Bittman is now covered by Medicare, this couple continues to suffer from the inequity and inadequacy of the current health care system.

Finally, I would like to share the story of a Las Vegas carpenter. A man who was unable to provide health insurance for his family because his company only offers this benefit to upper management. This man and his wife recently had their second child. Desperate to provide his family with health security, this man approached his employer and asked for a cut in pay to quality his wife and children for Medicaid, the only access to medical care available for his wife and children. This is a family who has seen the American tradition of hard work and reward shattered. It no longer holds true that the harder you work, the more you have. In this case, the trade off was the opposite.

Mr. President, I would submit to my colleagues the same challenge offered by President Clinton in his State of the Union address. For those who say there is no health care crisis, I would like them to tell that to the constituents whose stories I have shared with you today. Because, as the President cannot tell the Anderson's there is not a crisis, neither can I tell my constituents that there is no crisis. The facts are too glaring and the stories too painful to ignore any longer.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN and Mr. DOMENICI pertaining to the introduction of S. 1824 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REAFFIRMATION OF THE ROLE OF STATE AND LOCAL GOVERNMENTS IN EDUCATION

Mr. ROTH. Madam President, I am offering this amendment to the committee substitute to S. 1150 to reaffirm the role of State and local governments in education. During our debate on this bill the distinguished chairman of the Senate Labor and Human Resources Committee, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, have outlined in their statements with respect to the committee substitute that we in no way intend to preempt State and local government responsibility for education through enactment of this legislation. Language has been added to the bill by Senator GREGG which stipulates certain activities such as per pupil spending, school building standards, curriculum content, class size, teacher certification, or instructional practices may not be mandated. However, because the issue of State and local control of education is so critically important I feel it is imperative that we underscore this principle. That is the purpose of my amendment.

The legislative process involved in the creation of the Department of Education was lengthy and deliberative. The Government Affairs Committee held over a dozen hearings, taking testimony from 125 witnesses over a 2-year period. In elevating education to department status the Congress hoped to achieve two primary benefits. The first benefit was to enhance the stature of education and emphasize the importance we attach to education in this country. The second benefit was to bring a focus to our educational effort at the Federal level. As a component of the Department of Health, Education, and Welfare educational leadership was fragmented under three different officials with over 40 statutorily created bureaus and offices; the "E" in HEW was thought to be overwhelmed by the demands of Health and Welfare which

constituted 95 percent of the budget of HEW at that time.

A principle concern in the creation of the Department was the careful construction of the perceived Federal role in education in our country which is supplementary and complimentary to the efforts of State and local governments. Educational governance at the State and local level has a long and solid history in our country and the legislation creating the Department clearly sets out this principle in the statute itself. I worked in the Government Affairs Committee with Senator DANFORTH and my colleagues at that time to clearly establish congressional intent with respect to the conduct and operation of our educational programs to ensure that the rights of State and local governments were protected in this regard. Senator Ribicoff, our able chairman of the committee at the time was fully supportive of our effort and intent. The amendment I am proposing today is a reaffirmation of this declaration.

Mr. President, the publication of the landmark report "A Nation At Risk" in 1983 dramatically highlighted our disappointing, some might say dismal, educational performance and brought into sharp focus the need to attend to improvement in our educational system. Scores of other reports followed and the educational reform movement began.

I have a very serious concern that the quest for improvement in educational achievement and performance may lead some to assert Federal preeminence in education. Our educational system is enormous and diverse. Over 60 million people—almost one out of every four Americans—is enrolled in school at the elementary, secondary, or postsecondary level. Another 3.7 million people are employed as elementary and secondary teachers and faculty of colleges and universities, and 4 million more work in the administrative, professional, and support staff functions. In addition thousands of everyday citizens participate in State and local school boards covering over 15,000 school districts and 110,000 schools. I think the plurality in our educational system is one of our great strengths as is the notion of equality and access to educational opportunities. I strongly believe that results in achieving the educational goals enunciated by our Governors and codified in the committee substitute to S. 1150 can only be realized through State and local control. Educational improvement is dependent upon the input of parents, teachers, principals, school administrators, and the students themselves and this can only be fostered at the State and local level where responsiveness and innovation can occur. I think it is critically important to recognize this principal and to reaffirm the rights and responsibilities of our State and local governments in education.

It is my understanding that the committee substitute for S. 1150 has been designed with the principle of State and local control in mind. Section 402 of the committee substitute to S. 1150 specifically stipulates that nothing in the bill be construed to supersede the provisions of section 103 of the Department of Education Organization Act. As the author of the section 103 language I think we must underscore this point with even greater clarity. The language of my amendment is taken directly from Public Law 96-88, the Department of Education Organization Act. It includes the language from the findings under the act that in our Federal system the responsibility for education is reserved respectively to the State and the local school systems and other instrumentalities of the States. My amendment includes the language from the Act which stipulates that the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education and it includes the language from the Department of Education Organization Act which states that Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. My amendment reaffirms that we agree with these principles and that no action shall be taken under the provisions of the Educate America Goals 2000 Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, or otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

Madam President, it is my understanding this amendment is satisfactory to the managers of the bill.

I look forward to it being adopted.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Vermont.

Mr. JEFFORDS. Madam President, first I commend the Senator for his amendment. It is very articulately stated and very clear, as to what the intent is. It will be very helpful as we proceed into conference.

I also know the bill is no longer pending. I would let the Senator from Delaware know that I know of no objection to this on this side of the aisle and Senator KENNEDY is authorized to say there is no objection on the other side of the aisle. I will make sure it is contained in the management package which will be put before this body.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who seeks recognition? The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1825 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, following my good friend and colleague, the Senator from Arkansas, I want to now address some remarks to the health care problem facing our country. I do so because there is a clear issue that is before us. It is an urgent matter, and we have heard a lot said and have seen a lot written just in the last several days about it.

Frankly, our country has been facing a health care crisis now for many years. Based upon my own experience from holding now over 40 public hearings on the issue of health care reform and, in the course of doing those hearings, testimony from hundreds of individuals, I can state on the Senate floor that a crisis does exist and that we must pass comprehensive health care reform and we must pass it this year.

I am pleased that we finally have a President and a First Lady who have brought this issue to the forefront and who are leading the effort to deal with it.

As this debate goes forward, I think we have to stay focused on why we need reform. We have to stay focused on real people who are everyday being hurt by the problems in our health care system and who cannot solve those problems by themselves and who need our help.

The number of Americans that did not have health insurance sometime during the year of 1992 is said to be 38.5 million people. Of that number, 24 million did not have any health insurance coverage at any time during that year.

Millions of Americans who do not have health insurance coverage through their employer simply cannot afford to buy private insurance on their own. It is just too expensive and it becomes more expensive everyday.

Let me tell you the case of Veronica McClellan who lives in Westland, MI, who cannot afford to buy health care insurance. Veronica is a 55-year-old widow who had never worked outside her home. Sadly, her husband died this last year, leaving her with no income and no health insurance.

Veronica is not eligible for Medicaid because she does not meet the eligi-

bility criteria which generally require that a single woman be very disabled or on welfare. She is also not old enough to be eligible for Medicare.

Last year, Veronica was diagnosed with breast cancer, and just last month she underwent a complete mastectomy. But she has no income or health insurance to pay for the cost of this surgery which she needed literally to save her life.

The bill for her hospitalization is so far beyond her means that right now she does not even know how much the final cost will be, how many multiples of thousands and probably tens of thousands of dollars that it will be. She knows, moreover, that she cannot afford to go to a physician for the kind of proper followup care that she should get after major surgery because of the cost involved there, and again no health insurance in place.

Without health insurance or outside income, she has had to rely upon her daughter to pay all of her medical bills, and this, of course, has become an enormous strain on her daughter.

Many more of those who lack insurance are unable to get insurance simply because they need it. They cannot buy insurance even if they have the money. Our current system allows people who need coverage the most to be denied the health insurance coverage because of what the insurance companies call preexisting conditions.

Last October, I told the Senate about Joan Kachadourian from Gibraltar, MI. Joan can no longer work because of a heart condition. Her husband, Lesley, does work but his company does not offer health insurance. Joan has been denied health care coverage by insurers because of her preexisting health condition. So the simple fact is she cannot get the insurance precisely because she needs it. She needs it and therefore she cannot have it. Unfortunately, her condition is getting worse because she cannot afford the treatment.

That should not happen in this country, and that is a crisis for her. It is a crisis for countless thousands, tens of thousands of other people like her across this country. They are waiting for action. They are waiting for action by us, and they deserve to have action taken.

The health care crisis is also hurting American businesses because of the skyrocketing premiums that they are paying to cover their employees. Health care costs to businesses are rising an average of 15 percent each year. Some large companies such as the auto manufacturers in my home State of Michigan are hurt even more because they have on average an older work force with greater health care needs and because they also pay the health coverage for their early retirees until they reach the age of Medicare.

Small businesses are hurt because they have to pay significantly higher rates for the same coverage, and their rates go up even if just one employee should get sick and file a claim.

I took the Senate floor before to give an example of a small business owner who was being crippled by health care costs. I described that last summer. Douglas Erwin owns a small fruit and vegetable market in Novi, MI. He has 15 employees and provides coverage for his full-time workers and their families. Douglas provides insurance because he understands how important the coverage is. Two of his own sons have had very expensive health problems. But his costs of providing that coverage has doubled over the past 5 years. In 1988, his business had a profit margin of $39,000, and that was after a year of very hard work. But last year his profits were only $5,000 because his health care costs had risen so high. Small businesses like this cannot afford to keep paying these exorbitant costs and hope to stay in business.

So it is a crisis for him as well as many other small business owners across the country who are trying their best to provide health insurance for their workers.

So we have to reform our health care system because of the lack of security and the high costs of our present system, and that is hurting everyone in the end. As I say, we have to do it this year.

I have cosponsored President Clinton's reform plan because I believe it establishes the right goals. I do not say that it is perfect in every respect, nor does he. We will make changes in it as we go along. But that bill would make certain that everybody in this country had coverage, that it was coverage they could afford and it would never be taken away. It would mean people like Veronica McClellan, instead of now being in this terrible situation, would have some economic security with her health problems. And Joan Kachadourian the same thing; she would have the security of guaranteed health coverage that she needs and I think deserves to have, and it would control the costs of businesses providing coverage to their workers. So I am going to do everything I can this year as the chairman of the health care subcommittee for families and the uninsured on the Finance Committee to see this gets done.

I wish to add one other comment.

I have noticed, as have others, in the last 2 days some of the business organizations in the country that have come out against the President's plan—I was very disappointed to see that—the chamber of commerce today, the Business Round Table yesterday.

Frankly, I think a mistake in strategy was made in allowing the NAFTA proposition to go forward ahead of health care reform. Now, I happened to be on the other side of the NAFTA issue. I thought it was a mistake then, and I think it is a mistake now. I think future events will prove that to be so. Nevertheless, the administration was very much in support of NAFTA.

But I think by giving that issue to the business community, which wanted it very much, a top priority of the business community because they saw it as a way to make money in many cases by moving jobs to Mexico, despite claims to the contrary, but once they got the dessert, then all of a sudden they did not want to have to eat the spinach which is required to do serious health care reform with the kinds of cost controls that could work.

The fact that those things were put in the wrong order is nothing we can change now, but there is a powerful lesson there, and it ought not to be lost on anybody who is thinking about how to sequence these legislative items. We should have taken health care first, and after health care then we could have dealt with NAFTA. I think I can, based on the logic and the common sense of it, pretty much guarantee that we would have had a lot more people out of the business community if health care had come first with the prospect of NAFTA coming second than having done it the other way around. It is too late to change that now except to draw a lesson from it so that we do not make that kind of mistake again in the future.

I thank the Chair. I thank my colleagues. That completes my statement on this issue.

REPORT ON TRIP TO HONDURAS, EL SALVADOR, AND NICARAGUA

Mr. LEAHY. Mr. President, from December 6 to 9, 1993, I traveled to Honduras, El Salvador, and Nicaragua in my capacity as chairman of the Foreign Operations Subcommittee. The purpose of my trip was to discuss with local and U.S. officials the implications of the decline in U.S. foreign assistance to these countries, as well as issues specific to each country such as the elections and increase in violence in El Salvador and the proposed release of $40 million in economic assistance to Nicaragua. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

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

U.S. SENATE,
Washington, DC, January 31, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: During the December recess, with your approval, I traveled to Honduras, El Salvador and Nicaragua. I am making my trip report available to you in the hope that it will be of use to the Appropriations Committee as it considers continuing economic assistance to those three countries.

With best regards.

Sincerely,

PATRICK LEAHY,

Chairman; Foreign Operations Subcommittee.

TRIP REPORT, SENATOR PATRICK LEAHY, HONDURAS, EL SALVADOR, NICARAGUA, DECEMBER 6–9, 1993

From December 6–9, 1993, I traveled to Honduras, El Salvador and Nicaragua in my capacity as chairman of the Foreign Operations Subcommittee. The purpose of my trip was to discuss with local and US officials the implications of the decline in US foreign assistance to these countries, as well as issues specific to each country such as the elections and increase in violence in El Salvador and the proposed release of $40 million in economic assistance to Nicaragua.

HONDURAS

I spent one and a half days in Honduras. In addition to receiving the country's highest award (the Grand Cross of the Civil Order of Jose Cecilio del Valle) in recognition of the Vermont-Honduras Partners, I met with President Callejas, Foreign Minister Carias and other Cabinet members, the Commissioner for the Protection of Human Rights, US Ambassador Pryce and other US officials.

Honduras recently held national elections which were universally regarded as free and fair. The National Party, which had held power, was defeated. The new Liberal Party President, Carlos Roberto Reina, who is considered honest and a strong advocate for human rights, will be inaugurated January 28, 1994. He has said that his priorities will be strengthening civilian control over the military, fighting corruption, and reducing poverty.

In my meeting with President Callejas, I raised two cases involving property owned by American citizens which have been confiscated without compensation. With respect to the Louis Vallentine case, although the Government concedes that compensation is due, it says it does not have the necessary funds. I was told by Callejas and the Mayor of Tegucigalpa that the municipality is willing to provide Vallentine with comparable property which he can then sell, although efforts by the Embassy to secure such an offer in writing had so far failed. The Holly Adams Damon case is significantly more complicated since it involves confiscation of the property by a former business partner and outgoing Member of Congress. However, Callejas agreed to look into it further.

I also discussed with Callejas a case involving the disappearance of two Honduran men which was the subject of a claim in the Inter-American Court of Human Rights. The Court ordered the Honduran Government to pay compensation, but because of the Government's delay and subsequent currency devalutions, the Government failed to pay the full value of the award. President Callejas did not dispute that the former government had failed to pay on a timely basis, but he was pessimistic that full compensation could be provided because of the precedent he said this would set for others who would claim to have been injured by the devaluations. However, in later discussions of this matter with Ambassador Pryce and Commissioner Valladares, Valladares suggested that if the parties could agree on an amount to resolve the case, incoming President Reina, formerly a justice on the Inter-American Court, would probably support legislation to provide this amount.

Callejas and Foreign Minister Carias asked me if the United States would assist Honduras get rid of the landmines along the Honduran-Nicaraguan border, which continue to kill and maim civilians living in that area. I told them that since the funds for demining had been included in the Defense Appropriations and Foreign Operations legislation at my initiative, I would pursue this with the Administration.

I traveled to Lake Yojoa, where I met with representatives of US AID, an NGO named "Global Village," and the Peace Corps. They are collectively supporting a rural education project designed to assist local communities in protecting the threatened watershed of the Lake Yojoa region. I also visited Santa Rosa de Copan, to observe a road construction project financed by US AID.

EL SALVADOR

I spent one day and a night in El Salvador. I delivered a speech to several hundred recruits at the National Police Academy, visited the Divine Providence Orphanage in Santa Tecla, visited a prosthetics workshop for war wounded, met with President Cristiani, had lunch with approximately 30 government, FMLN, church, business and other private sector leaders, and met privately with Ambassador Flanigan, other Embassy officials, and members of the foreign press.

El Salvador is in the midst of an historic election campaign. I found general agreement that, after a slow start, the process of registering voters was a success. (Some observers believe that the Government's effort to register large numbers of eligible voters in the three months before the November 20th deadline was due in large part to the withholding of economic assistance by the Congress.) Approximately 588,000 of the 785,000 newly registered voters are first-time registrants. According to the Embassy, if all those who registered actually vote, the number who vote will exceed 80 percent of eligible voters. However, Ambassador Flanigan agreed with me that if the Government is unable to provide voting cards to all registered voters, any person who can prove he or she has registered should be permitted to vote. I was told that the UN also takes this position, and I stressed the importance of all registered voters being permitted to vote in my meeting with President Cristiani.

In addition to the upcoming elections, a focus of my discussions was the recent resurgence of violence, some of which appear to be politically motivated. Several FMLN leaders have been assassinated, including one candidate for the Central American Parliament who was gunned down the morning I left El Salvador. I was told, belatedly, that earlier on the day of my visit President Cristiani had met with members of the foreign press who he blamed for suggesting that the recent killing may have been committed by right-wing death squads, a suggestion he denied. President Cristiani told me that there is evidence that the murder of FMLN leader Francisco Velis, was a common crime. I was later told by an Embassy official that the Embassy does not give much weight to this view. Apparently, the evidence President Cristiani was referring to is that the gunman, before shooting Velis, demanded his car. The gunman then got into a getaway car and fled without Velis' car.

I also discussed with President Cristiani the decline in US foreign assistance to El Salvador. I said that this trend will continue due to overall cuts in foreign aid and the shift in the Congress' attention to Russia, although I believe the US still has significant interests in Central America that warrant continued US assistance.

NICARAGUA

I spent a half day in Nicaragua, where I met with Ambassador Maisto, US AID Mission Director Ballantyne, other Embassy officials, President Chamorro, and members of her cabinet.

President Chamorro, the UNO and Sandinista parties have been locked in a political stalemate for close to a year. I was told by Ambassador Maisto that in the meantime, although inflation has been cut to almost zero, the economy has continued to weaken, unemployment remain high, poverty has increased, human rights abuses have gone unpunished, and the investigation of the May 1993 arms cache explosion is still incomplete. US officials said the Government was making progress in resolving the American property cases, although it was not moving as fast as it should particularly on cases involving confiscation by the Government. Ambassador Maisto argued that despite the generally gloomy picture it was essential that $40 million in Economic Support Funds be released to demonstrate continued US support for President Chamorro. He said that the political stalemate was largely due to extremists on the right and left who believe that the US no longer supports her, and that if they refuse to compromise her government may fall.

In contrast, Nicaraguan officials insisted that they are on the right track and the economy is on the mend. Whether or not this is true, shortly after my trip, a compromise was reached which may break the logjam in the National Assembly and permit the legislature to function again.

I told US AID Mission Director Ballantyne that the emphasis of the US assistance program should be on addressing urgent social needs such as health, education, and unemployment. She said this will be the focus in the future.

I told President Chamorro that support for substantial aid to Nicaragua has all but evaporated in the Congress. I said that while I recognize a strong case can be made for the release of the $40 million requested by the Administration, I do not expect such large amounts of aid to be provided in the future. I also stressed that I believe the Government needs to put more effort into investigating and prosecuting human rights cases.

TRIBUTE TO SENATOR JOSEPH HURST BALL

Mr. DURENBERGER. Mr. President, I rise today to pay special tribute to former Senator Joseph Hurst Ball, who passed away December 20, 1993.

Joseph Hurst Ball was born November 3, 1905, in Crookston, MN, a pleasant farming community in America's heartland. But from these humble beginnings he would grow up to make his mark in foreign affairs, advocating as a U.S. Senator policies that would help shape a new Europe after the Second World War.

Appointed to the U.S. Senate in 1940 to complete the term of Senator Ernest Lundeen, Senator Ball advocated American intervention in the war in Europe. He recognized then what we understand so clearly today—that the fate of our Nation is linked closely to that of the rest of the rapidly shrinking world. Senator Ball was deeply concerned that Americans understand and

support these international relationships.

Senator Ball was instrumental in moving Congress to support the formation of an international dedicated to assuring collective security. This consensus proved central in framing the authority of the United Nations.

Economic development was central to Senator Ball's plans for rebuilding Europe. His insistence on the development of closer linkages between Western European nations after the war was a significant factor in the formation of the Organization of European Economic Cooperation, the precursor to today's Common Market.

Mr. President, Senator Bell has left us with the gift of foresight, a vision of a world bound politically and economically to international cooperation. It is not exaggerating to say that a great deal of Western Europe's peace and prosperity of the past 50 years—and by extension, much of the post-war global economic boom—rests in no small way on Senator Ball's contributions.

FOSTER APPLIED TECHNOLOGY CENTER STUDENTS

Mr. MITCHELL. Mr. President, I rise today to recognize the extraordinary efforts of a group of Maine high school students in the ongoing efforts to rebuild Homestead, FL.

Last month, our Nation watched in horror the devastation caused by the California earthquake. We were reminded once again of the sometimes overwhelming power that Mother Nature can unleash.

In August of 1992, another natural disaster struck our Nation. Hurricane Andrew came ashore at Homestead, FL, destroying homes and seriously disrupting residents' lives.

Today, more than 16 months later, the effort to rebuild continues. Countless volunteers have donated goods and services. In January, a group of high school students from Foster Applied Technology Center in Farmington, ME, returned from their second trip to Homestead.

These students used the carpentry skills they have learned in school to help reconstruct homes for Florida families still living in temporary housing. Students have installed roof trusses, braced and framed houses to meet Florida codes, sheathed, papered and shingled roofs, and framed interior walls and partitions.

Not only were the Foster Technology students able to do much work themselves, but they also shared their talents by teaching less skilled volunteers.

Many high school students travel to sunny Florida during school vacations to relax and play. These students, however, went to Florida with a greater purpose: to help people. I commend and thank the students and staff of Foster Applied Technology Center for their commitment to the Yankee work ethic and their hard work on behalf of the people of Homestead.

THE INTEGRITY OF FEDERAL STUDENT AID PROGRAMS

Mr. PELL. Mr. President, as the chairman of the Subcommittee on Education, Arts, and Humanities, I am dedicated to ensuring that our student aid programs serve the purpose for which they are intended: to provide access to quality educational opportunities for deserving students. I am equally dedicated to doing everything possible to safeguard these essential programs from those who would defraud and abuse them.

Mr. President, I read with great concern the New York Times articles on fraud and abuse in our student aid programs. In view of those articles, I think it important to note that today, the Department of Education, under the able leadership of Secretary Riley, is working to reverse the downward spiral in student aid program review and administration that occurred during the 1980's. Secretary Riley clearly understands that the public's confidence in our student aid programs depends, in large measure, upon its confidence in the Department's ability to effectively administer those programs, to root out abuse, and to punish those who would cheat or defraud the Government. I applaud his ongoing efforts to strengthen the operation and oversight of our vital student aid programs.

I also wish to applaud our most able colleague, the senior Senator from Georgia, SAM NUNN, for his continuing efforts to ensure the integrity of these programs. As Senator NUNN knows, my subcommittee took very seriously the recommendations of his Permanent Subcommittee on Investigation to strengthen the loan program. Indeed, most of those recommendations were included in our 1992 reauthorization bill.

Like his earlier student loan program hearings, I anticipate that Senator NUNN's recent work on abuses in the Pell Grant Program will produce important information that will help us to strengthen that program. I was pleased to testify at the first of two hearings on Pell grant abuses Senator NUNN conducted last October and I look forward to continuing to work closely with him as he holds additional hearings on the student aid programs in the near future. Senator NUNN has my assurance that I stand ready to work with him to develop any necessary changes to current law.

Mr. President, I wish to highlight some of the most significant actions we have taken, to date, to end student aid program abuses. In the early 1980's, we focused on efforts to recover money from those who did not repay their loans. We required that loan defaulters be reported to credit agencies so that failure to repay their loans meant they could not get a credit card or borrow money to buy a car.

We also put into place and made permanent the requirement that the tax refunds of defaulters be withheld. This provision caused a storm of protest from deadbeats who had not repaid their loans. It has also resulted in the recovery of an estimated $2 billion in defaulted loans.

Since 1986, Federal law has required students to maintain at least a C average or its equivalent in order to continue receiving Federal student aid. We also require that the student must be working toward a degree or certificate, and not just taking a course because of personal interest.

In 1987, in response to growing student default rates, the Senate adopted an amendment to cut off school participation in the loan program if the institution had a default rate in excess of 25 percent. After passing the Senate several times, the legislation was finally enacted 4 years ago. To date, nearly 400 schools have been dropped from the program as a result of this legislation. This year, additional schools with default rates above 25 percent for the past 3 years will become ineligible.

But whatever we do and whatever we require, the Department must be diligent in its enforcement of the law. At the default hearings the Education Subcommittee held in 1987, we found that annual institutional program reviews by the Department of Education had dropped by two-thirds, from 1,200 a year to 400. This disturbing reduction in program reviews occurred at the same time the student loan programs were growing. To put it simply, Mr. President, the policeman had been taken off the beat. I believe we all know what happens when that occurs.

Following our 1987 hearings, we developed even more comprehensive legislation to curb default problems. With the cooperation of former Secretaries Cavazos and Alexander, many of these reforms were implemented through Federal regulations. The problem, however, remained that the Department had so severely cut back personnel that unless a problem bubbled to the surface, it often went unnoticed and uncovered.

When we reauthorized the Higher Education Act in 1992, we enacted numerous program reforms that are just now being implemented. Included in the new law are provisions that: Require that short-term programs maintain at least a 70-percent completion and a 70-percent placement rate to participate in Federal student aid programs; ban from student aid programs for-profit schools that derive more than 85 percent of their total revenues from such programs; require that

schools have in effect a fair and equitable pro rata refund policy; and bar schools from using paid recruiters to attract students.

The 1992 amendments also strengthen the three legs of the triad, which consists of State oversight and licensing, accreditation by a separate and independent accrediting body, and institutional eligibility and certification by the Department of Education. Last week, the Department issued proposed rules to implement the new statutory provisions that strengthen the roles of the States and accrediting bodies.

As the New York Times articles point out, the law now contains a list of triggers, and a school that trips any one of these triggers must undergo rigorous State review. To assist States in performing these mandated reviews, we provided $5 million last year and an additional $21 million for this fiscal year. Under the 1993 budget bill, States that fail to take this mandate seriously will end up owning the Federal Government a share of the default costs for schools that exceed a 20 percent cohort default rate. Some of the schools that have been the subject of recent investigations by the GAO and the Senate Permanent Subcommittee on Investigations would indeed trigger such a review under the new law. Still others would be identified as a result of the mandatory recertification review required by the 1992 amendments.

Mr. President, we have evidence that our program integrity efforts are meeting with success. The national default rate has fallen from 22.4 percent in fiscal year 1990 to 17.6 percent in fiscal year 1991, the most recent year for which we have data.

The Department of Education has doubled the share of initial institutional applications for student aid that are rejected—from 17 percent and 44 denials in 1990 to 35 percent and 87 denials in 1993.

The Department has increased the number of LS&T [Limitation, Suspension, and Termination] actions taken from 70 in fiscal year 1990 to 168 in fiscal year 1993. Although the actual numbers are not yet official, the Department plans to significantly increase the number of staff devoted to institutional gatekeeping and monitoring in the current fiscal year.

The Department will increase from 300 in fiscal year 1993 to approximately 1,000 in fiscal year 1994 the number of institutions on a reimbursement system. In other words, those institutions will not be permitted to automatically draw down student aid money. This number compares to a total of 6,300 institutions that are certified to participate in the Pell Grant Program. Further, higher education technical amendments enacted late last year will strengthen the Department's ability to place these institutions on a reimbursement system—without concern that abusive schools may be able to block its action through litigation.

The number of institutional reviews—which fell below to 400 during the mid-1980's—will increase from 600 in fiscal year 1993 to about 1,000 in fiscal year 1994.

The Department expects that the States, in carrying out their new responsibilities pursuant to the 1992 amendments, will review 1,600 institutions this year alone. For fiscal year 1995, the Department is requesting funds sufficient to enable States to conduct reviews of 2,000 institutions.

Mr. President, as I stated at the beginning, we have two equally important objectives: One to make sure that students who receive aid are deserving of that aid and take their responsibilities seriously and, two, to make certain that the schools who participate in Federal aid are on the up-and-up and provide a quality education.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, February 2, the Federal debt stood at $4,524,359,010,160.50, meaning that on a per capita basis, every man, woman, and child in America owes $17,353.92 as his or her share of that debt.

HONORING NED GUTHRIE

Mr. SIMON. Mr. President, I am proud to offer into the CONGRESSIONAL RECORD a statement in fond memory of Mr. Ned Guthrie, who passed away January 28, 1994.

Many of my colleagues will recall Ned's tireless work on behalf of musicians. I had the opportunity to work with Ned for several years on the Live Performing Artists Labor Relations Amendments (Live PALRA), which is designed to correct several longstanding inequities in our Nation's labor laws.

It seemed as if Ned was always working toward the advancement of equity for musicians. Whether it was writing letters and articles or making countless telephone calls, he did so with such earnestness, sincerity, optimism, and personal commitment—that many were inspired to join his efforts. Having worked as a musician, he had personal experience regarding the many injustices musicians had faced and continue to face. I suspect that many of my colleagues would not be the strong supporters or cosponsors of legislation like Live PALRA, but for Ned's diligence.

I would like to share with my colleagues a 1990 article from the Charleston Gazette about Ned. The article highlights Ned's career as a musician. In the early 1960's, as member of an integrated band, Ned fought racism while touring the South. I ask unanimous consent that it be printed in the RECORD following my remarks.

Mr. President, I offer my sincere sympathy to his family and friends in this time of loss. Ned will be missed by many. I encourage my colleagues to join me in honoring his work and his memory by working toward the enactment of the Live Performing Artists Labor Relations Amendments.

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

[From the Charleston Gazette, Nov. 1, 1990]

A CAREER OF NOTE

(By Sandy Wells)

"You could start a fight there with two or three people, and in five minutes there would be 300 people scuffling and police trying to get through. Up and down the street, it would be the same thing.

"I was in the middle of all that," Ned Guthrie said.

Actually, he was beneath all that. In the late 1930s, amid the night life noise on Summers Street, you could hear Guthrie and the Charlestonians playing in the basement of the Lincoln Hotel. Strains of "Chattanooga Choo-Choo" and "Marie" blared up through the Fife Street grates.

For seven years, six nights a week, Guthrie packed them in at the Rathskeller. Fights broke out down there, too. "As soon as a fight would start, I would jump over the bandstand. The drummer would get one guy and I would get the other one, and we'd hustle them out. It got hectic sometimes."

Through five decades, he played on riverboats and radio, at colleges and hotels, prisons, fraternal lodges, for vaudeville and circuses and Broadway stage shows, in speakeasies and beer joints and ballrooms and a cavalcade of nightclubs all over the East Coast.

Nothing compared to the Rathskeller.

"The traveling bands would come in and ask the bellboys where the action was. Well, there were a lot of places, but the bellboys would say, 'There's only one place.' They knew where the women were. They knew we had the three ingredients—wine, women and song."

Today, a hump in the carpet at the Fife Street Shoe Shop marks the closed staircase that led to the hidden door. Except for the terrazzo floor, the basement looks like an ordinary storage area. Around the corner on Summers Street, the only vestige of the Lincoln Hotel is a peeling gold-lettered sign camouflaged in the remodeled entry.

Back when Guthrie played in the basement, "Summers Street was called the Street of Dreams, because it was so exotic when dark came along. It was thriving with human beings after dark."

Bluebloods and blue-collar workers walked the street with streetwalkers from the Triangle District, attracted by the hotels, honky-tonks and movie houses, vaudeville shows at the Kearse Theater, the comings and goings at the Greyhound bus station.

From preachers to prostitutes, just about everybody ended up in the Rathskeller. "The reason it got to be popular is the Triangle District was still around and there were a lot of ladies of the night. Most of them came to the Rathskeller. We had preachers there, too. And Statehouse people. And country club people. It was very cosmopolitan. It wasn't lowlife. It was a mixture of everybody.

"The Rathskeller was the most famous place that's been here in all the years I have lived."

Ned Guthrie has lived 80 years, most of them as a musician, much of them as a force in the American Federation of Musicians. Fingers that tickled the clarinet keys aren't as nimble now. He doesn't talk as fast. Or walk as fast. Arthritis destroyed his knees. But time has not tampered with his memory. From his musical boyhood, Guthrie can trace, in minute detail, a lifetime devoted to music.

As a grade school boy, he played the drum for the march to recess. He drummed ahead of the Bigley School contingent in an all-city parade of schoolchildren.

As a sixth-grader in Morgantown, he fell in love with classical music. "The teacher played records. I heard one tune I can remember today as vividly as if it was this morning. It was Barcarolle from Tales of Hoffman. The melody of it and the rhythm of it was so simple, and it haunted me all the time."

As a high school band member in Point Pleasant, he realized musicians could be treated unfairly. Band members were told to report at 9 p.m. to go play somewhere, he said. "I could tell we were going to the baseball field, but it was pitch dark, not one light on anywhere. The band director said we wouldn't be able to see to read music, so he picked a tune everybody knew. I could hear horses. When those lights came on, there was a big flaming cross on the pitcher's mound and around that baseball diamond was a solid ring of white hoods and Ku Klux Klansmen, and it scared the living daylights out of all of us.

"It was a pretty bad thing for me, and I never did get over it because it was just plain exploitation and racial and un-American, and I was uncomfortable with that."

Another incident stuck in his craw. The band took a wearisome trip to Gallipolis to play for presidential nominee William Jennings Bryan. The band director got $50. "We didn't get anything. I didn't much like that."

Then, in 1930, when he was playing with Del Willis and the Kentucky Wildcats, a promoter took them to a concert site with a piano, but no chairs. "He said, 'Oh, I'll go get the chairs.' That was early May of 1930, and he hasn't come back yet. That made up my mind.

"The Ku Klux Klan thing, and the boat ride, and that guy going after those chairs, those were the three things that made me join the union."

Most people know Guthrie as a pioneer of the state Musicians union, a national union official, the man who almost single-handedly won a war to repeal the Lea Act, a law that barred musicians from bargaining collectively with broadcasters.

His years as a union leader have been documented much more closely than his career as a bandstand musician.

At Charleston High School, band director J. Henry Francis, groomed him to make a living professionally. "He taught me how to sing when I don't have a voice and taught me stage presence. He taught me how to act because I was in the school musicals. J. Henry taught me how to control an audience."

After high school graduation in 1927, he went to work in a wholesale grocery house in Rainelle, and ended up forming a band, the Midland Trail Five. "One night I made $56 playing with the band, the most money I'd ever made. I made up my mind to give up the wholesale grocery and go to Montgomery to school." At New River State College, forerunner to West Virginia Tech, he got a scholarship in return for playing at school social events.

But college couldn't compete with an offer to play in a full size Charleston band, Charlie Giles and the Vagabonds. They played weekends on the third floor ballroom of the Kearse Theater.

Itching to go on the road, he got a job playing with Del Willis in Harlan, Ky. After the manager ran off with the band's money, the group regrouped under a new name, Mark Groff's Wonder Orchestra, and traveled through New York State, Tennessee, Pennsylvania and the eastern Kentucky coalfields.

Eastern Kentucky was tough terrritory. "We went into one place called Corbin. There was a table sitting over by the bandstand and I put my alto sax case there and the tenor sax player said, 'You can't put that there. That's the gun table.' I said, 'What do you mean, the gun table? There's nothing on there.' Well, he helped me put my things in another place and sure enough, when the crowd started coming in, the men would walk over and put their guns on the table. That was to prove to everyone that they were gentlemen and everyone trusted everyone."

He broke his father's heart when he turned down an appointment at the Naval Academy to travel with various bands.

Still on the road in 1933, he met Gladys Evans, his wife of 57 years. Her pregnancy in 1935 brought him back to Charleston, where he found steady work with his band at the Rathskeller. "I made $18 a week, union scale. Between 4 and 7, I taught lessons for 75 cents."

One of his music students remains forever in his mind. He wanted to change his class time so he could go to basketball practice. "This kid had no coordination playing that cornet, so I told him, 'You'll never make a basketball player.' That was the biggest mistake in the world. The student was Jerry West."

Throughout Guthrie's career, as advances in music narrowed playing opportunities for live musicians, he began to see a need for union involvement. "The first thing that happened that was bad for musicians were motion pictures with sound. I played some in the pit for silent movies, at the Avalon Theater in Montgomery when I went to school up there. When talkies came along, they stopped that. Then along came records and jukeboxes. We played for our funeral when we made a recording because the recording replaced live musicians."

The advent of the jukebox cost him his job at the Rathskeller. "The jukebox operators went into places where we were playing and said, 'Why pay this band $90 a week when you can put in a jukebox and make $65 or $70 a week?' So they got a jukebox and got rid of us."

He found a new job at the Gypsy Village in the basement of the Ott Building. When the jukebox was turned on during band breaks, Guthrie would cut short intermission and play along with the jukebox. "I had to sell the idea that we were better. A record isn't visual. I put a bucket on top of my head and played the clarinet just to attract attention. A jukebox couldn't do that. I clapped my hands. The jukebox couldn't do that. We'd start playing louder and louder until I signaled the waitress to pull the plug on the jukebox.

"The dance floor would be full of dancers, but they weren't dancing to the jukebox. They were dancing to us. Soon, all the people who were going to Rathskeller were coming to the Gypsy Village. They asked us to come back to the Rathskeller. All together, we played there six and a half years."

In 1942, he went to Nashville to play with the staff band for WSM Radio. By 1944, he was back in Charleston, playing at the Blue Room beside the Arcade.

"The soldiers came home and everything boomed. Moose Clubs became popular, and American Legions and VFW's popped up in every little town." Business dropped off at the Blue Room, so he quit and started playing the area clubs. When federal crime busters removed lucrative slot machines, clubs pinched for money had to cancel dances. Guthrie formed a bigger band and spent the next two decades playing for country clubs, dance clubs and nightspots around Charleston.

Before he battled for musicians' rights, Guthrie fought racism. In 1960, a country club in Charleston wanted to cancel a 12-dance contract if Guthrie didn't replace Jo Baby, his black vocalist. "The president's wife objected to Jo Baby using the women's room. I said, 'I'm going to drive up there and unload my band, and if you don't let me play all 12 dances, I'm going to sue for everything you've got.' He backed down."

They were booked for a dinner-dance at the Daniel Boone Hotel, but the sponsor forgot to arrange for them to eat, Guthrie said. They were directed to the main dining room. A black band member, knowing he wasn't welcome, refused to go in. "We drug him in there to eat. We broke the color line right there."

In 1953, with musician friend Jim Beane, Guthrie opened the Guthrie-Beane Music Co., opposite the Arcade. "That was my day job." The store eventually moved to Quarrier Street, where it stayed for 22 years.

At age 63, deeply involved in union struggles, he sold the store, handed his band to Mel Gillespie, and concentrated on abolishing the Lea Act.

President of the union local from 1977 to 1982, and a state and national officer, he believed the act forbidding bargaining with broadcasters was oppressive. He worked for eight years to get it repealed.

He also worked to build up the union locally. "We had problems here. As far back as 1959, musicians in the Symphony were playing for $5 a concert."

Guthrie doesn't think much of the music foisted on youth today. "If I was young and doing it again. I'd probably be learning to jump around like the music on MTV. But that's not music. That's photography, sex and violence. There is no melody. Try to hum one tune they do on there."

If he were young and doing it again, is there anything he'd do differently?

"Yeah," he said. "I'd change the pay scale."

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

Mr. GRASSLEY. Mr. President, I would like to take a moment to note that today is the eighth annual celebration of National Girls and Women in Sports Day and to express my appreciation for the hard work and dedication of America's female athletes.

In 1992, the Senate passed Senate Joint Resolution 329 and the House passed House Joint Resolution 546, both designating February 3, 1994 as "National Girls and Women in Sports Day." This legislation was signed into law on October 28, 1992 and became Public Law 102-252.

The Women's Sports Foundation first organized this day of commemoration in honor of Olympic volleyball star, the late Flo Hyman who led the U.S. women's volleyball team to its first medal during the 1984 Olympic Games. Flo Hyman's life was cut short when she died of Marfan's syndrome on January 24, 1986.

Each year, the Flo Hyman Memorial Award is given on this day to a female athlete who has demonstrated Flo Hyman's "dignity, spirit, and commitment to excellence." Past winners have included Hall of Fame golfer Nancy Lopez, basketball great Lynette Woodard, track star Jacki Joyner-Kersee, as well as other outstanding women athletes.

Several other major organizations have joined in coordinating and sponsoring events for today's celebration. This year the Women's Sports Foundation, Girls Inc., the National Association for Girls and Women in Sport, the YWCA of the U.S.A., and the Girl Scouts of the U.S.A. have all worked together on events for this day honoring America's female athletes.

National Girls and Women in Sports Day emphasizes the importance of athletics in assisting girls and women in developing confidence, initiative, self-discipline, and leadership skills that are crucial not only in the field of athletic competition, but also in the keenly competitive world we all face today. Athletics teach the value of hard work, dedication, and perseverance in the face of any kind of obstacle. It provides lessons in the importance of physical fitness and teamwork that prove helpful throughout life.

Last fall, it was announced that in preparation for today's celebration, a poster identifying a number of women who have achieved firsts would be created. Among those honored by the poster are Julie Krone, the first woman jockey to win a Triple Crown race; Wilma Rudolph, the first American woman to win the 500 meter speedskating event at two consecutive Olympics; Trischa Zorn, the first blind athlete to receive a full athletic scholarship, and so on.

Mr. President, we Iowans are justifiably very proud of our State's female athletes, so I hope it does not sound too presumptuous in stating that we our female athletics are likewise first in many areas.

As a prime example, just this past October, ABC News showcased the University of Iowa as, and I am quoting, "a national model of acceptance and commitment to gender equity."

The news story was about title IX, a law passed over two decades ago to provide women athletes equal opportunity in participating in sports and in the availability of funding and scholarships. Unfortunately, much more progress must be made around the country, and in fact, a number of lawsuits have been filed to enforce title IX.

But let me share with my colleagues what ABC's reporter Armen Keteyian said, and I quote:

> Other schools are finding it doesn't have to be that way. Here at the University of Iowa, where Hawkeye football is king, there has never been a need for a Title IX threat or a lawsuit, for Iowa has become a national model of acceptance and commitment to gender equity.
>
> In fact, Iowa is ahead of its time—one of only seven schools in the country with its own women's athletic director, whose department boasts nationally-ranked field hockey and basketball teams and women's participation levels among the highest in the nation, with plans to go even further. By 1997, Iowa has declared it will be the first school in the nation to reach complete gender equity, even if it means cutting men's sports.
>
> Women athletes at Iowa are winning, thanks to a university that's acting, not reacting to Title IX.

Mr. President, it is important to note that the driving force behind not only Iowa's progress toward gender equity in athletics, but also efforts nationwide, is the University of Iowa's women's athletic director, Christine Grant. She assisted the Office of Civil Rights in drafting the original title IX guidelines that apply to women's athletics, and has testified before Congress about the need for further progress. And she led the fight to gain the Big Ten Conference decision to become the first athletic conference to adopt a position of gender equity.

Furthermore, under Christine Grant's leadership, the University of Iowa's women's teams have won or shared over a dozen Big Ten titles. In yet another first, this season, Iowa's women's athletic department has issued a nationwide challenge with the first National Women's Basketball Attendance Challenge.

Mr. President, I realize that the Flo Hyman Memorial Award given on National Girls and Women's Sports Day is presented to athletes of great achievement who have served as great role models for girls and women across the country.

But perhaps in the coming years, eligibility for this award can be expanded to include great pioneers like Christine Grant who for years have literally fought in the trenches to pave the way for a better future for American female athletes. She has provided the inspiration and the perspiration in the cause for gender equity. I hope the Women's Sports Foundation will take my suggestion under serious consideration.

Mr. President, Iowa can be proud of many, many other efforts toward encouraging and supporting female athletics. The State of Iowa fields over 2,500 girls high school teams competing in the 10 different sports. And every Iowa high school participates in at least three girls sports—softball, basketball, and volleyball. In all, these 2,500 teams provide the opportunity for 71,600 girls to participate in interscholastic athletics.

Iowa is the only State in America which sponsors high school co-ed tournaments in golf and in tennis. Also very noteworthy is the fact that this spring will mark the 75th anniversary of the Iowa Girls' High School State Basketball Tournament. Iowa girls softball, golf, and tennis celebrates their 39th anniversary; track and field its 33d; cross country its 20th; swimming its 27th; and volleyball its 25th. And all of these programs were implemented well before title IX mandated girls' activities in 1972.

Mr. President, in closing, it is abundantly clear that Iowa takes its female athletic programs very seriously, and it is a privilege today to pay tribute to Iowa's accomplishments during National Girls and Women in Sports Day.

THE DOWNWINDERS

Mr. HATCH. Mr. President, I hope my colleagues and the American people saw the ABC News show "Turning Point" last night. The show told the stories of a few of America's cold-war casualties, the downwinders. The downwinders of southern Utah are a clean-living, healthy people who were visited with a deadly, cancerous plague from the nuclear fallout blown downwind from the Nevada test site. The stories of disease and death were wrenching; the stories of Government lies, shocking. But most tragic of all, Mr. President, is the fact that the stories of the Nissons, the Jolleys, the Petersons, and the Picketts are not the only downwinder stories. No, their stories of lost loved ones are repeated hundreds, and even thousands of times, across southern Utah, across the Western States—and perhaps across the entire country.

Mr. President, Quentin Nisson was not the only one to lose a brother. Helen Jolley was not the only one to lose a husband and a son. Claudia Peterson was not the only one to lose a daughter. Elmer Pickett was not the only one to lose a wife, a sister, a niece, and so many others. And they are not the only ones who have borne their loss with dignity, and suffered their Government's indignity with grace. No, Mr. President, these qualities are a birthright of a people whose pioneer progenitors forged life out of that desert land, of a people who made the wasteland blossom into a homeland when the United States of their generation expelled them. The downwinders naturally come by a collective character as rugged as their rugged country.

The downwinders are people who have given greatly, but have expected little, from their Government. But after a generation of deaths and Government lies and denials, their pa-

tience ended. When I came to Congress in the late 1970's, I took up their fight. And after more than a decade, after lost court cases and other setbacks, the downwinders won a victory in Congress. With the passage of the Radiation Exposure Compensation Act of 1990, many of those affected by the fallout would finally receive a small measure of compensation. But to all the downwinders, there was an unprecedented provision which was apparently missed in last night's report. In the act is included a congressional apology on behalf of the Nation to all the downwinders and their families for the hardships they have endured. Mr. President, the downwinders should know that the Nation is aware of their plight and shares their sorrow. The Nation apologizes to them and their families.

And, Mr. President, as we embark on a review of other radiation victimizations, we should remember those children of pioneers who are themselves pioneers in this tragic chapter of our national life, the downwinders. I have written to Secretary O'Leary to offer my assistance, and I have been involved in other efforts to ensure that any new information about radioactive weapons tests at Dugway, UT, or further information about the downwinders, is brought to light. I plan to be involved in the process of reviewing our nuclear testing activities because of the lessons I have learned from the downwinders.

And of the many lessons we draw from their stories, we must remember in the future always to own up to the full costs of our national decisions, and to be responsible for them. Because it is right, and because, Mr. President, as we are slowly learning, and as was graphically portrayed last night, we are all, in a sense, downwinders.

A TRIP REPORT SUMMARY

Mr. PRESSLER. Mr. President, for 2 weeks in December 1993, I traveled to South Korea, Burma, India, Pakistan, and Kuwait and met with the Director-General of the International Atomic Energy Agency [IAEA] in Vienna, Austria.

Control of weapons of mass destruction, particularly nuclear weapons, is the most critical national security issue facing the United States today. A number of anti-democratic regimes—North Korea, Iran, Iraq, Libya, and Syria—are known to be developing such weapons. Concerns over the proliferation of weapons of mass destruction extend even to some democratic countries such as India and Pakistan where deep and longstanding animosities could result in renewed warfare that could become nuclear.

Finally, China in recent years has emerged as a strong destabilizing force both in its own region of east Asia and as an irresponsible supplier of weapons to rogue regimes.

The principal purpose of this trip was to study and discuss non-proliferation issues in three critical areas: North Korea, India-Pakistan, and the Middle East. Unfortunately, in all three areas, the Clinton administration's efforts have been longer on pontification and rhetoric than on performance.

A good example can be found in North Korea's nuclear program. North Korea voluntarily signed the Nuclear Non-Proliferation Treaty [NPT]. However, that country now refuses to allow the IAEA to inspect its nuclear facilities other than on a one-time basis. I met in Vienna with IAEA Director General Hans Blix. During our meeting, he urged the United States not to betray the principles of international nuclear inspection. Unfortunately, that is exactly what the Clinton administration is doing with regard to North Korea. Perhaps even more unfortunate is the administration's insistence on calling such a state of affairs "very good news."

The Clinton administration has done exactly what the IAEA opposes. It has failed in North Korea. Yet, it has declared victory and gone home. The "victory" is an agreement with the North Koreans to hold talks about a one-time inspection of seven declared nuclear sites in North Korea. There is no agreement even to talk about two other suspected, but undeclared, sites. An IAEA spokesperson has questioned this reported deal. However, it remains open to question whether the agency ultimately will succumb to pressure from the Clinton administration and bless the arrangement.

The issue remains—what to do about the intransigent and aggressive North Korean regime and its nuclear weapons program? This program poses a threat to our military personnel in South Korea. It raises in the minds of north Asian defense planners the question of whether their countries also should go nuclear. There also is the very real concern that North Korea might sell its bomb(s) and/or technology to the highest bidder. North Korea's Government sold every other modern weapons system it has developed. Do we have reason to expect a different result this time around? The answer simply is: No.

The Clinton administration also is retreating from the only significant nuclear weapons sanctions legislation ever enacted by Congress. Passed under my sponsorship in 1985, it prohibits foreign aid and military sales to Pakistan unless the President certifies, on a yearly basis, that Pakistan does not possess a nuclear explosive device. Such a law is critical given the reality that India and Pakistan have fought three wars since 1947. Nuclear war between the two countries would be catastrophic. Yet, President Clinton asks for the right to resume military sales to Pakistan—whether it makes nuclear bombs or not.

What the Clinton administration should do is make nuclear non-proliferation truly the priority it claims it is. Make an example of North Korea. That, however, would require the fortitude to put serious pressure on China to cooperate on international sanctions against North Korea. No other country has comparable influence over North Korea. Unfortunately, the Clinton administration appears to lack the political will to press the Chinese on this point.

Is it better to isolate tyrants or criticize them face-to-face? In my view, a public official gains credibility by making a visit to a non-free country rather than commenting from afar. This is particularly true for a country as troubled as Burma.

Upon gaining its independence in 1947, Burma was the richest nation in Southeast Asia. After the Burmese military imposed "The Burmese Road to Socialism," it became one of the poorest. Thirty years later, the country still is ruled by the military, this time operating under the guise of the State Law and Order Restoration Council [SLORC]. Nobel Laureate Aung San Suu Kyi continues to live under house arrest. Burma remains the world's top producer of opium. No senior officials ever seem to be prosecuted for drug-related corruption. The Clinton administration was scheduled to produce a review of its Burma policy last August. Such a review still has not been released.

The fact that such a review has not been completed by the Clinton administration is part of a pattern. It seems that the State Department, the National Security Council and other foreign policy agencies are not functioning as well as they should in the Clinton administration. I hope they institute tougher management within the administration's arms control regime and get moving on these problems.

SOUTH KOREA

South Korean Minister of Foreign Affairs Han Sung-chu is an internationally known scholar who spent 14 years in the United States, first as a college student and later as a professor. Minister Han has identified the North Korean nuclear program as one of the most pressing problems facing South Korea. However, he admitted to me that his country "doesn't have a handle on it." I asked him how we "get the North Koreans' attention." He indicated he would prefer a solution through "dialogue."

In private, South Korean officials remind visitors their capital is within range of North Korean artillery. Every Korean remembers well that Seoul experienced house-to-house fighting four times during the Korean War. No one wants a repetition of that chaos.

BURMA

The military rulers of Burma have changed the name of the country to "Myanmar" and the capital, "Rangoon," to "Yangon." Otherwise the country looks as if it has been asleep for 30 years, especially when compared to the rest of booming Southeast Asia.

Expecting any official request to visit Noble Laureate Aung San Suu Kyi to be refused, I went to her home in the hope it might not be guarded. However, the front of the house was shielded by a board fence and there were two sets of heavily armed guards. My thought was, "What a powerful woman for the government regime to fear her this much!" I then made an official request to see her when I met with Lt. General Khin Nyunt, the powerful Military Intelligence chief. The request was denied. He accused her and her supporters of being influenced by the Burmese Communist Party. However, in 1990 pro-democracy demonstrators marched past the American Embassy waving the American flag and cheering—not something commonly done by the Burmese Communist Party.

BOMBAY, INDIA

Bombay is the commercial center of India. Historically, this has not mattered much. Even though India is the second most populous country in the world, it has ranked only 30th as an export market for the United States. This is changing. The Indian elite truly were shocked by the collapse of the former Soviet Union to which the Indian economy had been linked significantly.

Today, the Bombay Stock Exchange is waking up. It currently is experiencing a boom phase following the entry of foreign institutional investors. Since January 1993, investments have totaled $650 million, mostly from the United States.

While in Bombay I met chief Minister Sharad Pawar, the equivalent of governor of the state that includes Bombay. Chief Minister Pawar was Defense Minister of India until last February. He reaffirmed how important the Pressler Amendment is to peace in South Asia. He also discussed the emerging Chinese military threat. The Chinese are bent on "domination," he warned.

NEW DELHI, INDIA

While in New Delhi, the capital of India, I met with the Prime Minister, the Vice President, the Minister of External Affairs and the Finance Minister. The principal subjects of discussion were India-Pakistan relations and the Pressler amendment. All officials with whom I met expressed their deep concern over, and opposition to, the Clinton administration's efforts to overturn the Pressler amendment.

I also raised the issue of trade between India and Pakistan. Total trade between the two countries in 1992 was approximately $140 million—essentially de minimis. I recommended to my hosts that both sides try to increase trade for both economic and political reasons. In the early days of our Republic there were substantial tensions between the United States and Canada. Now we are each other's most significant trading partner and the best of friends. Analogously, I hope India and Pakistan will become friends.

ISLAMABAD, PAKISTAN

In Islamabad, the capital of Pakistan, I met with the President, the Prime Minister, the Defense Minister, the Minister of Foreign Affairs, and the President of the Senate. Again, Pakistan-India relations and the Pressler amendment were the prime topics of conversation. I made it clear that while I view the Pressler amendment as a means to an end (non-proliferation) and not an end in itself, it serves as an important barrier to a nuclear-armed South Asia. In a lengthy meeting and dinner with Prime Minister Benazir Bhutto, I learned she and I had some mutual friends from Oxford. I felt we established something of a personal rapport, although she took a very tough line on the Pressler amendment.

KARACHI, PAKISTAN

Karachi is the commercial heart of Pakistan. I met with business leaders of Pakistan as well as representatives of American firms doing business in Pakistan. At a lunch hosted by the American Business Council of Pakistan, I met with the Pakistan representative of Citibank. Citibank has a major credit card operation in my home State of South Dakota.

KUWAIT

While in Kuwait I met with the Prime Minister and the Minister of Information to discuss security issues in the region. I also received a briefing from the commander of our forces at Camp Doha. The United States and Kuwait are engaged in the second year of a 10-year defense cooperation agreement. The United States has a certain level of supplies prepositioned in the country in case it must again be defended, and we conduct joint training exercises with Kuwaiti forces on a rotating basis.

VIENNA, AUSTRIA

In Vienna I received two briefings on nuclear non-proliferation issues. The first was from our diplomats assigned to cover these matters before the IAEA. The second was from IAEA Director-General Hans Blix and his staff. Both were excellent. Most of the conversation revolved around the then ongoing negotiations between the United States and the North Koreans over the latters' failure to live up to their commitments under the NPT. Director-General Blix made it clear these negotiations did not commit him to a specific course of action. He is determined to have nothing less than full rights for the IAEA as authorized in the NPT. He was concerned particularly that these negotiations might create a lethal precedent, that they could bind his hands with both North Korea and other emerging nuclear states, such as Iran. As of this writing, Blix has not endorsed the Clinton administration's agreement with North Korea.

FAREWELL TO A CHAMPION

Mr. ROCKEFELLER. Mr. President, I was enormously saddened this past weekend to learn of the death of a good friend and fellow West Virginian, Ned H. Guthrie, of Charleston. I have known Ned for many years, and I am most sincere when I say that without a doubt he was an incredible human being. Many in this Chamber who knew Ned Guthrie would agree that he championed a cause like no one I have ever known.

Ned first lobbied me when I was Governor of West Virginia. Of course, I already knew Ned through his reputation across the State as an accomplished musician, band leader and businessman. As a musician, he ran with the best, beginning in the 1920's with John Philip Sousa, and continuing on to include Artie Shaw, Louis Armstrong, Harry James, Billie Holliday and Jack Benny, to name just a few. His musical career spanned well over 50 years.

I fondly remember the drive and determination Ned gave his commitment to the repeal of the Lea Act, and the tenacity with which he pursued this endeavor. He finally won his fight when President Jimmy Carter signed the repeal in December 1980, and then sent Ned a letter congratulating him on a job well done. But after the repeal, there was still more to do, and Ned Guthrie was not finished.

When I arrived in the Senate 9 years ago, Ned was one of the first lobbyists to meet with me, then in his capacity as national legislative director of the American Federation of Musicians. He was still walking the halls of Congress, still waiting in reception areas, cornering Senators and Representatives whenever and wherever he found them—still fighting for bargaining rights for musicians.

It is never easy to give up friends and family—people we care about. But when we lose someone who fought so hard for that in which he believed, often overcoming great odds and adversity, fighting on when often sickness and pain would have made it so easy to give up, I can't help but believe we have lost more than family and friend. For approximately 20 years, Ned has championed the rights of musicians in this body, and the lives of musicians will be affected for years to come because of this determined and dedicated man.

Not only do I join his wonderful family, his friends and the State of West

Virginia in mourning the loss of this outstanding, fiercely-local citizen of my home State, but I suspect it will be a long time before I meet someone with more perseverance, dedication, and sense of purpose than West Virginia's Ned Guthrie.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate communities.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE MAURICE AND MANUMUSKIN RIVER AND MENANTICO CREEK IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT—PM 82

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 Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Maurice and Manumuskin River and Menantico Creek in the State of New Jersey. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The study of the Maurice River and these two tributaries was authorized by Public Law 100-33, approved on May 7, 1987.

The study of the Maurice River and tributaries was conducted by a task force composed of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service (NPS). The NPS, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The NPS determined that 42.4 miles of the Maurice River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, and vegetative values. There are also important cultural values and surface water quality of the Manumuskin and Menantico is very good.

In accordance with the wishes of local government, the NPS did not consider Federal land acquisition or management as an alternative for protecting river resources. Instead, the study focused on assisting the political subdivisions in developing and adopting local measures for providing resource protection where existing protection had been inadequate.

Due to strong local and congressional support, the 103d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of section 4(a) and sections 5(a)(96) through 5(a)(98) of the Wild and Scenic Rivers Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

REPORT ON THE GREAT EGG HARBOR RIVER IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT—PM 83

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 Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Great Egg Harbor River in the State of New Jersey. The report is in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The Great Egg Harbor Study was authorized by Public Law 99-590, approved on October 30, 1986.

The study of the Great Egg Harbor River was conducted by a task force made up of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service. The National Park Service, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The National Park Service determined that 129 miles of the Great Egg Harbor River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, botanic, and recreational values.

Eleven of the 12 affected local governing bodies endorsed designation of the eligible river segments. The lone exception, Upper Township on the Tuckahoe River tributary, did not take a position nor did the State of New Jersey.

Perhaps due to this overwhelming support, the 102d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of sections 4(a) and 5(a)(93) of the Wild and Scenic Rivers Act.

WILLIAM CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1303. An act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 2223. An act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Steward United States Courthouse."

H.R. 3186. An act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3356. An act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Fort Hunter, Jr., United States Courthouse."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

William J. Perry, of California, to be Secretary of Defense (Ex. Rept. No. 103-26).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCED 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. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. STEVENS, Mr. EXON, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. BURNS, Mr. ROBB, Mr. GORTON, Mr. DORGAN, Mr. KERREY, and Mr. KERRY):

S. 1822. A bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By MR. LIEBERMAN (for himself, Mr. KOHL, and Mr. DORGAN):

S. 1823. A bill to provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. 1824. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Mr. HEFLIN, Mr. BOREN, and Mr. GRAHAM):

S. 1825. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BUMPERS, Mr. BRADLEY, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. CONRAD, Mr. WOFFORD, and Mr. FEINGOLD):

S. 1826. A bill to reduce the deficit for fiscal years 1994 through 1998; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. STEVENS, Mr. EXON, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. BURNS, Mr. ROBB, Mr. GORTON, Mr. DORGAN, Mr. KERREY, and Mr. KERRY):

S. 1822. A bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS ACT OF 1994

Mr. HOLLINGS. Mr. President, today I am introducing the Communications Act of 1994, the first comprehensive rewrite of communications law since the original Communications Act was passed in 1934. I am joined today by a bipartisan group of members, including the ranking Republican member of the Commerce Committee, Senator DANFORTH, the chairman of the Communications Subcommittee, Senator INOUYE, and Senators STEVENS, EXON, PRESSLER, ROCKEFELLER, BURNS, ROBB, GORTON, DORGAN, and KERREY of Nebraska, and KERRY of Massachusetts.

In the 60 years since the Communications Act of 1934 was enacted, the world has undergone many changes. Today, no longer do we have party lines on our telephones—we have private lines that link us to family members and associates around the world. Television has come into our homes, bringing us the first steps on the Moon as well as essential information during times of natural disaster. The prospect of 500 channels of video programming is on our doorstep. Satellites transmit information and voices around the world, and teach our students about people and customs that were unfamiliar to them. Who could have foreseen the development of these technologies when the 1934 Act was enacted?

Yet, the fundamental principles contained in that Act remain sound today. We must be sure that the public interest, convenience and necessity are protected. In that regard, we know that Government has an appropriate role in ensuring that consumers have access to telecommunications. While Government should not decide what technologies will be available, we must guarantee that the rules are fair and evenly applied for all players. What we need, then, is not a shift in the underlying goals of the 1934 act. Rather, what we must do is update our laws to match today's technology and our communications needs.

The Communications Act of 1994 will bring order out of chaos in the communications industry. Today, the fundamental responsibility for much policymaking in this area resides in the courts. Lawyers on all sides are filing motions, seeking delays, appealing rulings—and all the while the deployment of new technologies awaits, and better ways to communicate with each other are held up.

How can the public interest be guaranteed? The bill establishes a detailed framework to protect universal service, and allows public entities such as schools, libraries, local governments, public broadcasters and other public entities to receive preferential rates for access to the telecommunications infrastructure. When universal service and the public interest are protected, then competition will be permitted for local telephone service. The bill also restores the authority of the Federal Communications Commission [FCC] over several important policy issues that, since the breakup of AT&T, have been administered by the Federal courts.

The legislation will also speed the deployment of the national information superhighway by encouraging private investment in the Nation's telecommunications infrastructure. Vice President GORE has spoken often about the need for all Americans to be able to hook up to this superhighway, where information will be available for learning, medicine, entertainment and other parts of daily life. In addition, this superhighway will provide an opportunity for our citizens to become more informed, and therefore to participate more effectively in our democratic society.

Fundamental to this bill is the requirement that everyone will be playing by the same rules regardless of their history. If a cable operator provides telephone service, it will be regulated like all other telephone service providers. If a telephone company provides cable service, it will be treated as any other cable company. We must make sure that regulations are fair and equitable, so that those who want to offer services are not discouraged by rules that hinder their entry, and disadvantage their efforts once they are providing services. The FCC is given the flexibility to tailor its regulations to the market power of those service providers. Outmoded regulations should be streamlined or eliminated.

The bill also contains certain freedoms for telephone companies and, in particular, the Bell operating companies. The bill will permit the Bell companies to enter the field of manufacturing, which is essential to improving our Nation's international competitiveness. The Bell companies alone employ over 1 percent of this Nation's work force and have, perhaps, more expertise in advanced telecommunications technologies than any other firm. This bill will permit the Bell companies to take advantage of these tremendous assets as competition in equipment manufacturing grows.

The bill also permits the telephone companies to enter the cable television business within their regions. The Government found during the debate on the cable bill that cable prices had risen three times faster than inflation since 1986. Permitting the telephone companies into cable will stimulate greater competition to existing cable operators and help to lower prices to consumers.

The bill also gives authority over the question of long-distance entry by the Bell companies to the FCC, in consultation with the Attorney General. It is important to permit the Bell companies to enter the field of long distance once they establish that there is competition for local telephone exchange service. Although neither the Bell companies nor the long-distance industry will be completely pleased with the approach taken in this bill, the standard this bill includes establishes a reasonable policy based on competition and the public interest.

Mr. President, this area of our economy is vital to our Nation's success. Job promotion, international trade, and competitiveness are all critical issues for our future. How well we ad-

dress these telecommunications issues today will be shown in our success or failure tomorrow. We have the opportunity to assist in opening up whole new ways of relating to each other and our world. I urge my colleagues to join in this effort, which is so vital to our national well-being.

Mr. President, I ask unanimous consent that a summary of the bill, along with the text of the bill, appear in the RECORD.

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

S. 1822

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 "Communications Act of 1994."

SECTION 2. FINDINGS.

The Congress finds that—

(1) Congress has not passed a broad review of the Communications Act of 1934 since that Act was originally passed;

(2) Congress must pass comprehensive communications legislation to promote the development and growth of the national information superhighway;

(3) changes in the telecommunications marketplace have made some of the provisions of the Communications Act of 1934 obsolete, unnecessary, or inimical to advances in communications technologies and services;

(4) for instance, competition has emerged in many services that were previously thought to be natural monopolies, but the Communications Act of 1934 requires all carriers to be regulated as if they were monopolies;

(5) as communications markets change, government must ensure that the public interest, convenience and necessity is preserved;

(6) the public interest requires that universal telephone service is protected and advanced, that new telecommunications technologies are deployed rapidly and equitably, and that access by schools, hospitals, public broadcasters, libraries, other public entities, community newspapers, and broadcasters in the smallest markets to advanced telecommunications services is assisted;

(7) access to basic telecommunications services is fundamental to safety of life and participation in a democratic society;

(8) telecommunications networks make substantial use of public rights of way in real property and in spectrum frequencies, and carriers that make use of such public rights of way have an obligation to provide preferential rates to entities that provide significant public benefits;

(9) advanced telecommunications services can enhance the quality of life and promote economic development and international competitiveness;

(10) telecommunications infrastructure development is particularly crucial to the continued economic development of rural areas that may lack an adequate industrial or service base for continued development;

(11) advancements in the Nation's telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of new services, such as distance learning, remote medical sensing, and distribution of health information;

(12) infrastructure advancement can be assisted by joint planning and infrastructure sharing by all carriers providing communications services;

(13) increased competition in telecommunications services can, if subject to appropriate safeguards, encourage infrastructure development and have beneficial effects on the price, universal availability, variety, and quality of telecommunications services;

(14) the emergence of competition in telecommunications services has already contributed, and can be expected to continue contributing, to the modernization of the infrastructure;

(15) competition in the long distance industry and the communications equipment market has brought about lower prices and higher quality services;

(16) competition for local communications services has already begun to benefit the public; competitive access providers have deployed thousands of miles of optical fiber in their local networks; local exchange carriers have been prompted by competition to accelerate the installation of optical fiber in their own networks;

(17) electric utilities, satellite carriers, and others are prepared to enter the local telephone market over the next few years;

(18) a diversity of telecommunications carriers enhances network reliability by providing redundant capacity, thereby lessening the impact of any network failure;

(19) competition must proceed under rules that protect consumers and are fair to all telecommunications carriers;

(20) all telecommunications carriers, including competitors to the telephone companies, should contribute to universal service and should make their networks available for interconnection by others;

(21) removal of all State and local barriers to entry into the telecommunications services market and provision of national standards for interconnection are warranted after mechanisms to protect universal service and rules are established to ensure that competition develops fairly;

(22) increasing the availability of interconnection and interoperability among the facilities of telecommunications carriers will help stimulate the development of fair competition among providers;

(23) the portability of telecommunications numbers will eliminate a significant advantage held by traditional telephone companies over competitors in the provision of telecommunications services;

(24) restrictions on resale and sharing of telecommunications networks retard the growth of competition and restrict the diversity of services available to the public;

(25) additional regulatory measures are needed to allow consumers in rural markets and noncompetitive markets the opportunity to benefit from high-quality telecommunications capabilities;

(26) regulatory flexibility for existing providers of telephone exchange service is necessary to allow them to respond to competition;

(27) the Federal Communications Commission (hereinafter referred to as the ("Commission") and the states must have the flexibility to adjust their regulations to the market power of each provider of telecommunications services;

(28) the Commission should take steps to ensure network reliability and the development of network standards;

(29) access to switched, digital telecommunications service for all segments of the population promotes the core First Amendment goal of diverse information sources by enabling individuals and organizations alike to publish and otherwise make information available in electronic form;

(30) the national welfare will be enhanced if community newspapers and broadcasters in the smallest markets are provided ease of entry into the operation of information services disseminated through electronic means primarily to customers in the localities served by such newspapers and broadcasters at reasonable, nondiscriminatory rates to such newspapers;

(31) a clear national mandate is needed for full participation in access to telecommunications networks and services by individuals with disabilities;

(32) the obligations of telecommunications carriers includes the duty to furnish telecommunications services which are designed to be fully accessible to individuals with disabilities in accordance with such standards as the Commission may prescribe;

(33) permitting the Bell operating companies to enter the manufacturing market will stimulate greater research and development, create more jobs, and enhance our international competitiveness;

(34) the Bell operating companies should be permitted to provide long distance service for cable television and for cellular hand offs immediately because there is little harm, if any, that such entry could cause the public;

(35) the Bell operating companies should not be permitted to enter the market for other long distance services until they have eliminated the barriers to competition and interconnection and until the Bell operating company faces competition for local telephone service;

(36) safeguards are necessary to ensure that the Bell operating companies do not abuse their market power over local telephone service to discriminate against competitors in the markets for electronic publishing, alarm, and other information services;

(37) amending the legal barriers to the provision of video programming by telephone companies in their service areas will encourage competition to existing cable television service providers and encourage telephone companies to upgrade their telecommunications facilities to enable them to deliver video programming, as long as telephone companies are prohibited from buying or combining with existing cable companies in their telephone service areas;

(38) as communications technologies and services proliferate, consumers must be given the right to control information concerning their use of those technologies and services; and

(39) as competition in the media increases, the Commission should reexamine the need for national and local ownership limits on broadcast stations, consistent with the need to maintain diversity of information services.

SEC. 4. EFFECT ON OTHER LAW.

(a) ANTITRUST LAWS.—Nothing in this Act shall be construed to modify, impair, or supersede the applicability of any antitrust law.

(b) FEDERAL, STATE, AND LOCAL LAW.—(1) Except as provided in paragraph (2), this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in this Act.

(2) This Act shall supersede State and local law to the extent that such law would impair or prevent the operation of this Act.

TITLE I—PROTECTION AND ADVANCEMENT OF UNIVERSAL SERVICE

SEC. 101. NATIONAL POLICY GOALS.

Section 1 of the Communications Act of 1934 (47 U.S.C. 151) is amended by inserting

"(a)" immediately before "For the purpose of" and by adding at the end the following new subsection:

"(b) The primary objective of United States national and international communications policy shall be to protect the public interest. The goals of United States national and international communications policy shall include the following:

"(1) to ensure that every person has access to basic telecommunications services at reasonable charges;

"(2) to promote the development and widespread availability of new technologies;

"(3) to ensure that consumers have access to diverse sources of information;

"(4) to allow each individual the opportunity to contribute to the free flow of ideas and information through telecommunications services;

"(5) to maximize the contribution of communications and information technologies and services to economic welfare and quality of life;

"(6) to protect each individual's right to control the use of information concerning his or her use of telecommunications services; and

"(7) to promote democracy.".

SEC. 102. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

(a) IN GENERAL—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding immediately after section 201 the following new section:

"SEC. 201A. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

"(a) DUTY TO CONTRIBUTE.—It shall be the duty of every common carrier engaged in intrastate, interstate, or foreign communication by wire or radio to contribute to the preservation and advancement of universal service. Such contributions can include monetary payment, certain service obligations, in-kind payment, or other forms of contribution as determined by the Commission and any State as set forth in subsections (b) and (c).

"(b) RESPONSIBILITIES OF THE COMMISSION.—(1) Within one year after the date of enactment of this section, the Commission, after receiving comment from the States, shall set forth minimum guidelines for the definition of universal service. Such guidelines shall ensure that—

"(A) universal service includes no less than voice grade telephone exchange services at a charge that includes no more than a reasonable share of the joint and common costs of facilities used to provide such services; and

"(B) any other service that utilizes such facilities shall bear a reasonable share of such costs.

The Commission shall periodically revise such guidelines.

"(2) Within 2 years after the date of enactment of this section, the Commission shall prescribe and implement regulations to provide that a charge be collected, or other action be taken, to ensure that providers of interstate telecommunications make a contribution to the protection and advancement of universal service on a competitively neutral basis. Any funds contributed under this section shall be distributed to each State.

"(c) PRIMARY RESPONSIBILITY.—(1) The Commission shall delegate to each State the primary responsibility for defining universal service and ensuring that universal service goals are met. Each State may impose a nondiscriminatory charge on intrastate telecommunications, or take other action, as the State finds necessary to protect and advance universal service.

"(2) In considering methods of protecting and advancing universal service, the State may consider assisting directly telecommunications carriers, assisting directly individuals and entities who cannot afford the cost of certain telecommunications services, assisting directly individuals or entities in purchasing or leasing equipment or programming, allowing carriers to compete for the right to obtain funding in exchange for providing certain services, and other options. To the extent that a State establishes a fund to support universal service, all provider of telecommunications services shall be eligible to receive payment from such fund.

"(3) If a State has not implemented procedures to carry out the objectives of paragraphs (1) and (2) within 2 year after the date of enactment of this section, or at any time thereafter fails to meet the objectives of such paragraphs, the Commission shall assume the primary responsibility to ensure that those objectives are met.".

(b) CONFORMING AMENDMENT.—Section 332(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(A)) is amended by inserting "201A," immediately after "section 201,".

SEC. 103. PUBLIC ACCESS.

(a) AMENDMENT.—Secton 202 of the Communications Act of 1934 (47 U.S.C. 202) is amended by adding at the end the following new subsection:

"(d) (1) Notwithstanding subsections (a) through (c), it shall be the duty of all telecommunications carriers that use public rights of way to permit educational institutions, health-care institutions, local and State governments, public broadcast stations, public libraries, other public entities, community newspapers, and broadcasters in the smallest markets to obtain access to intrastate and interstate services provided by such carriers at preferential rates. Entities that obtain services under this provision may not resell such services, except to other entitlies that are eligible for preferential rates under this subsection.

"(2) Within one year after the date of enactment of this subsection, the Commission shall prescribe regulations to enforce the provisions of this subsection.".

(b) RULEMAKING ON ADVANCED TELECOMMUNICATIONS SERVICES—The Commission shall commence a rulemaking proceeding for the purpose of prescribing regulations that—

(1) enhance, to the extent feasible, the availability of advanced telecommunications services to all public elementary and secondary school classrooms, health care institutions, and libraries; and

(2) ensure that appropriate functional requirements or performance standards, or both, including interoperability standards, are established for telecommunications arrangements that interconnect educational institutions, health care institutions, and libraries with the public switched network.

TITLE II—TELECOMMUNICATIONS INVESTMENT

SEC. 201. INFRASTRUCTURE INVESTMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 301 et seq.), as amended by this Act, is further amended by adding at the and the following new section:

"SEC. 229. INFRASTRUCTURE INVESTMENT.

"(a) RURAL MARKETS AND NONCOMPETITIVE MARKETS—If State regulatory authorities fail to achieve the goal of ensuring that telecommunications carriers provide consumers in rural markets and noncompetitive markets with access to high quality, interoperable telecommunications network facilities and capabilities which—

"(1) provide subscribers with sufficient interactive bi-directional network capacity to allow access to information services that provide a combination of voice, data, image, and video; and

"(2) are widely available at reasonable nondiscriminatory rates that are based on reasonably identifiable costs of providing such services,

then the Commission may take any action necessary to achieve that goal.

"(b) FULL EFFECTUATION.—The Commission shall have the authority to preempt any State or local statute or regulation, or other State or local legal requirement, that prevents the full effectuation of the goal embodied in subsection (a).

"(c) STATE REGULATORY INCENTIVES.—The States are encouraged to implement regulatory incentives to promote the development of high quality telecommunications network facilities and capabilities. If regulatory incentives fail to result in the deployment of high quality telecommunications network facilities and capabilities in rural markets and noncompetitive markets, the States may adopt other methods to ensure that the goal of subsection (a) is achieved.

"(d) NETWORK STANDARDS AND PLANNING.—

"(1) NETWORK STANDARDS.—

"(A) INTERCONNECTION AND INTEROPERABILITY STANDARDS.—The Commission shall encourage telecommunications carriers and telecommunications equipment manufacturers to develop standards to ensure interconnection and interoperability of telecommunications networks.

"(B) INDUSTRY ASSISTANCE.—The Commission shall, when necessary, establish deadlines, create incentives, or use other mechanisms to assist the industry to develop and implement such standards.

"(C) COMMISSION AUTHORITY TO ESTABLISH STANDARDS.—The Commission may establish standards when industry participants fail to reach agreement.

"(2) NETWORK PLANNING.—

"(A) REGULATIONS ON JOINT COORDINATED ACTION.—The Commission shall prescribe regulations that permit joint coordinated network planning, design, and cooperative implementation among all telecommunications carriers in the provision of public switched network infrastructure and services.

"(B) PROCEDURES.—The Commission shall prescribe regulations establishing procedures to ensure that—

"(i) telecommunications carriers shall make available timely information to other such carriers and information service providers in the same geographic area about the deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that will affect a telecommunications carrier's or information service provider's ability to interconnect or interoperate in the same geographic area;

"(ii) telecommunications carriers shall not be required to share information required under clause (i) with anyone, including carriers with whom they directly compete, except as may be necessary to meet the interconnection and interoperability requirements set forth in this paragraph; and

"(iii) the recipient of any information described in clause (i) shall use it only for its own interconnection and interoperability.

"(3) INFRASTRUCTURE SHARING ARRANGEMENTS BETWEEN OR AMONG TELECOMMUNICATIONS CARRIERS.—

"(A) REGULATIONS REQUIRED.—The Commission shall prescribe regulations that re-

quire a local exchange carrier to share public switched network infrastructure and function with requesting telecommunications carriers lacking economies of scale or scope, as defined in subparagraph (B).

"(B) DEFINITION.—For the purposes of this paragraph, the term 'telecommunications carrier lacking economies of scale or scope' means any telecommunications carrier which serves a geographic area for which it lacks economies of scale or scope for the particular required network function.

"(C) CONTENTS OF REGULATIONS.—The regulations governing such sharing between local exchange carriers and telecommunications carries shall—

"(i) promote economically efficient decisionmaking by local exchange carriers and telecommunications carriers lacking economies of scale or scope;

"(ii) not require any local exchange carrier or telecommunications carrier lacking economies of scale or scope to make any decision that is uneconomic or adverse to the public interest;

"(iii) permit, but not require, joint ownership and operation of public switched network infrastructure and services by local exchange carriers and telecommunications carriers lacking economies of scale or scope;

"(iv) ensure that fair and reasonable terms and conditions for an in connection with the business arrangement described in this paragraph are determined by local exchange carriers and telecommunications carriers lacking economies of scale or scope in accordance with general guidelines contained in the regulations prescribed pursuant to this paragraph;

"(v) establish conditions that promote cooperation between local exchange carriers and telecommunications carriers lacking economies of scale or scope; and

"(vi) ensure that all regulatory rights and obligations for and in connection with the business arrangements described in this paragraph shall be determined exclusively in accordance with the regulations prescribed pursuant to this paragraph.

"(4) DISABILITY ACCESS.—The Commission and the States shall ensure that advances in network capabilities and telecommunications services deployed by telecommunications carriers are designed to be accessible to individuals with disabilities.

"(e) ANNUAL SURVEY.—the Commission shall publish annually a survey of the deployment of technologies on a State-by-State basis.

"(f) COST ALLOCATION REGULATIONS.—The Commission shall develop regulations, consistent with the need to protect universal service to allocate a local exchange carrier's costs of deploying of broadband telecommunications facilities between local exchange service and competitive services.".

TITLE III—REGULATORY REFORM

SEC. 301. DEFINITIONS.

Section 3 of the Communications Act of 1934 (49 U.S.C. 153) is amended by adding at the end the following new subsections:

"(hh) 'Local exchange carrier' means a provider of telephone exchange service that the Commission determines has market power.

"(ii) 'Telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the receipt, switching, and delivery of such information) essential to such transmission.

"(jj) 'Telecommunications service' means the offering for profit to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public of—

"(1) telecommunications facilities that (A) are owned or controlled by a provider of telephone exchange service or (B) interconnect with the network of a provider of telephone exchange service; or

"(2) telecommunications by means of such telecommunications facilities.

such term does not include information services.

"(kk) 'Telecommunications carrier' means any provider of telecommunications services, except that such term does not include hotels, motels, hospitals, and other aggregators of telecommunications services as defined in section 226.

"(ll) 'Telecommunications number portability' means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

"(mm) 'Information service' means the offering of services over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information.

"(nn) 'Bell operating company' means any of the companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(oo) 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia).".

SEC. 302. REGULATORY REFORM.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 230. TELECOMMUNICATIONS COMPETITION.

"(a) REMOVAL OF BARRIERS TO ENTRY.—Subject to the provisions of section 301 of this Act, at such time as the regulations required by section 201A of this Act have been implemented, or 2 years after the date of enactment of this section, whichever is earlier, no State or local statute or regulation, or other State or local legal requirement, shall prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services. No State or local governmental entity may unreasonably discriminate among telecommunications carriers.

"(b) PROVISION OF TELECOMMUNICATIONS SERVICE BY OTHER UTILITIES.—Notwithstanding any other provision of law and subject to the regulatory safeguards imposed by an appropriate regulatory agency, an electric, gas, water, or steam utility may provide telecommunications services.

"(c) REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of State or local officials to impose, on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

"(d) OBLIGATIONS OF TELECOMMUNICATIONS CARRIERS.—To the extent that they provide telecommunications services, telecommunications carriers shall be deemed common carriers under this Act. The Commission shall prescribe regulations to require each telecommunications carrier, upon bona fide request, to provide to any telecommunications equipment manufacturer or any entity seeking to provide telecommunications services or information services, on reasonable terms and conditions—

"(1) interconnection to the carrier's telecommunications facilities at any technically and economically feasible point within the carrier's network;

"(2) nondiscriminatory access to any of the carrier's telecommunications facilities and information necessary to the transmission and routing of any telecommunications service or information service and the interoperability of both carriers' networks;

"(3) nondiscriminatory access, where technically and economically feasible, to the poles, ducts, conduits, and rights of way owned or controlled by the carrier, and nondiscriminatory rates for such access;

"(4) nondiscriminatory access to the network functions of the carrier's telecommunications network, which shall be offered on an unbundled basis; and

"(5) telecommunications services and network functions without any restrictions on the resale or sharing of those services and functions.

The States may prescribe regulations implementing paragraphs (1) through (5) for intrastate services so long as such regulations are not inconsistent with those prescribed by the Commission.

"(e) CONSUMER INFORMATION.—As competition for telecommunications services develops, the Commission and State regulatory authorities shall take action to ensure that consumers are given the information necessary to make informed choices among their telecommunications alternatives.

"(f) TELECOMMUNICATIONS NUMBER PORTABILITY.—The Commission shall prescribe regulations to ensure that—

"(1) telecommunications number portability shall be available, upon request, as soon as technically feasible; and

"(2) an impartial entity shall administer telecommunications numbering and make such numbers available on an equitable basis.

"(g) RECIPROCAL COMPENSATION AGREEMENTS.—Telecommunications carriers shall compensate each other on a reciprocal and equivalent basis for termination of telecommunications services on each other's networks.

"(h) REGULATORY FLEXIBILITY FOR COMPETITIVE SERVICES.—

"(1) REGULATORY FLEXIBILITY.—In the event that a telecommunications carrier does not have market power in any or some of its telecommunications services in any or some of its geographic markets, the Commission may streamline any regulation or forbear from applying any provision of this title (except for sections 201, 201A, 202, and 208) to such a telecommunications carrier or service only if the Commission determines that—

"(A) full application of such regulation or provision is unnecessary in order to ensure that the charges, practices, classifications, or regulations for or in connection with that service are just and reasonable and are not unjustly or unreasonably discriminatory;

"(B) full application of such regulation or provision is unnecessary to achieve the goals of this Act; and

"(C) such action is consistent with the public interest and the protection of consumers.

Any finding by the Commission under section 332 that a provision of title II is inapplicable to a commercial mobile service or a provider of commercial mobile services shall be deemed also to be a determination under this paragraph that the requirements of subparagraphs (A), (B), and (C) of this paragraph are satisfied.

"(2) PRICING FLEXIBILITY.—The Commission shall and the States are encouraged to permit telecommunications carriers to have pricing flexibility in service or geographic markets that are found to be competitive. In implementing this subsection, the Commission and the States shall ensure that rates for basic telephone service and for services that are not competitive remain just and reasonable and that universal service is preserved and advanced.

"(i) RULES FOR FOREIGN OWNERSHIP.—The provisions of section 310(b) shall not apply to any lawful foreign ownership in a telecommunications carrier prior to February 1, 1994, if that carrier was not regulated as a common carrier prior to the date of enactment of this section and is deemed to be a common carrier under this Act.".

SEC. 303. IMPLEMENTING REGULATIONS.

The Commission shall, within 12 months after the date of enactment of this Act, issue regulations to implement this title. Such regulations shall take effect within 6 months after their issuance, except that the Commission may extend such effective date for up to 24 additional months for any small carrier providing telecommunications service in rural areas, upon a showing by the carrier that compliance would not be technically and economically feasible without additional time.

TITLE IV—AUTHORIZED ACTIVITIES OF BELL OPERATING COMPANIES

Subtitle A—Telecommunications Equipment Research and Manufacturing Competition

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Telecommunications Equipment Research and Manufacturing Competition Act of 1994".

SEC. 402. FINDINGS.

The Congress finds that the continued economic growth and the international competitiveness of American industry would be assisted by permitting the Bell operating companies, through their affiliates, to manufacture (including design, development, and fabrication) telecommunications equipment and customer premises equipment, and to engage in research with respect to such equipment.

SEC. 403. AMENDMENT TO COMMUNICATIONS ACT OF 1934.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 231. REGULATION OF MANUFACTURING BY BELL OPERATING COMPANIES.

"(a) AUTHORIZATION.—Subject to the requirements of this section and the regulations prescribed thereunder, a Bell operating company, through an affiliate of that company, notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to the Modification of Final Judgment on the lines of business in which a Bell operating company may engage, may manufacture and provide telecommunications equipment and manufacture customer premises equipment, except that neither a Bell operating company nor any of its affiliates may engage in such manufacturing in conjunction with a Bell operating company not so affiliated or any of its affiliates.

"(b) REQUIREMENT FOR SEPARATE AFFILIATE.—Any manufacturing or provision authorized under subsection (a) shall be conducted only through an affiliate (hereafter in this section referred to as a 'manufacturing affiliate') that is separate from any Bell operating company.

"(c) MANUFACTURING REGULATIONS.—The Commission shall prescribe regulations to ensure that—

"(1)(A) such manufacturing affiliate shall maintain books, records, and accounts separate from its affiliated Bell operating company, that identify all transactions between the manufacturing affiliating and its affiliated Bell operating company;

"(B) the Commission and the State commissions that exercise regulatory authority over any Bell operating company affiliated with such manufacturing affiliate shall have access to the books, records, and accounts required to be prepared under subparagraph (A); and

"(C) such manufacturing affiliate shall, even if it is not a publicly held corporation, prepare financial statements which are in compliance with Federal financial reporting requirements for publicly held corporations, file such statements with the Commission and the State commissions that exercise regulatory authority over any Bell operating company affiliated with such manufacturing affiliate, and make such statements available for public inspection;

"(2) consistent with the provisions of this section, neither a Bell operating company nor any of its nonmanufacturing affiliates shall perform sales, advertising, installation, production, or maintenance operations for a manufacturing affiliate; except that institutional advertising, of a type not related to specific telecommunications equipment, carried out by the Bell operating company or its affiliates shall be permitted if each party pays its pro rata share;

"(3)(A) such manufacturing affiliate shall conduct all of its manufacturing within the United States and, except as otherwise provided in this paragraph, all component parts of customer premises equipment manufactured by such affiliate, and all component parts of telecommunications equipment manufactured by such affiliate, shall have been manufactured within the United States;

"(B) such affiliate may use component parts manufactured outside the United States if—

"(i) such affiliate first makes a good faith effort to obtain equivalent component parts manufactured within the United States at reasonable prices, terms, and conditions; and

"(ii) for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in any calendar year, the cost of the components manufactured outside the United States contained in the equipment does not exceed 40 percent of the sales revenue derived from such equipment;

"(C) any such affiliate that uses component parts manufactured outside the United States in the manufacture of telecommunications equipment and customer premises equipment within the United States shall—

"(i) certify to the Commission that a good faith effort was made to obtain equivalent parts manufactured within the United States at reasonable prices, terms, and conditions, which certification shall be filed on a quarterly basis with the Commission and list component parts, by type, manufactured outside the United States; and

"(ii) certify to the Commission on an annual basis that for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in the previous calendar year, the cost of the components manufactured outside the United States contained in such equipment did not exceed the percentage specified in subparagraph (B)(ii) or adjusted in accordance with subparagraph (G);

"(D)(i) if the Commission determines, after reviewing the certification required in subparagraph (C)(i), that such affiliate failed to make the good faith effort required in subparagraph (B)(i) or, after reviewing the certification required in subparagraph (C)(ii), that such affiliate has exceeded the percentage specified in subparagraph (B)(ii), the Commission may impose penalties or forfeitures as provided for in title V of this Act; and

"(ii) any supplier claiming to be damaged because a manufacturing affiliate failed to make the good faith effort required in subparagraph (B)(i) may make complaint to the Commission as provided for in section 208 of this Act, or may bring suit for the recovery of actual damages for which such supplier claims such affiliate may be liable under the provisions of this Act in any district court of the United States of competent jurisdiction;

"(E) the Commission, in consultation with the Secretary of Commerce, shall, on an annual basis, determine the cost of component parts manufactured outside the United States contained in all telecommunications equipment and customer premises equipment sold in the United States as a percentage of the revenues from sales of such equipment in the previous calendar year;

"(F) a manufacturing affiliate may use intellectual property created outside the United States in the manufacture of telecommunications equipment and customer premises equipment in the United States; and

"(G) the Commission may not waive or alter the requirements of this subsection, except that the Commission, on an annual basis, shall adjust the percentage specified in subparagraph (B)(ii) to the percentage determined by the Commission, in consultation with the Secretary of Commerce, as directed in subparagraph (E);

"(4) no more than 90 percent of the equity of such manufacturing affiliate shall be owned by its affiliated Bell operating company and any affiliates of that Bell operating company;

"(5) any debt incurred by such manufacturing affiliate may not be issued by its affiliates, and such manufacturing affiliate shall be prohibited from incurring debt in a manner that would permit a creditor, on default, to have recourse to the assets of its affiliated Bell operating company's telecommunications services business;

"(6) such manufacturing affiliate shall not be required to operate separately from the other affiliates of its affiliated Bell operating company;

"(7) if an affiliate of a Bell operating company becomes affiliated with a manufacturing entity, such affiliate shall be treated as a manufacturing affiliate of that Bell operating company within the meaning of subsection (b) and shall comply with the requirements of this section;

"(B) such manufacturing affiliate shall make available, without discrimination or self-preference as to price, delivery, terms, or conditions, to all regulated local telephone exchange carriers, for use with the public telecommunications network, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured by such affiliate so long as each such purchasing carrier—

"(A) does not either manufacture telecommunications equipment, or have a manufacturing affiliate which manufactures telecommunications equipment; or

"(B) agrees to make available, to the Bell operating company affiliated with such manufacturing affiliate or any of the requested local exchange telephone carrier affiliates of such Bell company, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured for use with the public telecommunications network by such purchasing carrier or by any entity or organization with which such purchasing carrier is affiliated;

"(9)(A) such manufacturing affiliate shall not discontinue or restrict sales to other regulated local telephone exchange carriers of any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that such affiliate manufactures for sale as long as there is reasonable demand for the equipment by such carriers; except that such sales may be discontinued or restricted if such manufacturing affiliate demonstrates to the Commission that it is not making a profit, under a marginal cost standard implemented by the Commission, on the sale of such equipment;

"(B) in reaching a determination as to the existence of reasonable demand as referred to in subparagraph (A), the Commission shall within 60 days consider—

"(i) whetner the continued manufacture of the equipment will be profitable;

"(ii) whether the equipment is functionally or technologically obsolete;

"(iii) whether the components necessary to manufacture the equipment continue to be available;

"(iv) whether alternatives to the equipment are available in the market; and

"(v) such other factors as the Commission deems necessary and proper;

"(10) Bell operating companies shall, consistent with the antitrust laws, engage in joint network planning and design with other regulated local telephone exchange carriers operating in the same area of interest; except that no participant in such planning shall delay the introduction of new technology or the deployment of facilities to provide telecommunications services, and agreement with such other carriers shall not be required as a prerequisite for such introduction or deployment; and

"(11) Bell operating companies shall provide, to other regulated local telephone exchange carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrades.

"(d) TELEPHONE EXCHANGE SERVICE REGULATIONS.—

"(1) IN GENERAL.—The Commission shall prescribe regulations to require that each Bell operating company shall maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Such regulations shall require each such Bell company to report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

"(2) DISCLOSURE RESTRICTION.—A Bell operating company shall not disclose to any of its affiliates any information required to be filed under paragraph (1) unless that information is immediately so filed.

"(3) COMPETITORS' ACCESS TO INFORMATION.—The Commission may prescribe such additional regulations under this subsection as may be necessary to ensure that manufacturers in competition with a Bell operating company's manufacturing affiliate have ready and equal access to the information required for such competition that such Bell company makes available to its manufacturing affiliate.

"(e) REQUIREMENTS FOR BELL OPERATING COMPANIES WITH MANUFACTURING AFFILIATE.—The Commission shall prescribe regulations requiring that any Bell operating company which has an affiliate that engages in any manufacturing authorized by subsection (a) shall—

"(1) provide, to other manufacturers of telecommunications equipment and customer premises equipment, opportunities to sell such equipment to such Bell operating company which are comparable to the opportunities which such company provides to its affiliates;

"(2) not subsidize its manufacturing affiliate with revenues from its regulated telecommunications services; and

"(3) only purchase equipment from its manufacturing affiliate at the open market price.

"(f) COLLABORATION WITH OTHER MANUFACTURERS.—A bell operating company and its affiliates may engage in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof relating to such equipment, consistent with subsection (e)(2).

"(g) ADDITIONAL RULES AND REGULATIONS.—The Commission may prescribe such additional rules and regulations as the Commission determines necessary to carry out the provisions of this section.

"(h) AMINISTRATION AND ENFORCEMENT.—

"(1) COMMISSION AUTHORITY.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to any Bell operating company as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

"(2) CIVIL ACTIONS BY INJURED CARRIERS.—Any regulated local telephone exchange carrier injured by an act or omission of a Bell operating company or its manufacturing affiliate which violates the requirements of paragraph (8) or (9) of subsection (c), or the Commission's regulations implementing such paragraphs, may initiate an action in a district court of the United States to recover the full amount of damages sustained in consequence of any such violation and obtain such orders from the court as are necessary to terminate existing violations and to prevent future violations; or such regulated local telephone exchange carrier may seek relief from the Commission pursuant to sections 206 through 209.

"(i) EFFECTIVE DATES; DEADLINE.—The authority of the Commission to prescribe regulations to carry out this section is effective on the date of enactment of this section. The Commission shall prescribe such regulations within 180 days after such date of enactment, and the authority to engage in the manufacturing authorized in subsection (a) shall not take effect until regulations prescribed by the Commission under subsections (c), (d), and (e) are in effect.

"(j) EFFECT ON PREEXISTING MANUFACTURING AUTHORITY.—Nothing in this section shall prohibit any Bell operating company from engaging, directly or through any affiliate, in any manufacturing activity in which any Bell operating company or affiliate was authorized to engage on the date of enactment of this section.

"(k) ANNUAL AUDIT.—

"(1) IN GENERAL.—A Bell operating company that manufactures or provides telecommunications equipment or manufactures customer premises equipment through an affiliate shall obtain and pay for an annual audit conducted by an independent auditor selected by and working at the direction of the State Commission of each State in which such Bell company provides local exchange service, to determine whether such Bell company has complied with this section and the regulations promulgated under this section, and particularly whether such Bell company has complied with the separate accounting requirements under subsection (c)(1).

"(2) SUBMISSION OF AUDIT RESULTS.—The auditor described in paragraph (1) shall submit the results of such audit to the Commission and to the State commission of each State in which such Bell company provides telephone exchange service. Any party may submit comments on the final audit report.

"(3) PROCEDURES APPLICABLE TO AUDIT.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such Bell company provides local exchange service, including requirements that—

"(A) the independent auditors performing such audits are rotated to ensure their independence; and

"(B) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit.

"(4) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection, and shall provide to the Congress every 2 years—

"(A) a report of its findings on the compliance of the Bell operating companies with this section and the regulations promulgated thereunder; and

"(B) an analysis of the impact of such regulations on the affordability of local telephone exchange service.

"(5) ACCESS TO ACCOUNTS AND RECORDS.—For purposes of conducting audits and reviews under this subsection, an independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each Bell operating company and those of its affiliates (including affiliates described in paragraphs (6) and (7) of subsection (c)) necessary to verify transactions conducted with such Bell operating company that are relevant to the specific activities permitted under this section and that are necessary to the State's regulation of telephone rates. Each State commission shall implement appropriate procedures to ensure the protection of any proprietary

information submitted to it under this section.

"(*l*) DEFINITIONS.—As used in this section:

"(1) The term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership with a Bell operating company. Such term includes any organization or entity (A) in which a Bell operating company and any of its affiliates have an equity interest of greater than 10 percent, or a management interest of greater than 10 percent, or (B) in which a Bell operating company and any of its affiliates have any other significant financial interest.

"(2) The term 'Bell operating company' means those companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(3) The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

"(4) The term 'manufacturing' has the same meaning as such term has in the Modification of Final Judgment as interpreted in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia) (filed December 3, 1987).

"(5) The term 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia).

"(6) The term 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of an electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

"(7) The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services.

"(8) The term 'telecommunications service' means the offering for hire of telecommunications facilities, or of telecommunications by means of such facilities.".

SEC. 404. INCREASED PENALTY FOR RECORD-KEEPING VIOLATIONS.

Section 220(d) of the Communications Act of 1934 (47 U.S.C. 220(d)) is amended by striking "$6,000" and inserting in lieu thereof "$10,000".

SEC. 405. APPLICATION OF ANTITRUST LAWS.

Nothing in this subtitle shall be deemed to alter the application of Federal and State antitrust laws as interpreted by the respective courts.

Subtitle B—Regulation of Alarm Services and Electronic Publishing by Bell Operating Companies

SEC. 451. REGULATION OF ENTRY INTO ALARM MONITORING SERVICES.

(a) AMENDMENT.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end of the following new section:

"SEC. 232. REGULATION OF ENTRY INTO ALARM MONITORING SERVICES.

"(a) IN GENERAL.—Except as provided in subsection (c), no Bell operating company, or any affiliate of that company, shall provide alarm monitoring services for the protection of life, safety, or property. A Bell operating company may transport alarm monitoring service signals but on a common carrier basis only.

"(b) AUTHORITY TO PETITION.—Beginning 5½ years from the date of enactment of this section, a Bell operating company or any affiliate of that company may petition the Commission to seek permission to provide alarm monitoring services for the protection of life, safety, or property.

"(c) AUTHORITY TO PERMIT BELL OPERATING COMPANIES TO PROVIDE SERVICES.—Beginning 6 years from the date of enactment of this section, the Commission shall have the authority to permit a Bell operating company to provide alarm monitoring services for the protection of life, safety, or property; except that the Commission shall not grant such permission until—

"(1) the Department of Justice finds that there is no substantial possibility that such Bell company or its affiliates could use monopoly power to impede competition in the market such Bell company seeks to enter; and

"(2) the Commission finds that the provision of alarm monitoring services by the Bell operating company is in the public interest and that the Commission has the capability to effectively enforce any requirements, limitations, or conditions placed upon the Bell operating company in the provision of alarm monitoring services for the protection of life, safety, or property, including the regulations it has prescribed pursuant to subsection (d).

"(d) REGULATIONS REQUIRED.—Not later than 6 years after the date of enactment of this section, the Commission shall prescribe regulations—

"(1) to establish such requirements, limitations, or conditions as are (A) necessary and appropriate in the public interest with respect to the provision of alarm monitoring services by Bell operating companies and their affiliates, and (B) effective at such time as a Bell operating company or any of its affiliates is authorized to provide alarm monitoring services;

"(2) to prohibit Bell operating companies and their affiliates, at that or any earlier time after the date of enactment of this section, from recording in any fashion the occurrence or the contents of calls received by providers of alarm monitoring services for the purposes of marketing such services on behalf of the Bell operating company, any of its affiliates, or any other entity; and

"(3) to establish procedures for the receipt and review of complaints concerning violations by such companies of such regulations, or of any other provision of this Act or the regulations thereunder, that result in material financial harm to a provider of alarm monitoring services.

"(e) EXPEDITED CONSIDERATION OF COMPLAINTS.—The procedures established under subsection (d)(3) shall ensure that the Commission will make a final determination with respect to any complaint described in such subsection within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, issue a cease and desist order to prevent the Bell operating company and its affiliates from continuing to engage in such violation pending such final determination.

"(f) REMEDIES.—The Commission may use any remedy available under title V of this Act to terminate and punish violations described in subsection (d)(2). Such remedies may include, if the Commission determines that such violation was willful or repeated, ordering the Bell operating company to cease offering alarm monitoring services.

"(g) DEFINITIONS.—As used in this section:

"(1) The term 'alarm monitoring services' means services that detect threats to life, safety, or property, by burglary, fire, vandalism, bodily injury, or other emergency, through the use of devices that transmit signals to a central point in a customer's residence, place of business, or other fixed premises which—

"(A) retransmits such signals to a remote monitoring center by means of telephone exchange service facilities, and

"(B) serves to alert persons at the monitoring center of the need to inform police, fire, rescue, or other security or public safety personnel of the threat at such premises.

Such term does not include medical monitoring devices attached to individuals for the automatic surveillance of ongoing medical conditions.

"(2) The term 'Bell operating company' has the meaning given that term in section 233 of this Act.

"(3) The term 'affiliate' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, to own refers to owning an equity interest (or equivalent thereof) of more than 50 percent.".

SEC. 452. REGULATION OF ELECTRONIC PUBLISHING.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 233. REGULATION OF ELECTRONIC PUBLISHING.

"(a) IN GENERAL.—(1) A Bell operating company and any affiliate shall not engage in the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(2) Nothing in this section shall prohibit a separated affiliate or electronic publishing joint venture from engaging in the provision of electronic publishing or any other lawful service in any area.

"(3) Nothing in this section shall prohibit a Bell operating company or affiliate from engaging in the provision of any lawful service other than electronic publishing in any area or from engaging in the provision of electronic publishing that is not disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(b) SEPARATED AFFILIATE OR ELECTRONIC PUBLISHING JOINT VENTURE REQUIREMENTS.—A separated affiliate or electronic publishing joint venture shall—

"(1) maintain books, records, and accounts that are separate from those of the Bell operating company and from any affiliate and which record in accordance with generally accepted accounting principles all transactions, whether direct or indirect, with the Bell operating company;

"(2) not incur debt in a manner that would permit a creditor upon default to have recourse to the assets of the Bell operating company;

"(3) prepare financial statements that are not consolidated with those of the Bell oper-

ating company or any affiliate, provided that consolidated statements may also be prepared;

"(4) file with the Commission annual reports in a form substantially equivalent to the Form 10-K referenced at 17 C.F.R. 249.310 as that section and form are in effect on the date of enactment;

"(5) after 1 year from the effective date of this section, not hire as corporate officers sales and marketing management personnel whose responsibilities at the separated affiliate or electronic publishing joint venture will include the geographic area where the Bell operating company provides basic telephone service, or network operations personnel whose responsibilities at the separated affiliate or electronic publishing joint venture would require dealing directly with the Bell operating company, any person who was employed by the Bell operating company during the year preceding their date of hire, provided that this requirement shall not apply to persons subject to a collective bargaining agreement that gives such persons rights to be employed by a separated affiliate or electronic publishing joint venture of the Bell operating company;

"(6) not provide any wireline telephone exchange service in any telephone exchange area where a Bell operating company with which it is under common ownership or control provides basic telephone exchange service except on a resale basis;

"(7) not use the name, trademarks, or service marks of an existing Bell operating company except for names or service marks that are or were used in common with the entity that owns or controls the Bell operating company;

"(8) have performed annually by March 31, or any other date prescribed by the Commission, a compliance review which—

"(A) must be conducted by an independent entity which is subject to professional, legal, and ethical obligations for the purpose of determining compliance during the preceding calendar year with any provision of this section that imposes a requirement on such separated affiliate or electronic publishing joint venture; and

"(B) must be maintained by the separated affiliate for a period of 5 years subject to review by any lawful authority; and

"(9) within 90 days of receiving a review described in paragraph (8), file a report of such exceptions and any corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section.

"(c) BELL OPERATING COMPANY REQUIREMENTS.—A bell operating company under common ownership or control with a separated affiliate or electronic publishing venture shall—

"(1) not provide a separated affiliate any facilities, services or basic telephone service information unless it makes such facilities, services, or information available to unaffiliated entities upon request and on the same terms and conditions;

"(2) carry out transactions with a separated affiliate in a manner equivalent to the manner that unrelated parties would carry out independent transactions and not based upon the affiliation;

"(3) carry out transactions with a separated affiliate, which involve the transfer of personnel, assets, or anything of value, pursuant to written contracts or tariffs that are filed with the Commission and made publicly available;

"(4) carry out transactions with a separated affiliate in a manner that is auditable in accordance with generally accepted accounting principles;

"(5) value any assets that are transferred to a separated affiliate at the greater of net book cost or fair market value;

"(6) value any assets that are transferred to it by its separated affiliate at the lesser of net book cost or fair market value;

"(7) except for—

"(A) instances where Commission or State regulations permit in-arrears payment for tariffed telecommunications services; or

"(B) the investment by an affiliate of dividends or profits derived from a Bell operating company,

not provide debt or equity financing directly or indirectly to a separated affiliate;

"(8) comply fully with all applicable Commission and State cost allocation and other accounting rules;

"(9) have performed annually by March 31, or any other date prescribed by the Commission, a compliance review which——

"(A) must be conducted by an independent entity which is subject to professional, legal, and ethical obligations for the purpose of determining compliance during the preceding calendar year with any provision of this section that imposes a requirement on such Bell operating company; and

"(B) must be maintained by the Bell operating company for a period of 5 years subject to review by any lawful authority;

"(10) within 90 days of receiving a review described in paragraph (9), file a report of such exceptions and any corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section;

"(11) if it provides facilities or services for telecommunication, transmission, billing and collection, or physical collocation to any electronic publisher, including a separated affiliate, for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, provide to all other electronic publishers the same type of facilities and services on request, on the same terms and conditions or as required by the Commission or a State, and unbundled and individually tariffed to the same extent as provided to such publisher;

"(12) provide network access and interconnections for basic telephone service to electronic publishers at prices that are regulated so long as the prices for these services are subject to regulation;

"(13) if prices for network access and interconnection for basic telephone service are no longer subject to regulation, provide electronic publishers such services on the same terms and conditions as a separated affiliate receives such services;

"(14) if any basic telephone service used by electronic publishers ceases to require a tariff, provide electronic publishers with such service on the same terms and conditions as a separated affiliate receives such service;

"(15) provide reasonable advance notification at the same time and on the same terms to all affected electronic publishers of information relating to changes in basic telephone service network design and technical standards which would affect the provision of electronic publishing;

"(16) not directly or indirectly provide anything of monetary value to a separated affiliate unless in exchange for consideration at least equal to the greater of its net book cost or fair market value, except the investment by an affiliate of dividends or profits derived from a Bell operating company;

"(17) not discriminate in the presentation or provision of any gateway for electronic publishing services or any electronic directory of information services, which is provided over such Bell operating company's basic telephone service;

"(18) have no directors, officers, or employees in common with a separated affiliate;

"(19) not own any property in common with a separated affiliate;

"(20) not perform hiring or training of personnel performed on behalf of a separated affiliate;

"(21) not perform the purchasing, installation, or maintenance of equipment on its behalf of a separated affiliate, except for telephone service that it provides under tariff or contract subject to the provisions of this section; and

"(22) not perform research and development on behalf of a separated affiliate.

"(d) CUSTOMER PROPRIETARY NETWORK INFORMATION.—A Bell operating company or any affiliate shall not provide to any electronic publisher, including a separated affiliate or electronic publishing joint venture, customer proprietary network information for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service that is not made available by the Bell operating company or affiliate to all electronic publishers on the same terms and conditions.

"(e) COMPLIANCE WITH SAFEGUARDS.—A Bell operating company, affiliate or its separated affiliate is prohibited from acting in concert with another Bell operating company or any entity in order to knowingly and willfully violate or evade the requirements of this section.

"(f) TELEPHONE OPERATING COMPANY DIVIDENDS.—Nothing in this section shall prohibit an affiliate from investing dividends derived from a Bell operating company in its separated affiliate and subsections (i) and (j) of this section shall not apply to any such investment.

"(g) JOINT MARKETING, ETC.—Except as provided in subsection (h)—

"(1) A Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with a separated affiliate.

"(2) A Bell operating company shall not carry out any promotion, marketing, sales, or advertising or in conjunction with an affiliate that is related to the provision of electronic publishing.

"(h) PERMISSIBLE JOINT ACTIVITIES.—

"(1) JOINT TELEMARKETING.—A Bell operating company may provide inbound telemarketing or referral services related to the provision of electronic publishing for a separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher, provided that if such services are provided to a separated affiliate, electronic publishing joint venture, or affiliate, such services shall be made available to all electronic publishers on request, on nondiscriminatory terms, at compensatory prices, and subject to regulations of the Commission to ensure that the Bell operating company's method of providing telemarketing or referral and its price structure do not competitively disadvantage any electronic publishers regardless of size, including those which

do not use the Bell operating company's telemarketing services.

"(2) TEAMING ARRANGEMENTS.—A Bell operating company may engage in nondiscriminatory teaming or business arrangements to engage in electronic publishing with any separated affiliate or with any other electronic publisher provided that the Bell operating company only provides facilities, services, and basic telephone service information as authorized by this section and provided that the Bell operating company does not own such teaming or business arrangement.

"(3) ELECTRONIC PUBLISHING JOINT VENTURES.—A Bell operating company or affiliate may participate on a nonexclusive basis in electronic publishing joint ventures with entities that are not any Bell operating company, affiliate, or separated affiliate to provide electronic publishing services, provided that the Bell operating company or affiliate has not more than a 50 percent direct or indirect equity interest (or the equivalent thereof) or the right to more than 50 percent of the gross revenues under a revenue sharing or royalty agreement in any electronic publishing joint venture. Officers and employees of a Bell operating company or affiliate participating in an electronic publishing joint venture may not have more than 50 percent of the voting control over the electronic publishing joint venture. In the case of joint ventures with small, local electronic publishers, the Commission for good cause shown may authorize the Bell operating company or affiliate to have a larger equity interest, revenue share, or voting control but not to exceed 80 percent. A Bell operating company participating in an electronic publishing joint venture may provide promotion, marketing, sales, or advertising personnel and services to such joint venture.

"(i) TRANSACTIONS RELATED TO THE PROVISION OF ELECTRONIC PUBLISHING BETWEEN A TELEPHONE OPERATING COMPANY AND ANY AFFILIATE.—

"(1) Any provision of facilities, services, or basic telephone service information or any transfer of assets, personnel, or anything of commercial or competitive value from a Bell operating company to any affiliate related to the provision of electronic publishing shall be—

"(A) recorded in the books and records of each entity;

"(B) auditable in accordance with generally accepted accounting principles; and

"(C) pursuant to written contracts or tariffs filed with the Commission or a State and made publicly available.

"(2) Any transfer of assets directly related to the provision of electronic publishing from a Bell operating company to an affiliate shall be valued at the greater of net book cost or fair market value. Any transfer of assets related to the provision of electronic publishing from an affiliate to the Bell operating company shall be valued at the lesser of net book cost or fair market value.

"(3) A Bell operating company shall not provide an affiliate any facilities, services, or basic telephone service information related to the provision of electronic publishing, which such affiliate then directly or indirectly provides to a separated affiliate, and which is not made available to unaffiliated companies on the same terms and conditions.

"(j) TRANSACTIONS RELATED TO THE PROVISION OF ELECTRONIC PUBLISHING BETWEEN AN AFFILIATE AND A SEPARATED AFFILIATE.—

"(1) Any facilities, services, or basic telephone service information provided or any assets, personnel, or anything of commercial or competitive value transferred, from a Bell operating company to any affiliate as described in subsection (i) and then provided or transferred to a separated affiliate shall be—

"(A) recorded in the books and records of each entity;

"(B) auditable in accordance with generally accepted accounting principles; and

"(C) pursuant to written contracts or tariffs filed with the Commission or a State and made publicly available.

(2) Any transfer of assets directly related to the provision of electronic publishing from a Bell operating company to any affiliate as described in subsection (i) and then transferred to a separated affiliate shall be valued at the greater of net book cost or fair market value. Any transfer of assets related to the provision of electronic publishing from a separated affiliate to any affiliate and then transferred to the Bell operating company as described in subsection (i) shall be valued at the lesser of net book cost or fair market value.

(3) An affiliate shall not provide a separated affiliate any facilities, services, or basic telephone service information related to the provision of electronic publishing, which were provided to such affiliate directly or indirectly by a Bell operating company, and which is not made available to unaffiliated companies on the same terms and conditions.

"(k) OTHER ELECTRONIC PUBLISHERS.—Except as provided in subsection (h)(3)—

(1) A Bell operating company shall not have any officers, employees, property, or facilities in common with any entity whose principal business is publishing of which a part is electronic publishing.

(2) No officer or employee of a Bell operating company shall serve as a director of any entity whose principal business is publishing of which a part is electronic publishing.

"(3) For the purposes of paragraphs (1) and (2), a Bell operating company or an affiliate that owns an electronic publishing joint venture shall not be deemed to be engaged in the electronic publishing business solely because of such ownership.

"(4) A Bell operating company shall not carry out—

"(A) any marketing or sales for any entity that engages in electronic publishing; or

"(B) any hiring of personnel, purchasing, or production, for any entity that engages in electronic publishing.

"(5) The Bell operating company shall not provide any facilities, services, or basic telephone service information to any entity that engages in electronic publishing, for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, unless equivalent facilities, services, or information are made available on equivalent terms and conditions to all.

"(1) TRANSITION.—Any electronic publishing service being offered to the public by a Bell operating company or affiliate on the date of enactment of this section shall have one year from such date of enactment to comply with the requirements of this section.

"(m) SUNSET.—The provisions of this section shall cease to apply to a Bell operating company or its affiliate or separated affiliate in any telephone exchange area on June 30, 2000.

"(n) PRIVATE RIGHT OF ACTION.—

"(1) Any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may file a complaint with the Commission or bring suit as provided in section 207 of this Act, and such Bell operating company, affiliate, or separated affiliate shall be liable as provided in section 206 of this Act: *Provided, however,* That damages may not be awarded for a violation that is discovered by a compliance review as required by subsection (b)(8) or (c)(9) of this section and corrected within 90 days.

"(2) In addition to the provisions of paragraph (1), any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may make application to the Commission for an order to cease and desist such violation or may make application in any district court of the United States of competent jurisdiction for an order enjoining such acts or practices or for an order compelling compliance with such requirement.

"(o) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

"(p) DEFINITIONS.—As used in this section—

"(1) The term 'affiliate' means any entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, a Bell operating company. Such term shall not include a separated affiliate.

"(2) The term 'basic telephone service' means wireline telephone exchange service provided by a Bell operating company in a telephone exchange area, except—

"(A) a competitive wireline telephone exchange service provided in a telephone exchange area where another entity provides a wireline telephone exchange service that was provided on January 1, 1984; and

"(B) wireless telephone exchange service provided by an affiliate that is required by the Commission to be a corporate entity separate from the Bell operating company.

"(3) The term 'basic telephone service information' means network and customer information of a Bell operating company and other information acquired by a Bell operating company as a result of its engaging in the provisions of basic telephone service.

"(4) The term 'control' has the meaning that it has in 17 C.F.R. 240.12b-2, the regulations promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or any successor provision to such section.

"(5) The term 'customer proprietary network information' means—

"(A) information which—

"(i) relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or interexchange telephone service subscribed to by any customer of a Bell operating company, and

"(ii) is available to the Bell operating company by virtue of the telephone company-customer relationship; and

"(B) information contained in the bills for telephone exchange service or interexchange telephone service received by a customer of a Bell operating company.

"(6)(A) The term 'electronic publishing' means the dissemination, provision, publication, or sale by a provider or publisher to an unaffiliated entity or person using a Bell operating company's local exchange facility of any information which the provider or publisher has or has caused to be originated, authored, compiled, collected, or edited or in which the provider or publisher has direct or

indirect financial or proprietary interest, including but not limited to the following:

"(i) news or entertainment;

"(ii) business, financial, legal, consumer, or credit material;

"(iii) editorials;

"(iv) columns;

"(v) sports reporting;

"(vi) features;

"(vii) advertising;

"(viii) photos or images;

"(ix) archival or research material;

"(x) legal notices or public records;

"(xi) scientific, educational, instructional, technical, professional, trade, or other literary materials; or

"(xii) other like or similar information.

"(B) The term 'electronic publishing' shall not include the following network services:

"(i) Information access as that term is defined by the Modification of Final Judgment.

"(iii) The transmission of information as a common carrier.

"(iii) The transmission of information as part of a gateway to an information service that does not involve the generation or alteration of the content of information, including data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access electronic publishing service, which do not affect the presentation of such electronic publishing services to users.

"(vi) Voice storage and retrieval services, including voice message and electronic mail services.

"(v) Level 2 gateway services as those services are defined by the Commission's Second Report and order, Recommendation to Congress and Second Further Notice of Proposed Rulemaking in CC Docket No. 87-266 dated August 14, 1992.

"(vi) Data processing services that do not involve the generation or alteration of the content of information.

"(vii) Transaction processing systems that do not involve the generation or alteration of the content of information.

"(viii) Electronic billing or advertising of a Bell operating company's regulated telecommunications services.

"(ix) Language translation.

"(x) Conversion data from one format to another.

"(xi) The provision of information necessary for the management, control, or operation of a telephone company telecommunication system.

"(xii) The provision of directory assistance that provides names, addresses, and telephone numbers and does not include advertising.

"(xiii) Caller identification services.

"(xiv) Repair and provisioning databases for telephone company operations.

"(xv) Credit card and billing validation for telephone company operations.

"(xvi) 911-E and other emergency assistance databases.

"(xvii) Any other network service of a type that is like or similar to these network services and that does not involve the generation or alteration of the content of information.

"(xviii) Any upgrades to these network services that do not involve the generation or alteration of the content of information.

"(C) The term 'electronic publishing' also shall not include—

"(i) full motion video entertainment on demand; and

"(ii) video programming as defined in section 602 of this Act.

"(7) The term 'electronic publishing joint venture' means a joint venture owned by a Bell operating company or affiliate that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(8) The term 'entity' means any organization, and includes corporations, partnerships, sole proprietorships, associations, and joint ventures.

"(9) The term 'inbound telemarketing' means the marketing of property, goods, or services by telephone to a customer or potential customer who initiated the call.

"(10) The term 'own' with respect to an entity means to have a direct or indirect equity interest (or the equivalent thereof) of more than 10 percent of an entity, or the right to more than 10 percent of the gross revenues of an entity under a revenue sharing or royalty agreement.

"(11) The term 'separated affiliate' means a corporation under common ownership or control with a Bell operating company that does not own or control with a Bell operating company and is not owned or controlled by a Bell operating company and that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(12) The term "Bell operating company' means the corporations subject to the Modification of Final Judgment and listed in Appendix A thereof, or any entity owned or controlled by such corporation, or any successor or assign of such corporation, but does not include an electronic publishing joint venture owned by such corporation or entity.".

Subtitle C—Information Services

SEC. 491. PROVISION OF INFORMATION SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 234. PROVISION OF INFORMATION SERVICES

"(a) PROVISION OF GATEWAY SERVICE.—Unless expressly provided elsewhere in this Act, any Bell operating company or affiliate thereof that offers a gateway service make such service available concurrently to all of its subscribers under nondiscriminatory rates, terms, and conditions, and shall offer gateway service functions to all providers of information services on nondiscriminatory rates, terms, and conditions.

"(b) PREVENTION OF CROSS-SUBSIDIES.—In addition to regulations on cross-subsidization that are prescribed under other provisions of this Act, the Commission shall prescribe cost allocation regulations to prevent any Bell operating company or affiliate that offers services that have market power from using revenues from such services to subsidize competitive information services.

"(c) RESTRICTION ON STATE REGULATION.—Notwithstanding section 2(b) of this Act, a State may not regulate the rates, terms, or conditions for the offering of information services, except as provided in title VI.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'Bell operating company' has the meaning given that term under section 231.

"(2) The term 'gateway service' means an information service that, at the request of the provider of an electronic publishing service or other information service, provides a subscriber with access to such electronic publishing service or other information service, utilizing the following functions: data transmission, address translation, billing information, protocol conversion, and introductory information content.

"(3) The term 'affiliate' has the meaning given that term under section 236 of this Act."

Subtitle D—InterLATA Telecommunications Services

SEC. 481. INTERLATA TELECOMMUNICATIONS SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 235. INTERLATA TELECOMMUNICATIONS SERVICES.

"(a) AUTHORITY.—Notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to section II(D) of the Modification of Final Judgment, a Bell operating company may engage in the provision of interLATA telecommunications services subject to the requirements of this section and any regulations prescribed thereunder. No Bell operating company or affiliate of a Bell operating company shall engage in the provision of interLATA telecommunications services, except as provided in this section

"(b) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) shall not prohibit a Bell operating company from engaging, at any time after the date of enactment of this section, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VIII(C) of the Modification of Final Judgment if such order was entered on or before such date of enactment.

"(c) PETITION FOR AUTHORITY.—

"(1) IN GENERAL.—A Bell operating company or its affiliate may petition the Commission for authority to provide interLATA telecommunications services. The petition shall describe with particularity the nature and scope of each proposed interLATA telecommunications service, and of each product market or service market, and each geographic market, for which authorization is sought.

"(2) REQUIRED SHOWING FOR IN-MARKET SERVICES.—The Commission may, after consultation with the Attorney General, and on the record after opportunity for a hearing in which the public has an opportunity to participate, grant a petition for authority to offer an interLATA telecommunications service to be originated, terminated, or otherwise provided in any area in which the petitioner or its affiliate provides telephone exchange or exchange access services, only if—

"(A) the showing required by paragraph (3) is made;

"(B) all the regulations required by section 230 have been prescribed by the Commission, and each relevant State certifies and the Commission finds that the petitioning Bell operating company or its affiliate is providing telephone exchange and exchange access service in the relevant telephone exchange or exchange access market in full compliance with such regulations; and

"(C) the Commission finds, after receiving factual evidence submitted by the State, that there is actual and demonstrable competition to the Bell operating company's telephone exchange and exchange access services in each relevant area, based on the requirement that actual and demonstrable competition exists when telephone exchange and exchange access services—

"(i) are available from at least one provider that is unaffiliated with the petitioning Bell operating company or its affiliates;

"(ii) offered predominantly over facilities not owned or controlled by the Bell operating company or its affiliates and are comparable in geographic range, function, quality, and price to the service offered by the petitioning Bell operating company or its affiliate; and

"(iii) subscribed to by a significant number of persons in each relevant area.

"(3) REQUIRED SHOWING FOR OUT-OF-MARKET SERVICES.—The Commission may, after consultation with the Attorney General, and on the record after opportunity for a hearing in which the public has an opportunity to participate, grant authority to a petitioning Bell operating company or its affiliate to provide interLATA telecommunications services not described in paragraph (2), upon a showing by the petitioner that there is no substantial possibility that the Bell operating company or its affiliates could use market power in a telephone exchange and exchange access service market to impede competition in the interLATA telecommunications services market that the petitioner seeks to enter.

"(4) INTERLATA TELECOMMUNICATIONS SERVICE SAFEGUARDS.—

"(A) SEPARATE SUBSIDIARY; FULFILLMENT OF CERTAIN REQUESTS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VIII(C) of the Modification of Final Judgment before the date of the enactment of this section, a Bell operating company or an affiliate thereof providing interLATA services authorized under this subsection shall do so through a separate subsidiary as specified in section 236. Such separate subsidiary shall—

"(i) fulfill any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it provides such exchange access service to itself or to its affiliates;

"(ii) fulfill any such requests with exchange access service of a quality that meets or exceeds the quality of exchange access services provided by the Bell operating company or its affiliates to itself or its affiliate; and

"(iii) provide exchange access at rates to all interLATA carriers at rates that are not unreasonably discriminatory.

"(B) COMMISSION ACTION ON COMPLAINTS.—With respect to any complaint brought under section 208 alleging a violation of this section or the regulations implementing it, the Commission shall issue a final order within 1 year after such complaint is filed.

"(d) ADDITIONAL INTERLATA AUTHORITY ASSOCIATED WITH CABLE TELEVISION SERVICE.—

"(1) AUTHORITY.—Notwithstanding subsection (c), a Bell operating company or its affiliate may—

"(A) own and operate receive-only antennas, satellite master antenna television facilities, and satellite earth stations, solely for the purpose of providing cable service;

"(B) own and operate interLATA distribution facilities solely for the purpose of providing cable service; and

"(C) engage in interLATA telecommunications service for the purpose of one-way transmission of video and audio programming solely for cable service.

"(2) RESTRICTION.—A Bell operating company may own and operate the antennas, stations, and facilities described in paragraph (1) (A) and (B) only through one or more affiliates that are totally separate from the Bell operating company's local exchange company.

"(e) ADDITIONAL AUTHORITY TO PROVIDE INTERLATA SERVICES RELATING TO CELLULAR MOBILE RADIO SERVICES.—

"(1) AUTHORITY.—A Bell operating company or its cellular affiliate may provide the interLATA services authorized under this section solely as necessary to provide cellular mobile radio services.

"(2) INTERSYSTEM HANDOFF.—A Bell operating company or its cellular affiliate may provide intersystem handoff, across LATA boundaries, of cellular mobile radio transmissions between adjacent cellular systems, including the provision of such transmission facilities as are necessary to allow the continuation of calls in progress without interruption or degradation of service due to the movement of the mobile telephone unit or the characteristics of radio propagation.

"(3) AUTOMATIC CALL DELIVERY.—A Bell operating company or its cellular affiliate may provide the routing of cellular transmissions between its cellular system and a cellular system located in another LATA, for purposes of completing a call to one of its out-of-region cellular customers.

"(4) USE OF LEASED FACILITIES.—Facilities necessary for intersystem handoff across LATA boundaries or interLATA routing of cellular transmissions, as permitted under paragraphs (2) and (3), shall be leased by a Bell operating company or its cellular affiliate from a carrier (other than a Bell operating company or its affiliate) authorized to provide interLATA telecommunications.

"(5) EQUAL ACCESS AND PRESUBSCRIPTION.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of Final Judgment before the date of enactment of this section, the Commission shall prescribe uniform equal access and long distance presubscription requirements for providers of all cellular and two-way wireless services.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'LATA' means the local access and transport area as defined in United States v. Western Electric Co., 569 F.Supp. 990 (United States District Court, District of Columbia) and subsequent judicial orders relating thereto.

"(2) The term 'cable service' has the meaning given that term under section 602.".

SEC. 482. JURISDICTION.

Section 2(b) of the Communications Act of 1934 (47 U.S.C. 153) is amended by striking "section 332" and inserting in lieu thereof "sections 229, 230, 234, 235, 237, and 332".

TITLE V—REGULATORY PARITY BETWEEN TELEPHONE AND CABLE COMPANIES

SEC. 501. OWNERSHIP AND CONTROL OF CABLE TELEVISION SYSTEMS AND TELEPHONE COMPANIES.

Section 613(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended to read as follows:

"(b)(1)(A) No local exchange carrier, subject in whole or in part to title II of this Act, nor any affiliate of such carrier, owned by, operated by, controlled by, or under common control with such carrier, may—

"(i) purchase or otherwise acquire, directly or indirectly, more than a 5 percent financial interest, any management interest, or any other interest, in any cable system that is providing service within the carrier's telephone exchange service area and is owned by an unaffiliated person; or

"(ii) enter into any joint venture or partnership with a cable operator to provide video programming to subscribers within such telephone exchange service area.

"(B) A local exchange carrier shall not provide video programming directly to subscribers in its telephone exchange service area unless—

"(i) such video programming is provided through a separate subsidiary as set forth in section 236; and

"(ii) the Commission finds that the local exchange carrier offers service in full compliance with the regulations prescribed under section 230 in the geographic area in which it seeks to provide video programming.

"(C) A local exchange carrier that provides video programming directly to subscribers is a cable operator as defined in section 602.

"(D) A local exchange carrier shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its video programming operations.

"(E) Subparagraphs (A) and (B) shall not apply to a local exchange carrier to the extent that such carrier provides telephone exchange service in an area to which an exemption applies under section 63.58 of title 47, Code of Federal Regulations (as in effect on the date of enactment of the Communications Act of 1994).

"(F) Upon a showing that a local exchange carrier has no market power in its telephone service area, the Commission shall exempt the carrier from the provisions of subparagraphs (B) and (D).

"(2)(A) A cable operator shall not provide telecommunications services directly to subscribers in its cable service area unless such telecommunications services are provided through a separate subsidiary.

"(B) No cable operator, nor any affiliate of such cable operator, owned by, operated by, controlled by, or under common ownership with such cable operator, may—

"(i) purchase or otherwise acquire, directly or indirectly, more than a 5 percent financial interest, any management interest, or any other interest, in any local exchange carrier that is providing local exchange service within the local cable operator's service area; or

"(ii) enter into any joint venture or partnership with such local exchange carrier, unless—

"(I) the joint venture of partnership advances the objectives of local competition by promoting or increasing telecommunications competition over facilities separate from the local exchange carriers' facilities in the local exchange carrier's service area; and

"(II) the local exchange carrier's interest in such competing telecommunications services provider does not retard the competing provider's incentives to compete.

"(C) A cable operator shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its telecommunications services.

"(D) Upon a showing that a cable operator has no market power in its cable service area, the Commission shall exempt the cable operator from the provisions of subparagraphs (A), (B), and (C).".

SEC. 502. CONSUMER AND COMPETITIVE SAFEGUARDS.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 236. CONSUMER AND COMPETITIVE SAFEGUARDS.

"(a) SEPARATE SUBSIDIARY.—

"(1) IN GENERAL.—Any subsidiary required by section 235 or 613(b)(1) shall, at a mini-

mum, be separated from a local exchange carrier, in accordance with the requirements of this subsection and the regulations prescribed by the Commission to carry out this subsection.

"(2) TRANSACTION REQUIREMENTS.—Any transaction between such a subsidiary and any local exchange carrier and any other affiliate of the carrier shall not be based upon any preference or discrimination in favor of the subsidiary arising out of the subsidiary's affiliation with the carrier.

"(3) SEPARATE OPERATION AND PROPERTY.—A subsidiary required by this subsection may not enter into any joint venture activities or partnership with a local exchange carrier or any affiliate of such carrier.

"(4) SEPARATE COMMERCIAL ACTIVITIES.—A subsidiary required by this subsection shall carry out its marketing and sales directly and separate from any local exchange carrier or its affiliate.

"(5) BOOKS, RECORDS, AND ACCOUNTS.—Any subsidiary required by this subsection shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by any local exchange carrier or any affiliates of such carrier.

"(6) PROVISION OF SERVICES AND INFORMATION.—A local exchange carrier may not provide any services or information to a subsidiary required by this subsection unless such services or information are made available to others on the same terms and conditions.

"(7) PREVENTION OF CROSS-SUBSIDIES.—Any local exchange carrier required to maintain a subsidiary under this subsection shall establish and administer, in accordance with the requirements of this subsection and the regulations prescribed thereunder, a cost allocation system that prohibits any cost of providing competitive services from being subsidized by revenue from telephone exchange services. The cost allocation system shall employ a formula that ensures that—

"(A) the rates for telephone exchange services are no greater than they would have been in the absence of such investment in competitive services (taking into account any decline in the real costs of providing such telephone exchange services); and

"(B) competitive services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange and competitive services.

"(8) ASSETS.—The Commission shall, by regulation, ensure that the economic risks associated with the provision of competitive services by a local exchange carrier or an affiliate thereof (including any increases in the carrier's cost of capital that occur as a result of the provision of such services) are not borne by customers of telephone exchange services in the event of a business loss or failure. Investments or other expenditures assigned to competitive services shall not be reassigned to telephone exchange service or telephone exchange access service.

"(9) DEBT.—Any local exchange carrier, which is required to be or is structurally separate from an affiliate engaged in the provision of telephone exchange services, shall not obtain credit under any arrangement that would—

"(A) permit a creditor, upon default, to have recourse to the assets of the local exchange carrier; or

"(B) induce a creditor to rely on the tangible or intangible assets of the local exchange carrier in extending credit.

"(b) DEFINITIONS.—As used in this section, the term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, or is owned or controlled by, or is under common ownership or control with, a local exchange carrier. For purposes of this subsection, the terms 'own', 'owned', and 'ownership' mean a direct or indirect equity interest (or equivalent thereof) of more than 5 percent of an organization or entity, or the right to more than 5 percent of the gross revenues of an organization or entity under a revenue sharing or royalty agreement, or any substantial management or financial interest.".

TITLE VI—CUSTOMER CONTROL OVER INFORMATION

SEC. 601. CUSTOMER INFORMATION PROTECTIONS.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 237. CUSTOMER INFORMATION REQUIREMENTS.

"(a) CUSTOMER PROPRIETARY NETWORK INFORMATION.—A local exchange carrier—

"(1) shall not, except as required by law or upon the affirmative request of the customer to which the information relates—

"(A) use customer proprietary network information in the providing of any service other than (i) telephone exchange service or telephone toll service, or (ii) a service necessary to or used in the provision of telephone exchange service or telephone toll service;

"(B) use customer proprietary network information in the identification or solicitation of potential customers for any service other than the service from which such information is derived;

"(C) use such information in their provision of customer premises equipment; or

"(D) disclose such information to any affiliate of such common carrier or any other person that is not an employee of such carrier;

"(2) shall disclose such information, upon affirmative written request by the customer, to any person designated by the customer;

"(3) shall, whenever such common carrier provides any aggregate information based on customer proprietary network information or any data base or other compilation of customer proprietary information to any personnel of such common carrier, or any affiliate of such common carrier, that are engaged in providing any service that is not necessary to the provision of telephone exchange service, or that are engaged in the provision of customer premises equipment, or to any other person that is not an employee or affiliate of such carrier, notify the Commission of the availability of such aggregate or compiled information and shall provide such aggregate or compiled information on reasonable terms and conditions to any other service or equipment provider upon reasonable request therefor; and

"(4) shall not discriminate between affiliated and unaffiliated service or equipment providers in providing access to, or in the use and disclosure of, individual and aggregate or compiled information made available consistent with this subsection.

"(b) RULE OF CONSTRUCTION.—This section shall not be construed to prohibit the disclosure of customer proprietary network information as necessary—

"(1) to render, bill, and collect for telephone exchange service or telephone toll service;

"(2) to render, bill, and collect for any other telecommunications service that the customer has requested;

"(3) to protect the rights or property of the carrier; or

"(4) to protect users of any of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to such service.

"(c) EXEMPTION PERMITTED.—The Commission may, by rule, exempt from the requirements of subsection (a) local exchange carriers that do not have 1,000,000 aggregate nationwide lines installed if the Commission determines that such exemption is in the public interest or if compliance with the requirements would impose an undue economic burden on the carrier.

"(d) DUTY TO PROVIDE SUBSCRIBER LIST INFORMATION.—Notwithstanding subsections (a), (b), and (c), a local exchange carrier that provides subscriber list information to any affiliated or unaffiliated service provider or person shall provide subscriber list information on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon reasonable request.

"(e) AUTOMATIC NUMBER IDENTIFICATION SERVICES.—

"(1) CONTRACT REQUIREMENTS.—Any common carrier or affiliate of a common carrier providing automatic number identification services to any person shall provide such services under a contract or tariff containing telephone subscriber information requirements that comply with this subsection. Such requirements shall—

"(A) permit such person to use the telephone number and billing information provided pursuant to the automatic number identification service for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) prohibit such person from reusing or selling the telephone number or billing information provided pursuant to the automatic number identification service without first orally (i) notifying the originating telephone subscriber and (ii) extending to such subscriber the option to limit or prohibit such reuse or sale; and

"(C) prohibit such person from disclosing, except as permitted by subparagraphs (A) and (B), any information derived from the automatic number identification service for any purpose other than—

"(i) performing the services or transactions that are the subject of the originating telephone subscriber's call,

"(ii) ensuring network performance, security, and the effectiveness of call delivery,

"(iii) compiling, using, and disclosing aggregate information, and

"(iv) complying with applicable law or legal process.

"(2) EXCEPTION FOR ESTABLISHED CUSTOMERS.—The customer information requirements imposed under paragraph (1) shall not prevent a person to which automatic number identification services are provided from using—

"(A) the telephone number and billing information provided pursuant to such service, and

"(B) any information derived from the automatic number identification service, or from the analysis of the characteristics of telecommunications transmission.

to offer, to any telephone subscriber with which such person has an established customer relationship, a product or service that is directly related to the products or service previously acquired by that customer from such person.

"(3) ENFORCEMENT.—(A) Each common carrier shall receive and transmit to the Commission complaints concerning violations of the telephone subscriber information requirements imposed under paragraph (1). Each common carrier shall submit to the Commission, in such form as the Commission may require by regulation, reports on actions taken by the carrier to comply with this section.

"(B) The Commission may, by rule or order, direct the termination of automatic number identification services to any person who has violated the telephone subscriber information requirements imposed under paragraph (1). For purposes of section 503 (b)(1)(B), violations of such requirements shall be considered to be a violation of a provision of this Act.

"(4) EFFECTIVE DATE.—(A) Except as provided in subparagraph (B), the requirements of this subsection shall apply to any automatic number identification service provided on or after one year after the date of enactment of this subsection.

"(B) In the case of any automatic number identification service provided under a contract entered into, or tariff taking effect, more than 90 days after the date of enactment of this subsection, the requirements of this subsection shall apply to any automatic number identification service provided pursuant to such contract or tariff.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'customer proprietary network information' means—

"(A) information which (i) relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or interexchange telephone service subscribed to by any customer of a telephone operating company, and (ii) is available to the telephone operating company by virtue of the telephone company-customer relationship;

"(B) information contained in the bills for telephone exchange service or interexchange telephone service received by a customer of a telephone operating company; and

"(C) such other information concerning the customer as is (i) available to the telephone operating company by virtue of the customer's use of the company's services, and (ii) specified as within the definition of such term by such rules as the Commission shall prescribe consistent with the public interest. except that such term does not include subscriber list information.

"(2) The term 'subscriber information' means any information—

"(A) identifying the names of subscribers of a local exchange carrier and such subscriber's telephone numbers, addresses, or advertising classifications, or any combination of such names, numbers, addresses, or classifications; and

"(B) that the carrier or an affiliate has published or accepted for future publication.

"(3) The term 'aggregate information' means collective data that relates to a group or category of services or customers, from which individual customer identities or characteristics have been removed.

"(4) The term 'automatic number identification' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier and to any other interconnecting carriers.

"(g) PROCEEDING REQUIRED.—Within 6 months after the date of enactment of this section, the Commission shall commence a proceeding—

"(1) to examine the impact of the integration into interconnected communications networks of wireless telephone, cable, satellite, and other technologies on the privacy rights and remedies of the consumers of those technologies;

"(2) to examine the impact that the globalization of such integrated communications networks has on the international dissemination of consumer information and the privacy rights and remedies to protect consumers;

"(3) to propose changes in the Commission's regulations to ensure that the effect on consumer privacy rights is considered in the introduction of new telecommunications services and that the protection of such privacy rights is incorporated as necessary in the design of such services or the rules regulating such services;

"(4) to propose changes in the Commission's regulations as necessary to correct any defects identified pursuant to paragraph (1) in such rights and remedies; and

"(5) to prepare recommendations to the Congress for any legislative changes required to correct such defects.".

TITLE VII—MEDIA DIVERSITY

SEC. 701. REMOVAL OF BROADCAST STATION OWNERSHIP RESTRICTIONS.

Within 1 year after the date of enactment of this Act, the Commission shall, after a notice and comment proceeding, modify or remove such national and local ownership rules on radio and television broadcast stations as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources.

SEC. 702. REVIEW OF STATUTORY OWNERSHIP RESTRICTION.

Within 1 year after the date of enactment of this Act, the Commission shall review the ownership restriction in section 613(a)(1) and report to Congress whether or not such restriction continues to serve the public interest.

703. REVIEW OF VIDEO NON-DUPLICATION AND SYNDICATED EXCLUSIVITY RULES.

Within one year after the date of enactment of this Act, the Commission shall complete a notice and comment proceeding to consider the applicability of the Commission's rules regarding network non-duplication protection and syndicated exclusivity protection to other multichannel video programming providers.

SEC. 704. BROADCASTER PROVISION OF ADDITIONAL SERVICES.

The Commission shall, after a notice and comment proceeding, prescribe regulations to permit broadcasters to make use of the broadcast spectrum that they are licensed to use, for services that are related to the programming services which they are authorized to provide. To the extent that the broadcast licensee provides commercial services using broadcast spectrum, the Commission shall be authorized to collect from each licensee an amount equivalent to the amount that would have been paid if the license to provide such service had been subjected to competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)). Such amounts shall be collected and distributed pursuant to such section 309(j). Nothing shall be construed as relieving a broadcasting station from its obligation to serve the public interest, convenience, and necessity.

COMMUNICATIONS ACT OF 1994

The purpose of the bill is to protect the public interest, encourage private investment in the telecommunications infrastructure, encourage competition in all sectors of the communications industry, ensure the preservation and advancement of universal service, and grant the FCC more regulatory flexibility.

The main provisions of the legislation are summarized below.

TITLE I—PROTECTION AND ADVANCEMENT OF UNIVERSAL SERVICE

The FCC and the states shall share responsibility to ensure that all citizens have access to high-quality telephone service. The bill requires all telecommunications carriers to contribute to universal service either through monetary payment, certain service obligations, in-kind payments or other forms of contributions determined by the FCC and states.

TITLE II—TELECOMMUNICATIONS INVESTMENT

The FCC and the states are directed to encourage new technologies to be deployed to all Americans, including rural and inner city areas, consistent with the need to maintain reasonable rates for consumers.

Telecommunications carriers may engage in joint network planning and standardization.

TITLE III—REGULATORY REFORM

After the mechanisms to protect universal service are established under Title I, state entry barriers are preempted. All carriers, including telephone companies and their competitors, would be regulated as common carriers and required to interconnect to their networks, to ensure that a nationwide, seamless network is preserved.

The FCC and the states shall have the flexibility to tailor regulations to the market power of the carrier if such regulation would serve the public interest, convenience and necessity.

TITLE IV—MFJ ISSUES

Manufacturing.—The bill removes the manufacturing restrictions on the Bell Companies in accordance with the legislation that passed the Senate in 1991 (S. 173, 102nd Congress).

Electronic Publishing and Burglar Alarm Services.—The bill includes provisions concerning Bell Company provision of electronic publishing services and burglar alarm services. The Bell Companies may not enter the burglar alarm services market for six years. The Bell Companies may provide electronic publishing services only through a separate subsidiary and will be barred from cross-subsidizing any information services.

Long Distance.—The bill grants authority to the FCC, after consultation with the Attorney General, to allow a Bell Company into long distance. Out-of-market: The Bell Companies may provide long distance service outside of the areas where they provide telephone service if they show that there is no substantial possibility that they may use their market power to impede competition in the market they seek to enter. In-Market: In areas where the Bell Companies provide telephone service, they may enter the long distance market if: (1) the "no substantial possibility" test is met; (2) the FCC finds that the Bell Company has opened its network; and (3) the FCC finds, after receiving information from the state, that the Bell Company faces actual and demonstrable competition in the geographic market.

There are no arbitrary waiting periods before these tests apply. Once a Bell Company is permitted to enter long distance service, it must do so using a separate subsidiary.

Finally, the bill allows the Bell Companies to provide some cellular and cable television

services across LATA boundaries because the Bell Companies do not have market power for these services.

TITLE V—REGULATORY PARITY BETWEEN TELEPHONE AND CABLE

Telephone companies would only be permitted to provide cable service in the same region where they provide telephone service under the following conditions: (1) telephone companies may not buy out the existing cable company; (2) telephone companies may only provide cable programming using a separate subsidiary; (3) telephone companies may not cross-subsidize their cable operations with telephone revenues; and (4) to the extent they provide cable service, telephone companies will be treated as cable operators under the Cable Act.

Cable companies will only be permitted to provide telephone service if they comply with similar conditions.

TITLE VI—CUSTOMER CONTROL OF INFORMATION

Provisions would protect consumers' and competitors' rights with regard to telephone numbers and billing information. Consumers' telephone numbers would only be given out to those whom the consumer chooses, and the telephone company could not use subscriber information for its affiliated enterprises unless it also gives such information to its competitors.

TITLE VII—MEDIA DIVERSITY

Legislation would direct the FCC to conduct a review of its local and national ownership rules and eliminates those that are not necessary as long as the goal of media diversity is achieved. The FCC will also review the applicability of network non-duplication rules and syndicated exclusivity rules to competitors to cable. The broadcasters also are permitted to provide non-programming services using their broadcast spectrum as long as they pay a fee for the use of that spectrum for commercial purposes and as long as the service is broadcast-related.

Mr. DANFORTH. Mr. President, today I join Chairman HOLLINGS and a bipartisan majority of the Senate Commerce Committee in introducing the Communications Act of 1994.

The telecommunications industry is among our country's most dynamic industries. The combination of new technologies and aggressive entrepreneurs has moved this industry from a stagnant market controlled by a few to an industry with burgeoning competition and flourishing ingenuity. Consumers will benefit from the expanded choices that this competition produces.

In such a dynamic environment, policies meant for stagnant times are not useful, and may even be harmful. Communications policy must reflect this changing environment. In 1934, Congress enacted the Communications Act, the central body of communications law. Today, 60 years later, there is a growing consensus that significant changes are needed in communications law.

The regulatory scheme that grew from the 1934 Act presumed monopolies and left the FCC with very little regulatory flexibility. The communications industry is dramatically different than it was 60 years ago—technological development and growing competition have made the old regulatory system obsolete.

Of critical importance will be the need to encourage competition in all sectors of the communications industry, while maintaining high quality local phone service. The bill we are introducing today, the Communications Act of 1994, advances that goal. This bill will break down the regulatory walls that exist today in the communications industry. The bill encourages competition to cable and competition to local telephone companies. The bill lets the Bell operating companies enter new lines of business where their entry is consistent with the goal of encouraging competition. This bill gives the FCC new flexibility to tailor its regulation to the emerging competitive environment in the telecommunications industry.

The premise of the bill is that increased competition in the provision of communications services in the local market will encourage private infrastructure development. Competition in the local market is likely to have the same beneficial effects that competition has had in the long distance market: increased investment in the network, increased variety and quality of service, and lower prices. Greater infrastructure development will enhance a community's ability to attract new businesses and enable businesses and employees to enjoy the benefits of telecommuting. Additionally, improved telecommunications infrastructure can bring advanced communications services to small businesses, as well as residential, low-income, disadvantaged, educational, medical, rural, and other users who might otherwise be excluded from the information age.

Public policies aimed at promoting competition and preventing market abuses simultaneously advance innovation and developments in the marketplace. I am confident that the introduction of local market competition will spur the technological development of the nation's telecommunications infrastructure. That is the premise of the bill we introduce today. This legislation will meet the changing demands of consumers, contribute to this country's economy, and advance the competitiveness of the U.S. in international markets.

Mr. INOUYE. Mr. President, I am very pleased to cosponsor the Communications Act of 1994, introduced by the chairman of the Commerce Committee, Senator HOLLINGS and ranking Republican, Senator DANFORTH. The legislation provides a comprehensive review of communications policies and lays the regulatory foundation for the telecommunications industry for the next century. The most important component of the legislation is the preservation of universal service that will ensure access to high quality telecommunications services for all Americans, both urban and rural. It is a principle that I believe must be preserved as technology encourages more competition to the traditional telephone monopoly.

The bill is a bipartisan effort that includes a majority of the Commerce Committee as original cosponsors. Today's legislation expands upon efforts earlier this year by Senator DANFORTH and myself. I want to thank Senator DANFORTH for his continued efforts in moving this debate forward and I look forward to working with him to pass this bill this year.

This legislation represents the most comphensive review of communications Law since the enactment of the 1934 Communications Act. It is time for Congress to reassert its role as the decisionmaker on communications policy and return the oversight of the AT&T consent decree to the Federal Communications Commission. I do, however, want to take a moment to commend the extraordinary effort and success with which Judge Greene has overseen the AT&T consent decree. Judge Greene has administered the break-up of one of the world's largest corporations and has, more than any other single person, nurtured a nascent long distance industry into a robust and competitive environment. But now it is time for Congress to take the next step and ensure that the competition at the local level is given the same opportunity to flourish.

The bill that Senator HOLLINGS is introducing today answers several fundamental policy questions: First, how will universal service be preserved in a competitive market; second, what policies should govern competitors in the telecommunications marketplace of tomorrow; and third, when and how should the restrictions on the Bell operating companies be lifted.

First, I want to emphasize my strong support for the universal service provisions of the bill. I think many of us have become accustomed to the concept of universal telephone service without even realizing that the Communications Act of 1934 does not define what universal service means. Our legislation lays out a new framework for the FCC and States to work together to ensure universal service and requires all providers of telecommunications service to contribute their fair share.

The legislation is designed to address the issue of universal service first and then the issue of local competition. I agree with Senator HOLLINGS view that it is essential for the universal service mechanisms to be in place first in order to effectuate a proper transition from a regulated monopoly to a competitive local exchange. The bill provides the necessary balance and flexibility between the FCC and the States that will ensure the particular needs of each individual State are met.

There are two issues in this bill that are of particular concern to me: tele-

phone entry into cable, and Bell Co. entry into long distance. As I stated several months ago, I am very concerned with how the Bell Operating Companies enter into cable within their own service territory. I want to emphasize that I support telephone entry into cable as long as there is a "no buy-out" provision. In other words, I do not think it is sound policy to replace a system of one telephone monopoly and one cable monopoly with a merger of the two into a single monopoly. Competition between the two providers, and potentially other providers, will stimulate investment, lower prices for consumers, and encourage diversity.

The other provision I am most concerned with is how and when the Bell Operating Companies will be allowed to enter the long distance industry. During the two hearings held on S. 1086, the Commerce Committee received testimony from both the long distance industry and the Bell Operating Companies. While the rhetoric from both sides appeared to leave little room for compromise, both parties agreed that the long distance restriction should be lifted once there is competition for local telephone service. The sponsors of this legislation have taken the parties at their word. The legislation we introduce today would allow the Bell Companies into long distance only after the FCC makes a determination that there is no substantial possibility that the Bell Co. could use market power over local telephone service to impede competition in the long distance industry. Where the Bell Co. provides telephone service, the Bell Co. can only satisfy this test by showing that it has opened and unbundled its network to competition, and that it is facing actual and demonstrable competition for local telephone service.

I want to reiterate that the test for entry into the long distance market is a balanced approach. The FCC has the sole responsibility to determine when the local market is competitive. There are no arbitrary waiting periods before the Bell Co. may petition to enter the long distance industry.

Finally, I want to focus on the economic and consumer benefits this legislation offers. Competition is essential to promoting investment in new technologies and to ensuring lower rates for consumers. Competition has worked for long distance service and for telecommunications equipment. There are now four fiber optic networks available for interstate telephone calls, and the diversity of technology for telecommunications equipment is truly astounding. But to date, there is little or no competition for local telephone service.

There is no question that the long distance industry invested heavily in deploying fiber optic networks once it became apparent that competitors were gaining market share. I think AT&T would be the first to say it was a hard-learned lesson. It is my fervent belief that similar investments will take place in the local telephone markets as the telephone companies unbundle their networks and provide greater access and interconnection to other providers of telecommunications services.

Competition is the best way to speed the introduction of advanced technology to everyone's home and business. But competition must not go unchecked. Therefore, the bill contains several consumer safeguards to prevent the Bell Companies from engaging in cross-subsidization and self-dealing when they enter new markets. It requires the Bell Companies to set up separate subsidiaries for their provision of electronic publishing services and burglar alarm services. It also contains provisions to ensure that customer proprietary network information is made available to all competitors in a nondiscriminatory fashion.

This bill contains a balanced approach to protecting universal service and allowing for competition. It relies on market incentives rather than Government funding or Government mandates. It strikes the right balance between dominant market participants and new entrants. It provides for an equitable role between the FCC and the States. I believe this bill has the momentum and consensus to be enacted into law this year. I look forward to working with my colleagues on this important piece of legislation.

Mr. EXON. Mr. President, I am proud to be an original cosponsor of the Telecommunications Act of 1994. Today, the Senate breaks ground on the information superhighway.

Last year I called for a grand compromise to end the gridlock which has gripped American telecommunications policy since the breakup of AT&T. This legislation comes as close to that compromise as any. While this bill remains a work in progress, the fundamental principles are sound. It allows everyone to compete while assuring that all competitors bear the responsibility of universal service.

The bill is comprehensive, fair and visionary.

It takes telecommunications policy out of the courts and places it where it belongs—with the people's representatives in the Congress and the FCC.

As the gates against competition are lifted, competition will occur on a level playing field where fresh ideas, services, and products will fight for new customers.

Many will think of this legislation as a bill simply about phone service. I see it as a key to American education policy. This legislation will provide for educational interchange. Students, young and old, rural and urban, will gain access to new worlds of knowledge. It will be possible for students in Ord, NE to study with professors at Harvard and inner-city children to browse the Library of Congress.

Especially important, rural America will not be left behind in the telecommunications revolution because the universal service obligations of the Communications Act assure modern, affordable communication services for all Americans.

I am pleased that several key provisions of the infrastructure sharing bill that Senator GRASSLEY and I introduced last year were incorporated into this legislation. These provisions assure that rural citizens have access to advanced technology and that the telecommunications network will remain fully compatible in all parts of the country.

Once enacted, this legislation will help create American jobs, increase American productivity and restore new vitality to the American economy. It will give citizens new options for buying local, long distance, data, and video services.

America will work, create, communicate, and be entertained in ways only imagined a few years ago.

New services, new options and new competition with fair universal service obligations will help hold the line on costs for consumers.

I congratulate Senator HOLLINGS for crafting a bold initiative.

This legislation complements the Commerce Committee's landmark legislation included in last year's reconciliation bill on spectrum auction for wireless personal communications systems.

I look forward to continue working with the chairman to further refine this proposal and enact it into law.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

[Press release, Thursday, Feb. 3, 1994]

EXON BREAKS GROUND ON INFORMATION SUPERHIGHWAY

WASHINGTON, DC.—U.S. Senator Jim Exon (D-NE) helped break ground Thursday on the nation's Information Superhighway.

Exon, a senior member of the Senate communications Subcommittee, announced he is cosponsoring a bill that will reduce the cost of telephone and cable television services and encourage competition among companies vying for the chance to provide Americans with new, advanced telecommunications and education services.

"With the Information Superhighway, we will work, communicate and be entertained in ways only imagined a few years ago," Exon said. "Competition among companies we think of today as telephone companies or cable television companies, for instance, will give consumers new services and will help keep the cost of those services down."

The bill, formally known as the Communications Act of 1994 and sponsored by Commerce Committee Chairman Ernest F. Hol-

lings, would encourage competition in the communications industry and ensure that all Americans have access to modern telephone and other telecommunications services.

As the Information Superhighway is built, Americans will have access to new information and entertainment services. For many Americans, the advent of this new technology will make it possible to work or study at home.

"I see this legislation as a key to American education policy," Exon said. "It will provide for a new educational interchange. New worlds of knowledge will be opened to all students, young and old, urban and rural."

"For rural Nebraskans, it presents many new opportunities," Exon said. "But universal service—access to affordable, modern telecommunication services throughout the entire U.S.—is the primary focus of this bill and will assure that rural America does not get left behind."

Mr. ROCKEFELLER. Mr. President, I am pleased today to join the bipartisan leadership of the Senate Commerce Committee as an original cosponsor of the Communications Act of 1994. I congratulate Chairman HOLLINGS for presenting this true starting point in a legislative process that will be an important challenge to all of us.

Because of the complexity of the issues, I am not in a position to predict precisely how we should complete the job begun with this legislation. My cosponsorship of this bill expresses support for its goals and its emphasis. I am committed to working with the industries and people of my State, and drawing on the input and expert advice that this bill will attract, to assist in enacting a final product that achieves our common goals fairly and efficiently.

It is now obvious that an exciting, new era in technology has begun. We are watching the emergence of telecommunications technology, presenting all kinds of possibilities for making American industry more competitive in the global marketplace and improving the lives of people across the country and in my State of West Virginia.

But in order to take advantage of this opportunity, the Congress must build a foundation for development of technology that protects the public interest.

Sixty years have passed since Congress set out a comprehensive framework for communications policy in the 1934 act. The marketplace has changed dramatically and it is now time for Congress to reevaluate that framework in the context of the rapidly changing environment. This bill provides a regulatory strategy that allows fair competition to continue, but safeguards the public interest and the essential goal of universal service.

Government should not be in the business of deciding which specific technologies should dominate and which companies will win the battle of the marketplace. However, Government should play a role in ensuring a level playing field for all service providers, open markets, and consumer protection.

In this new legislation, affordable access to our national information superhighway is guaranteed to schools, hospitals, libraries and other public institutions. This will ensure that West Virginia's medical schools can continue their pioneering work in telemedicine, and that even the smallest communities, like Hamlin, WV will be able to fully participate in the Nation's emerging telecommunications infrastructure.

Again, I commend the chief architects of this legislation. Vice President GORE certainly deserves appreciation for the interest and inspiration he has mobilized around the idea of an information superhighway. The time has come to resolve the conflicts that have blocked progress and its benefits to the country's economy, industries, and people.

Mr. DORGAN. Mr. President, I am pleased to join my colleagues Senators HOLLINGS, DANFORTH, INOUYE, STEVENS, PRESSLER, KERRY, GORTON, EXON, ROCKEFELLER, and BURNS in sponsoring the Communications Act of 1994. This legislation, if it passes, will provide our Nation with the road map for building the information superhighway. It has been 60 years since the Communications Act was first enacted which preceded the television era and there is no question that we need to rewrite telecommunication policy for the 21st century. We now stand at the on-ramp of an exciting new generation of telecommunications technology which will carry us down the road to places unimaginable by previous generations.

One of the most important measures that the 103d Congress should act upon is this legislation. For that reason, I am cosponsoring this bill. I share the vision and desire of my colleagues who believe that our Nation's telecommunication infrastructure needs to be modernized and equipped to carry a whole new generation of technology and services that will have a very profound impact on how we learn, live, and do business. This legislation is a comprehensive rewrite of the Communications Act and it is necessary for bringing us into the next century. However, given the complexity of the whole range of issues that are impacted by this legislation and the enormity of the consequences of the policy direction this bill takes, I want to remain open to perfecting the bill's provisions. Certainly there will be some concerns raised about some of the specific provisions in this bill of which I am currently unaware. I want to make it clear that I intend to work with my colleagues to continue examining these issues and make changes to the legislation if necessary.

There are, nevertheless, some very important guiding principles to this legislation. First, this bill is a comprehensive rewrite of the Communications Act. There is no question that the Congress and the administration need to establish a national telecommunications policy. For over a decade, telecommunications policy, for the most part, has been set by the courts. In an era characterized by rapid technological development and constant change, we cannot afford to wonder adrift without a clear vision and policy direction. We, in the Congress, need to assume our responsibility to consumers and the industry and set the course for the future. The responsibility for telecommunications policy needs to move from the courts to the appropriate Federal and State agencies. The interest of consumers as well as the industry would be better served by a reflective and thoughtful policy established by the Congress and the administration than by laying hostage to the current constraints established by the courts. This bill would place the principle authority for policy direction with the States and the Federal Communications Commission where it belongs.

Second, telecommunications policy needs to establish new rules which are responsive to contemporary circumstances, characterized by rapid technological development and constant change. Legislation needs to focus on laying down the ground rules to ensure fair competition—truly fair competition. The driving force for infrastructure development is the promotion of competition. However, we have to understand that fair competition means that policy must be sensitive to the unique circumstances of how competition works in different geographic areas and in various market environments. In other words, competition in the local exchange network for Washington or New York is very different than in a rural Midwestern State like North Dakota. Telecommunications policy needs to be sensitive to these kinds of differences and this legislation attempts to provide for the necessary flexibility for the FCC and by providing for a strong role by the States. It is my hope that as this bill moves through the legislative process that we ensure that it's provisions provide the best possible accommodation to unique market and geographic circumstances.

Finally, this legislation is based on the premise that universal service must be protected as the information superhighway is constructed. Our telecommunications system is not truly national if access to information highway is not assured for everyone. For the rural areas of this country, a highly sophisticated and developed telecommunications infrastructure holds the potential of dramatic new opportunities for economic development, education, and health care delivery. It is imperative that the folks living in

rural America have access to the same technology and communications links as the rest of the country. This bill contains strong provisions which are designed to protect universal service, which is critical to infrastructure development.

Again, I expect that this legislation will be subject to improvements as the Commerce Committee and the full Senate consider this important measure. I intend to work closely with my colleagues to address any concerns that may arise. However, it is clear that we cannot deviate from the fundamental goals of ensuring truly fair competition in the telecommunication industry and guaranteeing universal access to telecommunication services.

Mr. BURNS. Mr. President, I rise today with Senator HOLLINGS, the distinguished chairman of the Senate Commerce, Science, and Transportation Committee and Senator DANFORTH, the distinguished ranking Republican member of the Senate Commerce Committee to introduce bipartisan communications legislation designed to move this Nation into a new era:

A new era of job creation; a new era of education; a new era of health care; a new era of environmental protection, or in its most basic terms; a new era of information sharing that will literally throw the doors of opportunity open to every single person in America.

The Communications Act of 1994 captures a vision of the future and ensures that America will take its place in this future. With this legislation, we want to encourage private investment in America's communications industry and create a solid foundation on which to build an advanced national information infrastructure connecting every home, school, hospital, library, business, and individual in America.

If we can get this type of network built, then we'll see things like remote medical sensing, distance learning, telecommunicating to businesses from out-of-the-way communities, advanced services for disabled individuals, greater opportunities for rural and inner-city areas, and the list goes on as long as the imagination. A broadband interactive network or information superhighway will greatly enhance the quality of life for all our Nation's citizens, improve our ability to compete in the global marketplace of the 21st century, and secure our position as undisputed world leaders in the information age.

In recent years, we have made amazing advances in the area of technology. It used to be that we relied on typewriters and postage stamps to convey information. But today, the words "reach out and touch someone" take on real meaning. Computers, faxes, cellular phones, personal communications networks—all are changing how we live our lives and the way we do business.

In the video world, advanced cable TV systems are turning to fiber optic networks powerful digital processing and compression technology to provide viewers with hundreds of channels. Phone companies are plunging into information services and have the ability to provide video programming over telephone lines. Publishers are making information available electronically as well as on paper.

The future in communications is interactivity. Consumers will be able to personalize and customize programming or information they want to receive or send. Not only will they be able to call up movies on demand, but they'll be able to tap into libraries, take classes from teachers hundreds of miles away, talk to their doctors over video phones from their own homes, telecommute to work at a job hundreds or thousands of miles away, assemble graphics and video footage from different sources for a business report.

For rural States like my home State of Montana, a broadband interactive information network holds so much hope for education, health care, job creation, and economic development.

I don't know how many of my colleagues have had the pleasure of traveling through Montana—if you haven't I invite you all to visit—but we have tremendous distances to cover. The distance from Eureka, MT, in the northwestern corner of our State to Alzada, MT, in the southeastern corner of our State is the same distance from Washington, DC, to Chicago.

So we have a lot of dirt between lightbulbs, but we know one thing for sure: A broadband interactive information network gives us a way to travel in our State without having to leave home.

In terms of education, a broadband interactive information network would open the world up to Montana students and to Montana teachers. Right now, we have a very progressive rural cooperative in eastern Montana that has helped four towns link up with fiber optics so they can share resources. Students can take classes in German or Russian without having to actually be in the same classroom as the instructor, yet all the interactivity of the student-teacher relationship is there.

Just imagine if every corner of Montana was wired with fiber optic cables, and students at schools in eastern Montana could interactively communicate instantly with students at any other Montana school or college or in any educational institution in the world. The ability to transmit teachers via a broadband interactive network would expand educational opportunities and enable educational institutions to meet State requirements for schools to operate.

But beyond that, once an information network is in place, the door then opens up for the community to improve other aspects of life in a rural town. Such a network can help improve health care. It can result in the attraction of jobs that might go elsewhere because of a lack of access. It can bring in books, videos, or cultural events from far away places. Just as we can transport children into classrooms miles and miles away, fiber optics will enable patients to visit with doctors at urban medical centers on the other side of the State; or employees to work for a business located on the other side of the country; or any rural resident to enjoy a ballet, musical, or play being held on the other side of the world.

The communications industry and the application of new technology can actually energize rural America. Access to a national information infrastructure can actually help save our rural communities, and, as far as I'm concerned, there's no better way of life worth preserving than the rural way of life. It's one that teaches the American values of hard work, diligence, perseverance, ingenuity.

Today, Congress and the Clinton-GORE administration have a golden opportunity to lead America into a new high-tech frontier. We can give every American, no matter who they are, where they live or what their economic resources are, the opportunity to be a pioneer in this new American frontier.

But, America has to focus its vision. We have to concentrate our efforts—both Government and private sector—on being the best in the communications and information field. Whether we are fighting to stay on top or get back on top, the battle is going to be just as tough.

Yet, as America stands at a critical crossroad, one that will determine whether we will pioneer a high technology, entertainment, information and telecommunications frontier, Government is standing in the way. We have not been able to address one of the major issues of our time because we have been unable to overcome special interests and gridlock.

The most foolish thing we can do is allow gridlock to win out. We cannot afford to put our own country at a disadvantage by maintaining or imposing restrictions and regulations that hold back our American industry when our foreign economic competitors are racing to upgrade their own communications systems. Government has got to get out of the way and allow things to happen. We should not be blocking progress.

Because Senator HOLLINGS, Senator DANFORTH and myself recognize the importance of moving ahead, we have joined efforts with a majority of the members of the Commerce, Science, and Transportation Committee in introducing this bill and hope to initiate positive, realistic action on the deployment of a national information infrastructure. We have not always seen eye-to-eye on this issue, but we recognize the time has come to fashion a

practical bill to ensure America's future.

Congress has to give direction—we have to help set the goal and the parameters. That's exactly what Vice president AL GORE and I tried to do in the last Congress with S. 1200, the Communications Competitiveness and Infrastructure Modernization Act of 1991, and that's exactly what Senator HOLLINGS, Senator DANFORTH, and I are doing today by introducing The Communications Act of 1994.

My goal—and challenge to the Nation—is the construction of an advanced, feature-rich national information infrastructure which is universally available for every, home, school, hospital, library, business, and individual in the United States.

In my view the national information infrastructure should be a broadband interactive network universally available to all Americans on which everyone has the choice of providing as well as receiving information.

As a member of both the Communications Subcommittee and ranking member of the Science, Technology, and Space Subcommittee of the Senate Commerce Committee, I intend to actively participate in developing a new comprehensive plan for creating the finest national information infrastructure in the world. The bill we introduce today is a good starting point, together with what the Senate Commerce Committee reported out late last year in S. 4, The National Competitiveness Act of 1993, introduced by Committee Chairman HOLLINGS.

One provision that is vital to my State of Montana is the guaranteed access to the National information infrastructure for schools, medical centers, libraries, community newspapers, public and small market broadcasters, and local and State governments at preferential rates. I worked hard to include language to assure information users and providers throughout my State of Montana have fair and inexpensive access to any future telecommunications network.

Overall, this bill is a visionary, comprehensive blueprint for national telecommunications policy to get us to the 21st century. I plan to work closely with Vice President GORE on a new title of the Communications Act with a goal to encourage completion of a broadband interactive network universally available to all Americans on which everyone has the choice of providing as well as receiving information by the end of the first decade of the 21st century.

The future is in our hands. An advanced, feature-rich national information infrastructure available to all Americans will propel our Nation into the information age of the 21st century. The challenge facing Congress and the Clinton-Gore administration is how to provide the necessary incentives for upgrading the infrastructure while at the same time preserving universal service.

We do not need to mortgage our future, but we do need to invest in it. We must encourage competition among our communications companies to invest and reinvest in this country in ways that will still ensure affordable basic service, so that the average family can afford these new technologies. The doors to the new era of information sharing have got to be open to every single person in America.

I very much look forward to working with Senators HOLLINGS and DANFORTH as well as many other colleagues both on and off the Senate Commerce Committee to ensure America is first in the race to build an advanced, feature-rich national information infrastructure.

In conclusion, I want to say with regard to this bill that what we are doing in telecommunications has a lot to do with what we are talking about—the new look of American education, the ability to deploy broadband telecommunications to be used interactively between schools and distance learning and, yes, delivering of health care into rural areas.

With the leadership of the chairman of the Senate Commerce, Science, and Transportation Committee, Mr. HOLLINGS, and the ranking member, Mr. DANFORTH, who introduced this bipartisan Communications Act that will lead this country into a new era of job creation, in education, in health care, environmental protection at its most basic terms, a new era of information sharing, it will literally throw the doors of opportunity open to every single person in America.

This act of 1994 captures the vision of the future and ensures America a place in that future. We want to encourage the private investment of America's communications industries to create a solid foundation on which to build an advanced national information infrastructure connecting every home, every school, whether it be primary, secondary or into the colleges, hospitals, libraries, businesses and individuals in America.

We look upon this piece of legislation as probably the biggest thing that we can do for the American people the rest of this year.

I congratulate the leadership for the foresight. We started to work on this issue some four years ago. Now we see the leadership come forward, and I think this Congress and the Clinton-GORE administration has a great responsibility in making sure that we are the leaders in this particular field.

Mr. DOLE submitted the following statement for Mr. MCCAIN.

• Mr. MCCAIN. Mr. President, I am pleased that the chairman of the Commerce Committee is today introducing the Communications Act of 1994. Reality tells us that the communications revolution has outpaced the Congress and the Federal Government. For too long the Congress has passively watched the courts shape our Nation's communications policy. Now, the Congress is taking the correct action by asserting its duty to set a responsible national telecommunication's policy.

I applaud the Commerce Committee for addressing this issue. The committee has a formidable task ahead and I am confident it is up to the job.

I look forward to a lively and thorough debate on this issue. The outcome of that debate will affect virtually every American. I intend to play an active role in that debate and do all I can to remedy any flaws I believe exist in the bill and to defend this measure's many outstanding provisions.

The complexity of this issue is staggering and its eventual impact on the public is enormous. We must listen closely to all affected parties and weigh all concerns on every side of this issue. Most importantly, we must contemplate how this legislation will affect the American consumer.

As I stated, virtually every American is a communications consumer. I believe we must put the needs of the public first as we debate how their communications needs can best be served. Further, I believe we must do all we can to ensure that small businesses are not hurt or damaged by our actions and remain a competitive player in the communications industry. Lastly, we must work to be sure that our actions do not unfairly give one company or industry an advantage over any other—being especially cognizant of the smaller communications, cable, and publishing companies.

All of these issues I hope, either by amendment or through debate, will be addressed during the legislative process.

Mr. President, I look forward to learning the views of the administration, my colleagues, industry, and consumers regarding this bill. I welcome their comments and look forward to working on this bill.•

Mr. KERREY. Mr. President, I rise in support of S. 1822, the Communications Act of 1994, which I am pleased to cosponsor with Commerce Committee Chairman ERNEST HOLLINGS, ranking member JOHN DANFORTH, Communications Subcommittee Chairman DANIEL INOUYE, and a bipartisan group of our colleagues. This comprehensive telecommunications legislation will pave the way on the information superhighway for existing and emerging technologies to create jobs and improve the lives of Americans as we head into the Information Age of the 21st century.

Telecommunications is not just about lines and cables and high-technology gadgets. It is about jobs and people's lives.

Telecommunications technology is charging ahead at a pace we never

imagined just a few years ago. The much-ballyhooed information superhighway is moving closer to reality, and is taking a giant step in Omaha, NE, where both US West and Cox Cable are testing broad-based interactive TV services. On the horizon not only are new jobs in existing telecommunications companies, but countless new jobs in entirely new industries spawned by this technology. Telecommunications is the growth industry of the future, and we should do our best to nurture it. I am particularly pleased that the bill we are introducing favors competition in the industry over regulation.

Telecommunications technology also has the power to make a difference in people's lives by informing them and bringing people together. It possesses the power to link a student in our schools to the greatest libraries in the world at the touch of a button. It can link patients in rural Nebraska to the finest medical centers and the best specialists in the Nation without ever having to leave their home towns.

As excited as I am about this technology, I also believe we have an obligation to see that it enriches our society and improves the lives of our citizens. The information superhighway will be nothing but a high-technology gadget unless we ensure that in addition to entertaining us with instant movies or the latest video games, the superhighway also helps to teach our kids, bring new information to our citizens and improve our lives.

We must achieve three goals to make sure that happens. First, the information superhighway must be accessible all over the country, including rural America. Citizens of smaller towns in Nebraska and across the Nation should have the same access to this technology as residents of urban America.

Second, government has a sacred obligation to inform citizens, and the information superhighway can be an invaluable tool for providing Americans with the information they need to make decisions about the future of the country.

Third, we should make a conscious, continuous effort to ensure that our schools have access to this valuable educational technology as well.

I am pleased that this bill addresses these issues, and I look forward to working with Chairman FRITZ HOLLINGS of the Senate Commerce Committee and Chairman Reed Hundt of the FCC to ensure that this technology is an enriching force in our society, not just an entertaining one.

I also look forward to seeking input from Nebraskans on how best to use telecommunications technology for education reform at "Challenge Nebraska," a conference that I am cosponsoring with the U.S. Department of Commerce on May 21, 1994, at the University of Nebraska-Lincoln Nebraska Center.

There is great cause for enthusiasm today. The development of telecommunications technology means the creation of countless good, high-paying jobs—not only in Nebraska, where telecommunications is a major industry—but all over the country. And most important, we know that telecommunications technology—and sound-minded telecommunications reform like that we are proposing—can make a difference in the lives of Americans.

By Mr. LIEBERMAN (for himself, Mr. KOHL, and Mr. DORGAN):

S. 1823. A bill to provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

VIDEO GAME RATING ACT OF 1994

Mr. LIEBERMAN. Mr. President, I am pleased today to introduce, with Senators KOHL and DORGAN, the Video Game Rating Act of 1994.

As we all know too well, Mr. President, violence seems to be everywhere in our society, and we are all threatened by it. You cannot pick up the newspaper or turn on the evening news without being accosted by reports of violent assaults, robberies, and murders. Our entertainment reflects this violence. As several of my colleagues have pointed out, violence saturates television programming, both on the networks and on cable. And it also is a dominant theme in popular video games, many of which are marketed to and played by children.

Why should we be concerned about this? The Roman poet Virgil once said, "As the twig is bent the tree inclines." I have grave concerns about the cumulative impact of all the violence surrounding our children. I know that children today unfortunately cannot avoid some exposure to violence, since it pervades so many corners of our lives, from the news to the streets. But I deplore the fact that some in the entertainment industry consistently present children with glorified and sanitized images of violence in the least appropriate place: the games children play to excite their imagination. Bob Keeshan, television's Captain Kangaroo and a respected advocate for children, has said, "there is a place for gentleness in the life of a child, and children do not need violence to be entertained." Bob Keeshan is absolutely right. Sadly, however, too many video games elevate the most disturbing—in fact the most criminal—of acts. Rather than teaching children anything of value, they merely agitate and provoke them. One teenager who baby sits for a 3- and a 5-year-old siblings told me that they play one very violent game for hours on end and then proceed to beat each other up when they finish. That kind of anecdotal evidence is supported by a growing body of scientific literature suggesting a disturbing link between media violence and actual violence.

The content of some of the video games on the market during this holiday season was truly shocking. Consider examples from two games which were shown on December 9, 1993 at the joint hearing of the Subcommittee on Regulation and Government Information, which I chair, and the Subcommittee on Juvenile Justice, which Senator KOHL chairs. One of this season's blockbuster games, "Mortal Kombat," depicts blood spurting from combatants in a martial arts duel, and allows a victorious player to finish his or her opponent by ripping out a beating heart, or severing the opponent's head and spinal column. In this game, the extreme violence is the victorious player's reward. Another game, "NightTrap," contained one scene in which hooded men attacked a woman in her bathroom and killed her by drilling a hole in her neck. Thankfully, the most popular version of "NightTrap" has now been removed from the market.

The Video Game Rating Act of 1994 which we are introducing today is an attempt to help parents regain a measure of control over the images and messages confronting their children. This bill would establish the Interactive Entertainment Rating Commission which would be instructed to work for 1 year with the video game industry to develop a voluntary rating system. If the industry fails to develop a satisfactory system within that year, the Commission would gain the power to review and rate video games, and to require video game companies to place ratings on their games. The Commission would not have the power to ban games.

Mr. President, Senator KOHL and I are introducing this bill today so that the Senate can begin the work needed to enact it, should that be necessary. I hope we will not have to. Since we first announced our intent to hold hearings to examine violence in video games, the video games industry has moved quickly to begin to develop a voluntary rating system. At our December 9 hearing, the two biggest companies in the industry, SEGA and Nintendo, agreed to develop an industrywide voluntary rating system. Since that time, the industry has begun building such a system. We will be holding a followup hearing on March 4 to receive a progress report.

In addition to working together, individual companies have taken a number of steps to respond to concerns raised by our December 9 hearing. Nintendo, for example, instructed one of its licensees to withdraw an advertisement that featured the slogan "They've got a bullet with your name on it." 3DO is adopting its own interim rating system. SEGA, which already has its own rating system withdrew "NightTrap,"

adopted new policies requiring advertisers of SEGA products to display ratings in all new advertisements, and develop new posters and brochures to go into stores to explain the ratings. SEGA has also announced that when it rolls out the SEGA channel on cable late this year, it will have a feature that will allow parents to control the games to which their children will have access over cable. And several retailers, including FAO Schwartz, Kay-Bee, and Toys R' Us pulled "NightTrap" off their shelves before Christmas.

These are all quite positive development, Mr. President, and they give me reason to be optimistic that the industry will be able to develop a strong, industrywide rating system. I want to be clear, however, that no rating system, whether voluntary or mandated by legislation, can ever be an acceptable excuse for a company to produce junk for children's consumption. Modern communications technology is making our whole world into a global village. In that regard, Bob Keeshan quoted an African proverb which says, "It takes an entire village to raise a child." We will all make our work a better place to live only if everyone—including video games developers, manufacturers and parents—accepts a share of responsibility for doing so.

I intend to hold the video game industry accountable for its share of responsibility. Most parents want to be able to provide a good nurturing environment for their children. This bill would make it easier for them to do so.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Video Game Rating Act of 1994".

(b) PURPOSE.—The purpose of this Act is to provide parents with information about the nature of video games which are used in homes or public areas, including arcades or family entertainment centers.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the terms "video games" and "video devices" mean any interactive computer game, including all software, framework and hardware necessary to operate a game, placed in interstate commerce; and

(2) the term "video game industry" means all manufacturers of video games and related products.

SEC. 3. THE INTERACTIVE ENTERTAINMENT RATING COMMISSION.

(a) ESTABLISHMENT.—There is established the Interactive Entertainment Rating Commission (hereafter in this Act referred to as the "Commission") which shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) MEMBERS OF THE COMMISSION.—(1)(A) The Commission shall be composed of 5 members. No more than 3 members shall be affiliated with any 1 political party.

(B) The members shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate 1 member as the Chairman of the Commission.

(2) All members shall be appointed within 60 days after the date of the enactment of this Act.

(c) TERMS.—Each member shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) COMPENSATION OF MEMBERS.—(1) The Chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the executive schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the Commission.

(2) Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(3) The amendments made by this subsection are repealed effective on the date of termination of the Commission.

(f) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(h) FUNDING.—(1) There are authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act, such sums to remain available until December 31, 1996.

(2) The Commission shall set a reasonable user fee which shall be calculated to be sufficient to reimburse the United States for all sums appropriated under subparagraph (1).

(i) TERMINATION.—The Commission shall terminate on the earlier of—

(1) December 31, 1996; or

(2) 90 days after the Commission submits a written determination to the President that voluntary standards are established that are adequate to warn purchasers of the violent or sexually explicit content of video games.

SEC. 4. AUTHORITY AND FUNCTIONS OF THE COMMISSION.

(a) VOLUNTARY STANDARDS.—(1) The Commission shall—

(A) during the 1-year period beginning on the date of the enactment of this Act, and to the greatest extent practicable, coordinate with the video game industry in the development of a voluntary system for providing information concerning the contents of video games to purchasers and users; and

(B) 1 year after the date of enactment of this Act—

(i) evaluate whether any voluntary standards proposed by the video game industry are adequate to warn purchasers and users about the violence or sexually explicit content of video games; and

(ii) determine whether the voluntary industry response is sufficient to adequately warn parents and users of the violence or sex content of video games.

(2) If before the end of the 1-year period beginning on the date of the enactment of this Act, the Commission makes a determination of adequate industry response under paragraph (1)(B)(ii) and a determination that sufficient voluntary standards are established, the Commission shall—

(A) submit a report of such determinations and the reasons therefor to the President and the Congress; and

(B) terminate in accordance with section 3(i)(2).

(b) REGULATORY AUTHORITY.—Effective on and after the date occurring 1 year after the date of the enactment of this Act the Commission may promulgate regulations requiring manufacturers and sellers of video games to provide adequate information relating to violence or sexually explicit content of such video games to purchasers and users.

SEC. 5. ANTITRUST EXEMPTION.

The antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 45) and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the video game industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to provide appropriate information regarding the sex or violence content of video games to purchasers of video games at the point of sale or initial use or other users of such video games. The exemption provided for in this subsection shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

SUMMARY—VIDEO GAME RATING ACT OF 1994

I. PURPOSE

The purpose of the Video Game Rating Act of 1994 is to establish an independent agency to work with the video game industry to create a system for providing parents and other purchasers with information about graphic violence or sexually explicit material contained in some video games.

II. SUMMARY

The legislation creates a five member bipartisan Interactive Entertainment Rating Commission (the "Commission") which will act as a facilitator for meetings of the video game industry. For a year after the enactment of the legislation, the industry will have sole responsibility for creating a rating system. That system may take whatever form the industry believes is sufficient to provide parents with information about the

graphic violence or sexually explicit content of specific video games. At the end of the one year period, the Commission will review the proposed rating system and determine whether the system will provide purchasers with the appropriate information. If the Commission determines that the system is sufficient, the Commission will issue a report to the President and will then disband. If the Commission determines that the system is not sufficient, the Commission will begin a rule-making process to establish the appropriate rating system.

III. SECTION-BY-SECTION

Section 1

Section 1 provides that the short title of the Act will be the "Video Game Rating Act of 1994" and states that the purpose of the Act is to provide parents and other members of the public with information about the graphic violence or sexually explicit nature of a video game. This system will enable parents to make informed decisions about which video games they will purchase for their children. The system will also cover video games played in arcades and other public areas.

Section 2

Section 2 defines the terms "video games" and "video game industry" for the purposes of the Act. The term "video games" is defined broadly to include any interactive computer game, including all software, framework and hardware. The broad definition is intended to cover future developments in video game technology, such as games played on personal computers and games available through cable television channels, as well as the array of video games currently available for use in the home or in arcades or other public areas. The term "video game industry" means all manufacturers of video games and related products.

Section 3

Section 3(a) establishes the Interactive Entertainment Rating Commission as an independent establishment in the executive branch.

Section 3(b) specifies that the Commission shall be composed of five members. No more than three members shall be affiliated with any one political party. The members shall be appointed by the President.

Section 3(c) states that each member of the Commission shall serve until termination of the Commission.

Section 3(d) establishes that a vacancy on the Commission shall be filled in the same manner as the original appointment.

Section 3(e) sets the compensation of Commission members.

Section 3(f) states that the Chairman of the Commission can appoint an Executive Director and additional personnel.

Section 3(g) allows the Commission to hire contractors.

Section 3(h) authorizes necessary funding for the Commission as necessary until December 31, 1996. It also authorizes the Commission to set a user fee for rating video games that is sufficient to cover the cost of establishing and running the Commission.

Section 3(i) mandates that the Commission shall terminate on the earlier of December 31, 1996 or 90 days after the Commission submits a report to the President stating that the voluntary industry rating system is sufficient.

Section 4

Section 4(a) specifies that, for one year after the date of the enactment of this legislation, the Commission shall work with the video game industry as the industry establishes its proposed rating system. At the end of the one year period, the Commission shall determine whether the voluntary rating system is sufficient to warn parents and users of the violent or sex content of video games. If the Commission decides that the voluntary rating system is sufficient, it shall issue a report to the President and then disband.

Section 4(b) states that, if the Commission determines that the industry rating system is insufficient, it may establish a rating system which will be credible and comprehensive.

Section 5

Section 5 grants the video game industry a narrow exemption from antitrust laws while the industry works to establish a voluntary rating system.

Mr. KOHL. Mr. President, I rise today—with my colleague Senator LIEBERMAN—to introduce the Video Game Rating Act of 1994. But before I begin let me commend Senator LIEBERMAN for his leadership on this important issue. And let me tell the video game industry this: We want you to develop a voluntary rating system; we want you to let parents know what they are buying for their children. We would prefer self-regulation to Government regulation. But we are prepared to move ahead if your efforts falter: Regulate yourselves or we will have to do it for you.

Mr. President, during the recent holiday season, my Subcommittee on Juvenile Justice and Senator LIEBERMAN's Government Affairs Subcommittee held a joint hearing on the topic of violent video games. At our hearing, the video game industry pledged to come together to develop a rating system, and to have that system in place before next Christmas. So it is clear that the debate over the need for a rating system has been settled. Now, Mr. President, we must determine what system should be put in place, and who should do it.

The video game industry believes that self-regulation is the best alternative. And we agree: Government intervention should be a last rather than a first resort. And since our December hearing, the industry appears to be making a concerted effort to put aside its own rivalries to focus on the goal of developing an effective rate system.

In fact, at the January consumer electronics show, representatives from all segments of the industry—including manufacturers, software developers, arcade owners, and others—made the development of a rating system the industry's top priority. So I commend the industry for its efforts to date.

However, we need more than just a good beginning, we need results. As the public's outrage over games like Night Trap and Mortal Kombat proved, parents and consumers want to make sure that the job is finished. And while we must give the video game industry a fair opportunity to address this issue, we must also be prepared to take action if our goals are not met on a timely basis.

Mr. President, video games—more than most forms of entertainment—are aimed at our children. These games can influence our children, teach them new skills, and help them develop positive values. And with interactive technology and virtual reality, video games are going to become even more sophisticated and persuasive. So parents and consumers need to know what our kids are exposed to and what they learn from those games.

Mr. President, that is why I believe it is necessary to move ahead with the legislation we are introducing today. As someone who has spent his adult life in business, I know that if the entire video game industry makes the development and enforcement of a meaningful rating system a priority, then it will happen—quickly, effectively, and without chilling freedom of expression.

Now, Mr. President, let me tell you what the bill will do. Our legislation is simple, straightforward and effective. The Video Game Rating Act creates a five-member bipartisan—with members appointed by the President—Interactive Entertainment Rating Commission. The goal of the Commission is to develop a system for providing parents and other consumers with information about graphic or sexually explicit material contained in some video games. The measure also provides for a one-year grace period during which the video game industry will have sole responsibility for developing a rating system. If the effort is successful, the Commission will issue a report to the President and then disband. But if not, the Commission will have the power to develop an effective system by itself. The measure also provides a narrow exemption from antitrust laws to ensure that the industry can develop a voluntary rating system without fear of antitrust exposure.

Mr. President, I look forward to working with the video game industry as it develops a voluntary response to the concerns of the American people. I believe, however, that we must be prepared to move ahead if these efforts falter, and that is why Senator LIEBERMAN and I are today introducing the Video Game Rating Act of 1994.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. 1824. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

LEGISLATIVE REORGANIZATION ACT OF 1994

Mr. BOREN. Mr. President, today Senator DOMENICI and I are introducing legislation to reform this institution. The bill represents the work of the 1993 Joint Committee on the Organization of Congress.

The need to reform this institution is obvious to all who serve here. Public

confidence in Congress continues to hover around historic lows. We here know that with the challenges facing our country, we must improve the efficiency and accountability of the Congress if we are to regain the confidence of the average citizen. The goal of the work of the joint committee was to demonstrate to the public that we intended to merit their trust.

One year ago, the Joint Committee started what became the most comprehensive set of hearings and consultations ever done by a reform committee, including the first Joint Committee on the Organization of Congress of 1945. We held 6 months of hearings, heard from over 240 witnesses, and received over 500 different recommendations.

It was a challenging year. Institutional change and reform is never easy. Throughout, I benefited from the wisdom and leadership of the joint committee's vice chairman, Senator DOMENICI. Reform of Congress has long been a priority of my friend from New Mexico, who served on the last major reform panel in the Senate, the 1976 Stevenson committee. In addition, I would like to extend my gratitude to the other members of the joint committee, who did this body a great service. Finally, and most importantly, I want to thank the majority and minority leaders, who served as ex officio members, and without whose support we could not have completed our task. I also want to thank my House colleagues, the co-chair for the House, LEE HAMILTON and vice co-chair DAVID DREIER who gave many hours and great dedication to this reform effort.

The overriding theme throughout the year-long deliberations of the joint committee was that Senators today are spread too thin among all their various responsibilities and committee assignments. One of the joint committee's first witnesses, Senator ROBERT C. BYRD, eloquently termed this problem as the "fractured attention spans" of Senators and spoke of its harmful effects:

> In our system, the Senate's role as a deliberative body should be to endeavor to help the people hear all sides so that consensus may form. Yet, as an institution, the Senate is more and more ceasing to perform that deliberative function—It has lost its soul.

There are many reasons for this. Since the last major reform era, committees have grown in size and subcommittees have proliferated. This vast structure in turn generates more legislation proposals, hearings, and interest group activity while rarely leading toward actual lawmaking. Today more bills are proposed and fewer are enacted than ever before in Congress' history. Instead of assisting the Congress, this committee and subcommittee growth has increasingly prevented Congress from focusing on the major issues of the day and performing its legislative and oversight responsibilities.

Since the Budget and Impoundment Control Act in 1974 was enacted, budgetary issues have grown more complex and have come to dominate the activities of Congress. Ironically, while Congress has spent a great deal of time debating the budget, issues are not being resolved and the Senate is instead voting on the same matter time and time again. In short, the Congress is spending more time and deciding less.

The average Senator sits on 12 committee and subcommittee panels. These panels often meet at the same time, and cause Members to run from hearing to hearing, meeting to meeting, and throughout called to the Senate floor for votes. They often are unable to listen to their colleagues debate on the floor or to sit down and work together on an issue.

After four decades during which the resources and staffing of the Federal Government expanded, we are now in a period of downsizing, in the executive and legislative branches. Finally, after moves over the last 20 years to reduce the authority of committee and party leaders, now many see the need to enhance the resources and responsibilities of these same leaders in order to maintain Congress' ability to function effectively.

Former Vice President Walter Mondale, the last witness to appear before the joint committee and himself a leading figure in earlier Senate reforms, echoed the sentiments of Senator BYRD and called for a review of all reform proposals under a single standard:

> To what extent will it enhance this institution's ability to think, to learn, reflect upon and debate the pressing issues facing our country?

The recommended reforms in this legislation, which the Senate members of the joint committee unanimously adopted, are aimed at helping the Senate to address these problems. The proposals range from reforms of the committee system to fundamental changes in the budget process. Overall, the recommendations are guided by a set of principles that the joint committee heard throughout 6 months of comprehensive hearings.

These principles are:

Strengthen the ability of Senators to legislate and to deliberate.

Make Congress more effective and credible.

Enhance accountability, responsibility, and openness in decisionmaking.

Streamline the institution, reduce overlap, and eliminate redundancy.

Reduce the problem of fractured attention.

Congress has lost its ability to focus on the major problems our Nation faces. We must improve the efficiency and accountability of this institution if we are to regain the confidence of the public. I believe the package crafted by the joint committee will change for the better the way Congress does its business.

The proposal will:

Streamline the Senate committee system. It would limit Senators to three full committees and five subcommittees. It would limit committees to no more than three subcommittees. It would abolish the four joint committees.

Reduce congressional staff. The joint committee proposes that Congress make comparable reductions as the staffing reductions proposed by President Clinton and Vice President GORE for the executive branch.

Improve floor procedure and make the Senate schedule more predictable.

We propose that committees meet only on certain days, and that the Senate leadership have more authority to set the legislative schedule. Our proposal to limit the debate on the motion to proceed will allow the leaders to bring up bills without requiring the consent of all 100 Senators. This also will end the leadership's need to honor holds.

Create a more responsible budget process that is less repetitious, less complicated, and more understandable.

We propose a system of biennial budgeting. A 2-year process will permit Congress to spend 1 year on budget matters and the second year on authorizations, oversight, and nonbudgetary legislation. Members will spend more time overseeing programs to make certain that taxpayer money is spent wisely.

Additional recommendations would improve operations of the support agencies, improve relations between the branches of Government, and reform governmental printing. We also intended to include specific proposals to reform the ethics process and to bring Congress under labor and other laws we have applied on the executive branch and the private sector. Two Senate task forces addressed these issues during last year, and their recommendations could become parts of the final reform package debated by the Senate later this year.

I believe this package is comprehensive, integrated, and represents true, bipartisan reform. There is something in this plan with which every individual Senator can disagree. But as a comprehensive plan, it gives to the Senate—and more importantly to the American people—the hope that we will fundamentally improve how we conduct business in the Congress.

All of the recommendations will, if implemented, substantially strengthen the Congress and improve the ability of individual Senators to meet their constitutional responsibilities.

Mr. President, as I say, we will be acting on this soon. The chairman of the Rules Committee, Senator FORD,

has already indicated that he is scheduling hearings later on this month.

This is a matter, I alert my colleagues, which will be coming to the Senate floor expeditiously, a matter on which we will be voting, a matter on which we will have an opportunity to demonstrate to those people who sent us here that we are going to keep faith with them; we are going to keep faith with the history and integrity of the institution by making the recommended reforms that are necessary.

In closing, Mr. President, I also want to thank the staff of the joint committee who enabled us to meet our 1-year time deadline to finish our work so that this could be a truly temporary committee which would automatically go out of existence when its work was done. Not only was the work done on time, it was done under budget. Our committee was able to return over $300,000, almost one-third of its authorized budget which was not spent. The staff included Kim Wincap, staff director, Walter Olsezek, policy director, Kelly Cordes, chief clerk, my own able staff designee John Deeken, and Nick Wise and Larry Evans. These dedicated staff members deserve the thanks of all of the Members of this institution.

Mr. President, I ask unanimous consent that the executive summary from the Senate report of the Joint Committee on the Organization of Congress, Senate Report 103-215, as well as the text of the legislation be printed in the RECORD.

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

S. 1824

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 "Legislative Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Rulemaking power of Senate and House of Representatives.

TITLE I—REFORM OF THE SENATE

Sec. 101. Senate committee assignments.
Sec. 102. Senate committee structure.
Sec. 103. Senate scheduling.
Sec. 104. Proxy votes.
Sec. 105. Senate committee attendance.
Sec. 106. Senate floor proceedings.
Sec. 107. Dedication of unexpended funds to deficit reduction.

TITLE II—REFORM OF THE HOUSE OF REPRESENTATIVES

TITLE III—REFORM OF THE CONGRESS

Subtitle A—Budget Process

PART I—BIENNIAL BUDGETING

Sec. 301. Revision of timetable.
Sec. 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 303. Amendments to title 31, United States Code.
Sec. 304. Two-year appropriations; title and style of appropriations Acts.
Sec. 305. Conforming amendments to rules of House of Representatives.
Sec. 306. Multiyear authorizations.

PART II—ADDITIONAL BUDGET PROCESS CHANGES

Sec. 311. CBO reports to budget committees.
Sec. 312. Byrd rule clarifications.
Sec. 313. GAO assistance with authorizations and oversight.

Subtitle B—Staffing; Administration; and Support Agencies

Sec. 331. Legislative branch streamlining and restructuring.
Sec. 332. Authorization of certain congressional instrumentalities.
Sec. 333. Detailees from congressional support agencies and executive agencies.

Subtitle C—Abolishing the Joint Committees

PART I—JOINT ECONOMIC COMMITTEE

Sec. 361. Joint Economic Committee.

PART II—JOINT COMMITTEE ON TAXATION

Sec. 362. Joint Committee on Taxation.

PART III—JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Sec. 363. Joint Committee on the Library of Congress.

PART IV—JOINT COMMITTEE ON PRINTING

Sec. 371. Joint Committee on Printing.
Sec. 372. Deputy Public Printers.
Sec. 373. Annual report to Congress.
Sec. 374. Superintendent of Documents.
Sec. 375. Requirement of printing by the Government Printing Office.
Sec. 376. Report on costs for printing by Federal agencies other than the Government Printing Office.
Sec. 377. Technical and conforming amendments.

Subtitle D—Legislative and Executive Relations

Sec. 381. Committee oversight goals and reports for Federal program review.
Sec. 382. Sunset agency reporting requirements.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date; application.

SEC. 2. RULEMAKING POWER OF SENATE AND HOUSE OF REPRESENTATIVES.

The provisions of this Act (as applicable) are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

TITLE I—REFORM OF THE SENATE

SEC. 101. SENATE COMMITTEE ASSIGNMENTS.

Rule XXIV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXIV

"APPOINTMENT OF COMMITTEES

"Appointments to standing committees and all other committees shall be made by the majority leader and the minority leader for each member of their respective parties. Such appointments shall be subject to any rules adopted by the respective party caucuses.".

SEC. 102. SENATE COMMITTEE STRUCTURE.

(a) COMMITTEE AND SUBCOMMITTEE ASSIGNMENTS.—Paragraphs 2, 3, and 4 of rule XXV of the Standing Rules of the Senate are amended to read as follows:

"2. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Appropriations	___
"Armed Services	___
"Finance	___
"Foreign Relations	___

"(b) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Agriculture, Nutrition, and Forestry	___
"Banking, Housing, and Urban Affairs	___
"Commerce, Science, and Transportation	___
"Energy and Natural Resources	___
"Environment and Public Works	___
"Governmental Affairs	___
"Judiciary	___
"Labor and Human Resources	___

"(c) The committees listed in this paragraph (except for the Committee on Appropriations) shall not have more than 3 subcommittees.

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Aging	___
"Budget	___
"Indian Affairs	___
"Rules and Administration	___
"Small Business	___
"Veterans' Affairs	___

"(b) The following committee shall consist of the number of Senators set forth in the following table:

"Committee:	Members
"Ethics	___
"Intelligence	___

"(c) The committees listed in this paragraph shall not have more than 2 subcommittees.

"4. (a) Except as otherwise provided by this paragraph—

"(1) each Senator may serve on only one committee listed in paragraph 2(a) and only two committees listed in paragraph 2; and

"(2) each Senator may serve on only one committee listed in paragraph 3(a).

"(b)(1) Each Senator may serve on not more than two subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than one subcommittee of a committee listed in paragraph 3(a) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate may serve ex officio, without vote, as a member of any subcommittee of such committee.

"(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefore.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate.

"(2)(A) A Senator who is serving as the chairman of a committee listed in paragraph 2 or 3(a) may serve at any time as the chairman of only one subcommittee of all committees listed in paragraphs 2 and 3(a) of which he is a member.

"(B) Any Senator other than a Senator described in division (A) may serve as—

"(i) the chairman of only one subcommittee of each committee listed in paragraph 2 or 3(a), of which he is a member; and

"(ii) the chairman of only two subcommittees of the committees listed in paragraphs 2 and 3(a).

"(e) The provisions of this paragraph may only be waived by the Senate by a resolution designating the Senator or Senators receiving the waiver and adopted by an affirmative yea-and-nay vote of the Senators duly chosen and sworn. The resolution shall be offered by the majority leader with the approval of the minority leader. The resolution shall be privileged and no amendment thereto shall be in order. Debate on the resolution shall be limited to one hour, equally divided.".

(b) ABOLITION OF REDUCED COMMITTEES.—

(1) NOTIFICATION.—The majority leader and the minority leader shall notify the chairman of the Committee on Rules and Administration not later than 30 days after the convening of a Congress if the number of majority and minority members of a committee of the Senate for such Congress each fall below 50 percent of the number of such members serving on the committee at the end of the 102d Congress.

(2) RESOLUTION ABOLISHING.—The Committee on Rules and Administration shall report to the Senate a resolution abolishing such committee not later than 30 days after receiving notice under paragraph (1). The Senate shall consider and act upon the resolution not later than 20 session days after the resolution is reported.

(3) ADJUSTING OTHER COMMITTEES.—If a committee is abolished by a resolution pursuant to paragraph (2), the majority leader and the minority leader may adjust the membership of other committees to provide for members of the abolished committee.

SEC. 103. SENATE SCHEDULING.

Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended to read as follows:

"3. (a)(1) The provisions of this subparagraph apply to the committees' meetings (including meetings to conduct hearings) held on Tuesday, Wednesday, or Thursday.

"(2) On Tuesdays, only those committees listed in paragraph 2(a) of rule XXV (except the Committee on Appropriations) shall meet for the transaction of business before the committee.

"(3) On Wednesdays, only those committees listed in paragraph 2(b) of rule XXV shall meet for the transaction of business before the committee.

"(4) On Thursdays, only those committees listed in paragraph 3(a) of rule XXV (except the Committee on the Budget) shall meet for the transaction of business before the committee.

"(5) Subcommittees of a full committee referred to in division (2), (3), or (4) may only meet on the day assigned to the full committee. Subcommittees may not meet when the full committee is meeting.

"(6) No committee of the Senate or any subcommittee thereof may meet, without special leave, on a day not designated for such committee or subcommittee under this subparagraph unless consent therefore has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leader, from the designee of the leaders). The majority leader or the designee of the majority leader shall announce to the Senate whenever consent has been given under this division and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

"(b) If at least three members of any committee desire that a special meeting of the committee be called by the chairman and subject to the provisions of subparagraph (a), those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.".

SEC. 104. PROXY VOTES.

The paragraph 7 of rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this paragraph, no vote of any member of any committee may be cast by proxy unless the addition of the vote to the vote totals does not effect the result of the vote totals.".

SEC. 105. SENATE COMMITTEE ATTENDANCE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(14) The chairman of each committee of the Senate shall publish, in the Congressional Record, the committee attendance and voting records of each member of the committee on or before July 1 and December 31.".

SEC. 106. SENATE FLOOR PROCEEDINGS.

(a) REQUIREMENT OF A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE.—The third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end thereof the following: "Appeals from the decision of the Presiding Officer shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

(b) NONDEBATABLE MOTION TO PROCEED.—Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking the period at the end thereof and inserting the following: "; except those motions to proceed made by the majority leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees. Any such motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

(c) CHARGING QUORUM CALLS AGAINST AN INDIVIDUAL'S TIME UNDER CLOTURE.—The first sentence of the third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the period and inserting the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

(d) DISPENSING WITH THE READING OF CONFERENCE REPORTS.—Paragraph 1 of rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." and inserting the following: "notwithstanding a request for the reading of the conference report (if such report is printed and available one day prior to the motion to consider), and shall be determined without debate.".

(e) SENSE OF THE SENATE RESOLUTIONS.—Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress, or an amendment to such amendment, shall be received unless the amendment is signed by at least 10 Senators.".

SEC. 107. DEDICATION OF UNEXPENDED FUNDS TO DEFICIT REDUCTION.

(a) INTERIM RULES.—Not later than January 1, 1995 and each year thereafter through 1998, the Secretary of the Senate shall certify and publish in the Congressional Record a list identifying each member of the Senate who has used less than the amount allocated to the personal office of the member during the preceding fiscal year and the amount of such unused allocation.

(b) DEDICATION OF UNEXPENDED FUNDS BEGINNING WITH FISCAL YEAR 1999.—Not later

than January 1, 1999 and each year thereafter, the Secretary of the Senate shall notify each Member of the Senate of the difference between the total obligations incurred by his personal office and the allocations for administrative expenses, legislative assistants, and clerk hire available to the Member for the preceding fiscal year. Within 30 days after the date of such notification, any Member pursuant to this subsection may direct the Secretary of the Senate to submit a rescission request for such amount from unobligated balances for that fiscal year.

(c) PERFORMANCE REVIEW GUIDANCE.—In conducting the performance review required by section 331, the Senate committees shall include a plan to reduce the disparity between appropriations and allocations to Members.

TITLE II—REFORM OF THE HOUSE OF REPRESENTATIVES

TITLE III—REFORM OF THE CONGRESS

Subtitle A—Budget Process

PART I—BIENNIAL BUDGETING

SEC. 301. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Fourth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15.	Congressional Budget Office submits report to Budget Committees.
Within 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
April 15 ...	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	Congress completes action on biennial appropriation bills.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
May 15	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

"(1) First Monday in April, President submits budget recommendations.

"(2) April 20, committees submit views and estimates to Budget Committees.

"(3) May 15, Budget Committees report concurrent resolution on the biennial budget.

"(4) June 1, Congress completes action on concurrent resolution on the biennial budget.

"(5) July 1, biennial appropriation bills may be considered in the House.

"(6) July 20, House Appropriations Committee reports last biennial appropriation bill.".

SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(12) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting "April 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(D) by striking "and planning levels for each of the two ensuing fiscal years" and inserting "and the appropriate levels for each of the 3 ensuing fiscal years";

(E) in paragraph (6) by striking "for the fiscal year of the resolution and each of the 4" and inserting "for the biennium of the resolution and each of the 3"; and

(F) in paragraph (7) by striking "for the fiscal year of the resolution and each of the 4" and inserting "for the biennium of the resolution and each of the 3".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a biennium" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting "biennium";

(B) by inserting between the second and third sentences the following new sentence: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)) the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.";

(C) in paragraph (6) by striking "such fiscal year" and inserting "the first fiscal year of such biennium,"; and

(D) in paragraph (10) by striking "the fiscal year covered" and inserting "the biennium covered".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) Section 301(g)(1) of such Act (U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(7) The section heading of section 301 of such Act is amended by striking "**ANNUAL**" and inserting "**BIENNIAL**".

(8) The table of contents set forth in section 1(b) of such Act is amended by striking "Annual" in the item relating to section 301 and inserting "Biennial".

(d) SECTION 302 COMMITTEE ALLOCATIONS.—Section 302(a)(2) of such Act (2 U.S.C. 633(a)(2)) is amended by striking "fiscal year of the resolution and each of the 4 succeeding fiscal years" and inserting "the biennium of the resolution and each of the 3 succeeding fiscal years".

(e) SECTION 303 POINT OF ORDER.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph (1) by striking "the fiscal year" each place it appears and inserting "biennium";

(B) in paragraph (1) by striking "any calendar year" and inserting "any odd-numbered calendar year (or, if applicable, as provided by section 300(b))"; and

(C) by striking paragraph (2), striking "(1)", and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking "fiscal year" and inserting "biennium".

(h) REPORTS AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—Section 308(a)(1)(A) of such Act (2 U.S.C. 639(a)(1)) is amended by striking "fiscal year (or fiscal years)" and inserting "biennium".

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "regular"; and

(3) by striking "fiscal year" and inserting "biennium".

(j) RECONCILIATION PROCESS.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting "any biennium";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "each fiscal year in such biennium"; and

(C) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

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(2) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended by striking "for such fiscal year" and inserting "for such biennium".

(k) SECTION 311 POINT OF ORDER.—

(1)(A) Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(i) by striking "for a fiscal year" and inserting "for a biennium";

(ii) by striking "such fiscal year" the first place it appears and inserting "either fiscal year in such biennium";

(iii) by striking "during such fiscal year" and inserting "during either fiscal year in such biennium";

(iv) by striking "revenues for such fiscal year" and inserting "revenues for a fiscal year"; and

(v) by striking "budget for such fiscal year" and inserting "budget for either fiscal year in such biennium".

(B) Section 311(a)(2)(A) of such Act is amended—

(i) by striking "for the first" and inserting "for either";

(ii) by striking "covering such fiscal year" and inserting "covering such biennium";

(iii) by striking "the first fiscal year covered" and inserting "either fiscal year in such biennium covered";

(iv) by striking "the first fiscal year plus" and inserting "the biennium plus"; and

(v) by striking "4 fiscal years" and inserting "3 fiscal years".

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended by striking "such fiscal year" the second place it appears and inserting "either fiscal year in such biennium".

(l) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting "for the biennium in which such fiscal year occurs".

(m) DATE OF ADJUSTING ALLOCATIONS.—Section 603(a) of such Act (2 U.S.C. 665b) is amended by inserting after "April 15" the following "(or if section 300(b) applies by June 15th)".

SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (12) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(12)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Fourth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 3 years".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 3 years".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting "each fiscal year in the biennium"; and

(B) by striking "4 fiscal years after that year" in subparagraph (B) and inserting "3 fiscal years immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting "in that fiscal year".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting "that period".

(e) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting "biennium".

(f) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(g) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting "3 fiscal years following the biennium"; and

(D) by striking "fiscal year" in paragraph (3) and inserting "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(h) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1994)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting "biennium (beginning on or after October 1, 1995)"; and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(j) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting "For each biennium beginning with the biennium beginning on October 1, 1994, the"; and

(2) by striking "each year" each place it appears.

SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriations Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the biennium ending September 30 (here insert the odd-numbered calendar year).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 305. CONFORMING AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by

striking "such fiscal year" and inserting "the biennium in which such fiscal year begins".

(c)(1) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "concurrent resolution on the budget for each fiscal year" and inserting "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each biennium".

(2) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by striking "and" at the end of subparagraph (4), by striking the period and inserting "; and" at the end of subparagraph (5), and by adding at the end the following new subparagraph:

"(6) to use the second year of each biennium to study issues with long-term budgetary and economic implications, which would include—

"(A) holding hearings to receive testimony from committees of jurisdiction to identify problem areas and to report on the results of oversight; and

"(B) by January 1 of each odd-numbered year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting "March 15 of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)";

(2) by striking "fiscal year" the first place it appears and inserting "biennium"; and

(3) by striking "that fiscal year" and inserting "each fiscal year in such ensuing biennium".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting "biennium if reported after August 1 of the year in which such biennium begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

SEC. 306. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 314. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the funds are to be spent is of less than 2 years duration.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 314. Authorizations of appropriations.".

PART II—ADDITIONAL BUDGET PROCESS CHANGES

SEC. 311. CBO REPORTS TO BUDGET COMMITTEES.

Section 308 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following:

"(c) QUARTERLY BUDGET REPORTS.—The Congressional Budget Office shall, as soon as practicable after the completion of each quarter of the fiscal year, prepare an analysis comparing revenues, spending, and the deficit for the current fiscal year to assumptions included in the Congressional budget resolution. In preparing this report, the Congressional Budget Office shall combine actual budget figures to date with projected revenue and spending for the balance of the fiscal year. The Congressional Budget Office shall include any other information in this report that it deems useful for a full understanding of the current fiscal position of the Federal Government. The reports mandated by this subsection shall be transmitted by the Director to the Senate and House Committees on the Budget, and the Congressional Budget Office shall make such reports available to any interested party upon request.".

SEC. 312. BYRD RULE CLARIFICATIONS.

(a) PERMANENT EXTENSION OF BYRD RULE.—The first sentence of section 904(c) and the second sentence of section 904(d) of the Congressional Budget Act of 1974 are amended by inserting "313," after "306,".

(b) BYRD RULE CLARIFICATIONS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (b)(1)(A), by striking ", including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f);

(3) by redesignating subsection (c), the second time it appears, as subsection (d) and inserting before "When" the following:

"(c) APPLICATION TO CONFERENCE REPORTS.—"; and

(4) in subsection (d) (as redesignated by paragraph (3))—

(A) in paragraph (1), by striking "and"; and

(B) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2)(A) a point of order being made against any provision producing an increase in outlays in any fiscal year shall be considered extraneous if the net effect of provisions affecting outlays reported by the conferees would cause a Senate committee to fail to achieve its outlay instruction, and

"(B) a point of order being made against any provision producing a reduction in revenues in any fiscal year shall be considered extraneous if the net effect of provisions affecting revenues reported by the conferees would cause a Senate committee to fail to achieve its revenue instruction, and".

SEC. 313. GAO ASSISTANCE WITH AUTHORIZATIONS AND OVERSIGHT.

Section 717 of title 31, United States Code, is amended by adding at the end thereof the following:

"(e) During the second session of each Congress, the Comptroller General shall give priority to requests from Congress for audits and evaluations of Government programs and activities.".

Subtitle B—Staffing; Administration; and Support Agencies

SEC. 331. LEGISLATIVE BRANCH STREAMLINING AND RESTRUCTURING.

(a) PERFORMANCE REVIEW.—Not later than one year after the date of enactment of this Act, the Committee on Rules and Administration and the Committee on Appropriations of the Senate and the appropriate committees or task force of the House of Representatives shall submit to the leadership of their respective Houses a performance review together with any necessary implementing legislation for achieving efficiencies, economies, and reductions in the total number of full time equivalent positions in the legislative branch comparable to those proposed and implemented for the executive branch in the President's National Performance Review, submitted September 1993.

(b) REDUCTION BASE.—The reductions required by this section shall be made from a base of the total number of full time equivalent positions in the legislative branch on the date of introduction of S. Con. Res. 57 (102d Congress, 1st Session), the concurrent resolution establishing the Joint Committee on the Organization of Congress.

SEC. 332. AUTHORIZATION OF CERTAIN CONGRESSIONAL INSTRUMENTALITIES.

(a) IN GENERAL.—It is the intent of Congress that the General Accounting Office, Congressional Budget Office, Library of Congress, Government Printing Office, and Office of Technology Assessment shall be authorized for 8 fiscal years in accordance with this section.

(b) CYCLES.—

(1) GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall be authorized by the enactment every eighth year beginning with fiscal year 1997 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(2) LIBRARY OF CONGRESS.—The Library of Congress shall be authorized by the enactment every eighth year beginning with fiscal year 1999 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(3) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall be authorized by the enactment every eighth year beginning with fiscal year 2001 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(4) CONGRESSIONAL BUDGET OFFICE AND OFFICE OF TECHNOLOGY AND ASSESSMENT.—The Congressional Budget Office and Office of Technology Assessment shall be authorized by the enactment every eighth year beginning with fiscal year 2003 of an Act to authorize appropriations for those offices for the next 8 fiscal years.

(c) JURISDICTION.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate and the appropriate committee in the House of Representatives shall have jurisdiction over the authorizations required by this section.

(2) OVERSIGHT.—In reauthorizing instrumentalities as required by this section, the committees referred to in paragraph (1) shall seek to—

(A) eliminate duplication between instrumentalities;

(B) consolidate activities; and

(C) increase efficiency within instrumentalities.

(d) COST ACCOUNTING REQUIREMENTS.—Effective on January 1, 1995, each instrumentality of the Congress providing support to the Congress shall prepare by not later than

December 31 of each year an annual report detailing the cost to the instrumentality of providing support to each committee of the Senate and Senator. The report shall be submitted to the Secretary of the Senate and included in the Secretary's semiannual report.

(e) VOUCHER ALLOCATION SYSTEM.—The Committee on Rules and Administration of the Senate and the appropriate committee of the House of Representatives shall study and report to their respective Houses as a part of their authorization responsibilities under subsection (c) concerning the feasibility of establishing a voucher allocation system for committees using the services of instrumentalities of Congress.

(f) REPEALERS.—

(1) GENERAL ACCOUNTING OFFICE.—Section 736 of title 31, United States Code, is repealed.

(2) CONGRESSIONAL BUDGET OFFICE.—Section 201(f) of the Congressional Budget Act of 1974 (2 U.S.C. 601(f)) is repealed.

(3) LIBRARY OF CONGRESS.—Any authorization of appropriations for the Library of Congress in effect on the effective date of this paragraph is repealed.

(4) GOVERNMENT PRINTING OFFICE.—Any authorization of appropriations for the Government Printing Office in effect on the effective date of this paragraph is repealed.

(5) OFFICE OF TECHNOLOGY ASSESSMENT.—Section 12 of the Technology Assessment Act of 1972 (2 U.S.C. 481) is repealed.

(6) EFFECTIVE DATE.—Paragraphs (1) and (2) shall take effect with respect to fiscal years beginning with fiscal year 1997. Paragraphs (3), (4), and (5) shall take effect with respect to fiscal years beginning with fiscal year 1999.

SEC. 333. DETAILEES FROM CONGRESSIONAL SUPPORT AGENCIES AND EXECUTIVE AGENCIES.

(a) REIMBURSEMENT.—The cost of the service on detail to a committee of the Senate or House of Representatives or the personal office of a member of the Senate or House of Representatives of a person who is regularly employed by an instrumentality of Congress or an executive agency shall be fully reimbursed to the instrumentality of Congress or executive agency by the committee or personal office that receives the service.

(b) DEFINITION.—In this section, the term "instrumentality of Congress" means—

(1) the General Accounting Office;

(2) the Congressional Budget Office;

(3) the Library of Congress;

(4) the Government Printing Office; and

(5) the Office of Technology Assessment.

Subtitle C—Abolishing the Joint Committees

PART I—JOINT ECONOMIC COMMITTEE

SEC. 361. JOINT ECONOMIC COMMITTEE.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Economic Committee is abolished.

(b) TRANSFER OF RESPONSIBILITY.—The Committee on the Budget and the appropriate committee of the House of Representatives shall be responsible for review of the Economic Report of the President required by section 103 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 1022).

PART II—JOINT COMMITTEE ON TAXATION

SEC. 362. JOINT COMMITTEE ON TAXATION.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Committee on Taxation is abolished.

(b) TRANSFER OF RESPONSIBILITY.—Section 202(b) of the Congressional Budget Act of 1974 is amended by—

(1) designating the text of such subsection as paragraph (1); and

(2) adding at the end thereof the following:

"(2) The Office shall provide technical guidance to the Committee on Finance and the Committee on Ways and Means with respect to taxation and tax legislation. The Office shall perform the responsibilities formerly assigned to the Joint Committee on Taxation upon the abolishment of such committee.".

(c) COMMITTEE TRANSFER OVERSIGHT.—The Committee on Rules and Administration and the appropriate committee of the House of Representatives shall report to the Congress a plan for the transfer of responsibilities and staff as required by this section.

PART III—JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

SEC. 363. JOINT COMMITTEE ON THE LIBRARY OF CONGRESS.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Committee on the Library of Congress is abolished.

(b) TRANSFER OF RESPONSIBILITY.—Effective beginning with the 104th Congress, the responsibilities of the Joint Committee on the Library of Congress shall be performed by the Committee on Rules and Administration of the Senate and the appropriate committee of the House of Representatives.

PART IV—JOINT COMMITTEE ON PRINTING

SEC. 371. JOINT COMMITTEE ON PRINTING.

(a) ABOLITION.—Chapter 1 of title 44, United States Code, is repealed.

(b) TRANSFER OF RESPONSIBILITY.—Subject to subsection (c), all duties, authorities, responsibilities, and functions performed by the Joint Committee on Printing before the effective date of this part shall be performed by the Public Printer on and after such date.

(c) OVERSIGHT FUNCTIONS.—All legislative oversight jurisdiction, duties, authorities, responsibilities, and functions performed by the Joint Committee on Printing before the effective date of this part shall be performed by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives on and after such date.

(d) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Joint Committee on Printing shall be deemed to refer to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, or the Public Printer, as appropriate.

SEC. 372. DEPUTY PUBLIC PRINTERS.

(a) IN GENERAL.—Section 302 of title 44, United States Code, is amended to read as follows:

"§ 302. Deputy Public Printers; appointments; duties

"(a)(1) The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint the—

"(A) Legislative Deputy Public Printer who shall also serve as the Superintendent of Documents;

"(B) Executive Deputy Public Printer; and

"(C) Judicial Deputy Public Printer.

"(2) Each Deputy Printer shall be a suitable person, who is a practical printer and versed in the art of bookbinding.

"(b) In addition to any other duties required by the Public Printer, the Legislative Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Legislative branch, including all applicable duties performed under—

"(1) chapter 7 relating to Congressional printing and binding;

"(2) chapter 9 relating to the Congressional Record;

"(3) chapter 13 relating to particular reports and documents, including sections 1326 and 1332;

"(4) chapter 17 relating to the distribution and sale of public documents;

"(5) chapter 19 relating to the Depository Library Program;

"(6) chapter 27 relating to Advisory Committee on Records of Congress; and

"(7) section 3511 relating to services performed for the Federal Information Locator System.

"(c) In addition to any other duties required by the Public Printer, the Executive Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Executive branch, including all applicable duties performed under—

"(1) chapter 5 relating to the production and procurement of printing and binding;

"(2) chapter 11 relating to Executive printing and binding;

"(3) chapter 13 relating to particular reports and documents; and

"(4) chapters 15, 21, 22, 23, 25, 29, 31, 33, 35, 37, and 39.

"(d) In addition to any other duties required by the Public Printer, the Judicial Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Judicial branch, including all applicable duties performed under—

"(1) chapter 11 relating to Judiciary printing and binding, including printings under section 1120; and

"(2) chapter 13 relating to particular reports and documents.

"(e) The Public Printer, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, shall determine the respective duties of the Deputy Public Printers under this section.".

(b) COMPENSATION.—Section 303 of title 44, United States Code, is amended in the second sentence by striking out "the Deputy Public Printer" and inserting in lieu thereof "each of the Deputy Public Printers".

(c) SUCCESSION.—Section 304 of title 44, United States Code, is amended by striking out "the Deputy Public Printer" and inserting in lieu thereof "one of the Deputy Public Printers designated by the President".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 3 of title 44, United States Code, is amended by striking out the item relating to section 302 and inserting in lieu thereof the following new item:

"302. Deputy Public Printers; appointments; duties.".

(2) Section 313 of title 44, United States Code, is amended—

(A) in the first sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives";

(B) in the second sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives"; and

(C) in the third sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives".

SEC. 373. ANNUAL REPORT TO CONGRESS.

Section 309(c) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The annual program submitted under this subsection shall include a report on—

"(A) the printing costs of each branch of the Government;

"(B) with regard to Government publications, a cost comparison of—

"(i) publications published by the Government Printing Office;

"(ii) Federal agency publications that are published by such agency;

"(iii) publications that are published by commercial sources that are not Federal entities under any contract with a Federal agency (other than the Government Printing Office); and

"(iv) publications that are published by commercial sources that are not Federal entities under any contract with the Government Printing Office; and

"(C) the cost of all individual printing orders printed under section 501(a)(1)(C).".

SEC. 374. SUPERINTENDENT OF DOCUMENTS.

Section 1702 of title 44, United States Code, is amended by striking out the first sentence and inserting in lieu thereof "The Legislative Deputy Public Printer appointed under section 302 shall also serve as the Superintendent of Documents for no additional compensation.".

SEC. 375. REQUIREMENT OF PRINTING BY THE GOVERNMENT PRINTING OFFICE.

(a) IN GENERAL.—Section 501 of title 44, United States Code, is amended to read as follows:

"§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

"(a)(1) All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

"(A) classes of work the Public Printer considers to be urgent or necessary to have done elsewhere;

"(B) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Public Printer;

"(C) individual printing orders may be ordered by an executive department or agency costing not more than $1,500, if—

"(i) the work is printed by any executive department or agency; or

"(ii) the work is printed under a contract by a commercial source that is not a Federal entity;

"(D) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency; or

"(E) printing from other sources that is specifically authorized by law.

"(2) For purposes of this subsection, the term 'printing' means the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the end items of such processes.

"(b) Any Federal officer who orders or contracts for an individual printing order described under subsection (a)(1)(C) shall include as a term of such order or contract that the executive agency or department, or the commercial source that provides the printing shall deliver a sufficient number of any document printed under such order or contract to the Superintendent of Documents for inclusion in the depository library program under chapter 19. The Public Printer shall promulgate regulations to define the term 'sufficient number' for purposes of this subsection.

"(c) Printing or binding may be done at the Government Printing Office only when authorized by law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 207 of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note; Public Law 102-392; 106 Stat. 1719) is repealed.

SEC. 376. REPORT ON COSTS FOR PRINTING BY FEDERAL AGENCIES OTHER THAN THE GOVERNMENT PRINTING OFFICE.

(a) IN GENERAL.—Chapter 11 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1124. Report on costs for printing by Federal agencies

"No later than November 1 of each year, the head of each Federal department and agency shall submit a report to the Public Printer of the cost of publishing all Government publications that were published by such agency in the preceding fiscal year. Such costs shall not include Government publications published by the Government Printing Office or under contract with a commercial source that is not a Federal entity.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 44, United States Code, is amended by adding at the end thereof the following new item:

"1124. Report on costs for printing by Federal agencies.".

SEC. 377. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 107 of title 1, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer in consultation with the Secretary of the Senate and the Clerk of the House of Representatives".

(2) Section 208 of title 1, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(3) Section 4 of the joint resolution entitled "A joint resolution to provide for the printing and distribution of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler", approved October 18, 1976 (2 U.S.C. 28e) is amended—

(A) in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives"; and

(B) in subsection (b) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(4) Section 3 of the Joint Resolution of December 24, 1970 (2 U.S.C. 168b) is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(5) Section 145 of title 4, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(6) Section 312 of the Federal Water Power Act (16 U.S.C. 825k) is amended by striking out "Joint Committee on Printing" each place it appears and inserting in each such place "Public Printer".

(7) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended by striking out "Joint Committee on Printing of the Congress" and inserting in lieu thereof "Public Printer".

(8) Section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(9) Section 411 of title 28, United States Code, is amended in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(10) Section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(18)) is amended—

(A) by striking out paragraph (18); and

(B) by redesignating paragraphs (19) through (21) as paragraphs (18) through (20), respectively.

(11) The table of chapters for title 44, United States Code, is amended by striking out the item relating to chapter 1.

(12) The table of sections for chapter 1 of title 44, United States Code, is repealed.

(13) Section 305 of title 44, United States Code, is amended in subsection (a)—

(A) in the fourth sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer"; and

(B) in the fifth sentence by striking out "either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final." and inserting in lieu thereof "an appeal may be made under subchapter III of chapter 71 of title 5.".

(14) Section 309 of title 44, United States Code, is amended in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(15) Section 312 of title 44, United States Code, is amended by striking out ", with the approval of the Joint Committee on Printing,".

(16) Section 502 of title 44, United States Code, is amended by striking out "with the approval of the Joint Committee on Printing".

(17) Section 504 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing may permit the Public Printer to" and inserting in lieu thereof "The Public Printer may".

(18) Section 505 of title 44, United States Code, is amended by striking out ", under regulations of the Joint Committee on Printing".

(19) Section 508 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(20) Section 509 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing" and inserting in lieu thereof "the Public Printer"; and

(B) by striking out ", under their direction,".

(21) Section 510 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(22) Section 511 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer";

(B) in the second sentence by striking out "The committee" and inserting in lieu thereof "The Public Printer"; and

(C) in the third sentence by striking out "The Committee" and inserting in lieu thereof "The Public Printer".

(23) Section 512 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer"; and

(B) by striking out "the Committee" and inserting in lieu thereof "the Public Printer".

(24) Section 513 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "standard of quality fixed upon by the Joint Committee on Printing," and inserting in lieu thereof "applicable fixed standard of quality"; and

(B) in the second sentence by striking out "the Committee" and inserting in lieu thereof "the Public Printer".

(25) Section 514 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing shall determine" and inserting in lieu thereof "Public Printer shall apply the provisions of subchapter V of chapter 35 of title 31, United States Code, to resolve"; and

(B) by striking out "; and the decision of the Committee is final as to the United States".

(26) Section 515 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "report the default to the Joint Committee on Printing, and under its direction,"; and

(B) in the second sentence by striking out ", under the direction of the Joint Committee on Printing,".

(27) Section 517 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing may authorize the Public Printer to" and inserting in lieu thereof "The Public Printer may".

(28) Section 702 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(29) Section 703 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives".

(30) Section 707 of title 44, United States Code, is amended by striking out "the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The committee" and inserting in lieu thereof "the Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives, may print a bill or resolution, with index and ancillaries, in the style and form the Public Printer considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(31) Section 709 of title 44, United States Code, is amended in the second sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(32) Section 714 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing shall establish rules to be observed by the Public Printer," and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives, shall establish rules".

(33) Section 717 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(34) Section 718 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(35) Section 721(a) of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives"; and

(B) in the second sentence by striking out "The Joint Committee" and inserting in lieu thereof "The Public Printer".

(36) Section 722 of title 44, United States Code, is amended by striking out ", under the direction of the Joint Committee on Printing,".

(37) Section 723 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives"; and

(B) by striking out "the Joint Committee" and inserting in lieu thereof "the Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(38) Section 724 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(39) Section 728 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(40) Section 738 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(41) Section 901 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(42) Section 902 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "the Public Printer, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives,".

(43) Section 903 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(44) Section 904 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(45) Section 905 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(46) Section 906 of title 44, United States Code, is amended—

(A) by striking out "to the Committee on Printing not to exceed one hundred copies;" and inserting in lieu thereof "to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not to exceed one hundred copies each;";

(B) by striking out "to each Joint Committee and Joint Commission in Congress, as may be designated by the Joint Committee on Printing" and inserting in lieu thereof "to each Joint Committee and Joint Commission in Congress, as may be designated by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives";

(C) by striking out "to the Joint Committee on Printing, ten semimonthly copies;" and inserting in lieu thereof "to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, ten semimonthly copies;";

(D) by striking out "of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;" and inserting in lieu thereof "of which eight copies may be bound in the style and manner approved by the Public Printer, in consultation with the appropriate official of the House of Representatives"; and

(E) by striking out "Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered" and inserting in lieu thereof "Copies of the daily edition, unless otherwise directed by the Public Printer, shall be supplied and delivered".

(47) Section 1108 of title 44, United States Code, is amended by striking out ", subject to regulation by the Joint Committee on Printing,".

(48) Section 1112 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(49) Section 1121 of title 44, United States Code, is amended by striking out ", under direction of the Joint Committee on Printing,".

(50) Section 1301 of title 44, United States Code, is amended by striking out ", in accordance with directions of the Joint Committee on Printing".

(51) Section 1320A of title 44, United States Code, is amended by striking out ", and with the approval of the Joint Committee on Printing".

(52) Section 1333 of title 44, United States Code, is amended in subsection (b) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(53) Section 1338 of title 44, United States Code, is amended—

(A) in the first sentence—

(i) by striking out ", under limitations and conditions prescribed by the Joint Committee on Printing,"; and

(ii) by striking out "under limitations and conditions prescribed by the Joint Committee on Printing"; and

(B) in the second sentence, by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(54) Section 1705 of title 44, United States Code, is amended by striking out ", subject to regulation by the Joint Committee on Printing and".

(55) Section 1710 of title 44, United States Code, is amended—

(A) in the first sentence by striking out ", upon a plan approved by the Joint Committee on Printing"; and

(B) in the fourth sentence by striking out "as the Joint Committee on Printing directs".

(56) Section 1914 of title 44, United States Code, is amended by striking out ", with the approval of the Joint Committee on Printing, as provided by section 103 of this title,".

(57) Section 5 of the Federal Records Management Amendments of 1976 (44 U.S.C. 2901 note; Public Law 94-575; 90 Stat. 2727) is amended in subsection (b) by striking out "the Joint Committee on Printing or".

Subtitle D—Legislative and Executive Relations

SEC. 381. COMMITTEE OVERSIGHT GOALS AND REPORTS FOR FEDERAL PROGRAM REVIEW.

(a) COMMITTEE OVERSIGHT GOALS AND REPORTS.—It shall be the responsibility of each standing committee of the House of Representatives and the Senate to—

(1) no later than March 1 of each year in which a first session of a Congress occurs, develop, adopt, and submit Committee Review Agendas, which shall list the discretionary programs, entitlement programs, and tax expenditures under the committee's jurisdiction which the committee intends to review during that Congress and the next 3 Congresses;

(2) coordinate, to the maximum extent practicable, in preparing their oversight agenda with other House and Senate committees having jurisdiction over the same or related laws, programs, or agencies;

(3) provide, after preparation of the first oversight agenda required under this statute, a separate section in their oversight agenda that summarizes what actions and recommendations occurred with respect to implementing their agenda for that Congress;

(4) transmit their oversight agenda to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, respectively, for consideration during the committee funding process; and

(5) adopt legislative procedures to assure, to the greatest extent practicable, that any recommendation proposed by the committee under paragraph (3) is considered by the full Senate or House of Representatives.

(b) HEARINGS ON INSPECTOR GENERAL, GAO, AND AGENCY AUDIT REPORTS.—Each committee of the House of Representatives and the Senate shall hold hearings during each Congress for the purpose of reviewing appropriate reports relating to the activities of executive agencies over which the committee has oversight responsibility filed during the preceding Congress, including reports of the inspectors general, the General Accounting Office, as well as agency audit reports.

SEC. 382. SUNSET AGENCY REPORTING REQUIREMENTS.

(a) IN GENERAL.—Any law requiring an executive agency to report to Congress shall be effective for not to exceed 5 years after the date of enactment of such law.

(b) LAWS IN EFFECT.—Any law requiring an executive agency to report to Congress in effect on the date of enactment of this Act shall expire 5 years after such date unless the law provides for an earlier expiration date in which case the law shall expire on the earlier date.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective January 1, 1995, and shall apply to bienniums beginning after September 30, 1995.

(b) FISCAL YEAR 1995.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this title) shall apply to the fiscal year beginning on October 1, 1994.

(c) DEFINITION.—For purposes of this section, the term "biennium" shall have the meaning given to such term in paragraph (12) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(12)), as added by section 302(b)(2) of this Act.

SUMMARY OF RECOMMENDATIONS[1]

The Senators on the Joint Committee on the Organization of Congress have considered and adopted a number of recommendations to improve the operation of the Congress. The recommendations contained in the body of this report can be summarized as follows:

THE SENATE COMMITTEE SYSTEM

1. Committee structure: The Rules of the Senate should be amended to establish the following modified committee structure:

Designate as "Super A" committees: Appropriations; Armed Services; Finance; and Foreign Relations.

Designate as "A" committees: Agriculture, Nutrition and Forestry; Banking, Housing and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Governmental Affairs; Judiciary; and Labor and Human Resources.

Designate as "B" committees: Budget; Rules and Administration; Veterans' Affairs; Small Business; Aging; and Indian Affairs.

Designate as "C" committees: Ethics; and Intelligence.

2. Committee Assignment Limitations: No Senator should serve on more than one "Super A." Senators could serve on either one "Super A" and one "A" committee, or two "A" committees. Senators should serve on no more than one "B" committee. There should be no limitation on assignments to "C" committees.

3. Subcommittee Limitations per committee: No "Super A" or "A" committee should have more than 3 subcommittees (except Appropriations), and no "B" committee should have more than 2 subcommittees.

4. Subcommittee Assignment Limitations: No Senator should serve on more than 2 subcommittees per "Super A" or "A" committees (except Appropriations), and 1 subcommittee per "B" committee.

5. Committee Assignments: The Senate Majority and Minority Leaders should make assignments to committees under rules adopted by their respective party caucuses.

6. Waiver Procedure: No waiver to the assignment limitations should be granted, unless a resolution amending Senate rules naming the Senators receiving the waivers is offered by both the Majority and Minority Leaders, and is passed by a yea-and-nay vote.

7. De Minimis Rule for Abolishing Committees: If, as a result of the assignment limitations, a standing committee falls below 50 percent of both its majority and minority membership as determined by its size at the end of the 102d Congress, it should be abolished, and its jurisdiction redistributed to other standing committees.

8. Joint Committees: The Joint Committees on Printing, the Library, and Taxation, as well as the Joint Economic Committee should be abolished, with their responsibilities reassigned to appropriate Senate standing committees.

9. Chairmanship Limitation: No Senator who is chairman of a full committee should serve as chairman of more than one subcommittee, and no Senator who is not a committee chairman should serve as a chairman of more than two subcommittees.

10. Committee Scheduling: Senate committees should meet only on certain days in order to hold hearings and conduct business.

11. Proxy Voting: The Rules of the Senate should be amended to prohibit the use of proxy votes from affecting the outcome of any vote at full Committee.

12. Committee Attendance: Chairmen should publish committee attendance and voting records in the Congressional Record semi-annually.

BUDGET PROCESS

13. Biennial Budgeting and Appropriating: The Congress should adopt a 2-year budget resolution and a biennial appropriations cycle whereby the budget resolution and all appropriations legislation are adopted during the first session of a Congress, and authorization legislation is enacted in the second session of a Congress.

14. Multi-Year Authorizations: The Congress should prohibit authorization legislation for periods of less than 2 fiscal years.

15. Quarterly Deficit Reports: The Congressional Budget Office should submit to the Congress quarterly budget reports comparing the actual budget figures to date with the projected revenue, spending, and deficit assumptions included in the most recently enacted congressional budget resolution.

[1] The final report of the Joint Committee consists of four parts: a Senate report; a House report; a policy report that analyzes the major reorganization issues considered by the Joint Committee, summarizes the hearings, and includes results of symposiums and surveys of Members and staff; and a volume of background materials and memoranda.

16. "Byrd Rule" Clarification: The Congressional Budget Act should be amended to clarify that the "Byrd Rule" is permanent, applies to conference reports, requires sixty votes to waive, and applies to extraneous matters.

17. GAO Assistance With Oversight Responsibilities: During the second session of each Congress, the General Accounting Office should give priority to requests from Congress for audits and evaluations of government programs and activities.

STAFFING, ADMINISTRATION, AND SUPPORT AGENCIES

18. Legislative Branch Streamlining: The Senate and the House should instruct relevant committees to conduct a legislative branch performance review for the purpose of enacting staff reductions comparable to the executive branch reductions proposed and implemented as a result of the recommendations of the National Performance Review.

19. Dedication of Unexpended Funds to Deficit Reduction: The Secretary of the Senate should be required to notify each Senator of any excess of appropriations remaining in their staff and operations accounts for the preceding year, and permit such Senators to designate that such funds be returned to the Treasury for deficit reduction.

20. Authorization of Congressional Instrumentalities: The Congress should repeal the permanent authorization law for the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment; and the Congress should instead enact authorizations of 8 years in length for each instrumentality.

21. Cost Accounting Within Congressional Instrumentality: The General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment should prepare each year a report detailing the cost to the instrumentality of providing support to each Senator and Senate committee. Such report should be included in the Secretary of the Senate's semiannual report.

22. Voucher Allocation System: The Senate Committee on Rules and Administration and the appropriate House committees responsible for the authorization of the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment should report to their respective bodies on the feasibility of establishing a voucher allocation system for committees using the services of the Congressional instrumentalities.

23. Use of Detailees from Congressional Instrumentalities and Executive Agencies: The Congress should require that any committee, Senator or House Member using the services on detail of an individual regularly employed by the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment, or any executive branch agency, should fully reimburse such instrumentality or agency for the cost of that service.

SENATE FLOOR PROCEDURE

24. The Motion to Proceed: Debate on the motion to proceed should be limited to 2 hours when made by the Majority Leader or his designee.

25. Sense of Senate Resolutions: For a Sense of the Senate (or Congress) resolution to be considered, it should be cosponsored by ten Senators, unless the resolution is offered by the Majority or Minority Leader.

26. Quorum Calls: Under cloture, time consumed by quorum calls should count against the Senator who suggested the absence of a quorum.

27. Rulings of the Chair: Under cloture, a three-fifths vote should be required to overturn a ruling of the Chair.

28. Conference Reports: The Senate should permit dispensing with the reading of a conference report, as long as the report is printed and available one day before the motion to consider is made.

APPLICATION OF LAWS TO CONGRESS

29. Application of Laws to the Senate: The Senate should consider the recommendations of the Bipartisan Task Force on Senate Coverage, and adopt procedures for applying to itself, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters. The enforcement office should be as independent as practicable, and employees should have a right of judicial review comparable to the private sector.

30. Application of Laws to Congressional Instrumentalities: The Congress should adopt a single set of procedures for applying to the congressional instrumentalities, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters. There should be a single enforcement office, it should be as independent as practicable, and employees of such instrumentalities should have a right of judicial review equal to or greater than that currently enjoyed.

ETHICS PROCESS

31. *Ethics Process:* The Senate should consider the recommendations of the Senate Ethics Study Commission as soon as practicable. Any changes to the Senate ethics process should enhance public accountability, be fair to Senators and their staff, and minimize the demands on the time of Senators serving on the Select Committee on Ethics.

LEGISLATIVE AND EXECUTIVE RELATIONS

32. *Committee Oversight Agenda:* The standing committees of the House and Senate should prepare oversight agendas for ensuring that all programs and laws under their jurisdiction are periodically reviewed, that these agendas be considered during the committee funding process, and that each committee should report to their respective body each Congress summarizing their oversight actions, findings and recommendations.

33. *Sunsetting Agency Reports:* A requirement for an executive agency to report to Congress should be effective for no more than 5 years.

Mr. DOMENICI. Mr. President, I thank you for recognizing me and I thank Senator BOREN for yielding.

I wonder if the Senator would mind my asking unanimous consent that a roster of the Senators who were on the committee be printed in the RECORD so we have all the Senators who served.

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

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS—SENATE MEMBERS

David L. Boren, Oklahoma, Co-Chairman.
Pete V. Domenici, New Mexico, Vice Chairman.
Jim Sasser, Tennessee,
Wendell H. Ford, Kentucky,
Harry Reid, Nevada,
Paul S. Sarbanes, Maryland,
David Pryor, Arkansas,
Nancy L. Kassebaum, Kansas,
Trent Lott, Mississippi,
Ted Stevens, Alaska,
William S. Cohen, Maine,
Richard G. Lugar, Indiana,
George J. Mitchell, Maine, Ex Officio,
Robert Dole, Kansas, Ex Officio.

Mr. DOMENICI. Mr. President, fellow Senators, during the last Presidential election and for about 5 or 6 months thereafter, there was a great deal of talk about what the people were saying. Essentially, there is no doubt that we interpreted them right. They were saying the system is not working as well as America should expect it to work. And they meant the Congress; they meant the House and the Senate.

I have been a Senator for quite some time, so I do not think we can make the Senate exactly what the American people want just by changing rules. But I guarantee you, we can make the U.S. Senate more responsive and more accountable and we can free up time for U.S. Senators to do their job better.

What we heard was too much time is wasted in the U.S. Senate. We did not only hear it from the people, as we moved through the reform process, we heard it from our fellow Senators. They would come and pull out their calendar for the day and say to Senator BOREN and me, "How can I be effective when here is my schedule for today?" And sometimes they had four meetings, subcommittees, or full committee, within the hours of 10 and 12 o'clock on a given day. It was not unusual for them to have two important hearings at the same time every single day of the week that we were in session.

And the thing we heard repeatedly from our fellow Senators was, "Why do we vote on the same issue so many times in the same year?"

My good friend from Arkansas has debated the issue of how much should we spend on NASA's next effort in space. In any given year, that Senator debates the same issue, and he debates it well, on an authorization bill, on the budget, and on the appropriations bill. And, yes, indeed, we vote every time.

In fact, we are adding to the marvelous eloquence of the Senator by letting him be so well prepared on these issues.

But the Senators are saying to us, "Now, we did that every year, each year. Do we have to do it next year again?"

Mr. BUMPERS. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BUMPERS. First of all, I thank the Senator for the laudatory remarks. And I assume, because you think I have been so eloquent, that eloquence this year will persuade you to vote with me on the space station.

Mr. DOMENICI. The Senator, in his usual manner, is extremely presumptuous this evening.

But let me proceed for just a moment.

So we have Senators saying, "Why do we do that?" And then, by the time we finish the appropriation bills, which is the last time we vote on these same issues, we start right over in March and April with a budget resolution that brings the same issues to the floor and we are back on them; three votes on the same major issues in the second year of any given Congress.

So I read the people and my fellow Senators loud and clear: Fix the system so we are not on so many subcommittees and committees, and do it fairly.

And I thought I heard, I say to Senator BOREN, "If you do this, we will accept it."

Then I heard Senators say, "How do we prevent the same votes from recurring every year three different times?" And I thought they were saying, "If you can fix it, we will surely support you."

Well, I will tell you, if you want to vote for this reform bill on just those two counts, we have fixed it.

First of all, the Senator has clearly indicated how we are going to cut back on the number of subcommittees, cut back on the number of committees, and get rid of some committees. And then we are going to let the Senators vote with their feet on how many of the special committees we keep. And for anybody interested in that, just read about it. If there are not enough Members choosing these select committees, they cease to exist.

So we are letting this body decide. A committee will cease to exist because there will not be enough Members who want to be on it consistent with their assignments.

Then we very simply said: Congress lasts for 2 years in each Congress; not 1 year—2 years in the 89th Congress, 2 years in the 91st Congress. And we said, "Why do we not budget for 2 years and have quarterly reviews on the status of the deficit, and some procedural way to bring it current from an economic perspective?" We do not require that. We do not add 20 hours on the floor.

Second, we said that we have no authorization for less than 2 years; and, third, that we appropriate for 2-year appropriations cycles.

Probably, in spite of everybody telling us to fix the redundancies in this system so we will have more time to do other things, the last one I mentioned about appropriating every 2 years will be very contentious and we will hear we will not have enough oversight. And I understand that. I am on the Appropriations Committee. Clearly, that committee is not going to agree even close to unanimously that we ought to do appropriating every 2 years.

But let me suggest if oversight is the problem, this Government of ours cries out for us to do oversight. We do not do any. We wait around for a scandal like the scandal that exists in New York City on Pell grants. It just happened to come out in the newpapers. And then SAM NUNN'S Subcommittee on Investigations, Committee on Governmental Affairs, found we were issuing hundreds of Pell grants to nonexistent students for 10 years or more.

Well, there are scandals across this Government that will probably, if oversight is applied, come out one a week for a whole year, because nobody is looking at the programs. The management of them is looked at very, very poorly in terms of oversight.

So what are we telling the Senators and the House Members? "You will have 1 year out of every Congress to do oversight because you will not have to appropriate. You will not have to budget and you can authorize."

And then we say very simply, to all the agencies of the Government that help us—GAO and others—on the year of oversight, that they will help us and our committees look at the functioning of Government.

Now, there are other things in this package, such as a very simple proposition. I might as well state it here, because it has escaped most people and it will be a giant red flag for those who like to use the reconciliation process for all kinds of laws to be passed.

It simply says that we reform the reconciliation process so that you cannot add any legislation that increases spending. Period. You just do not use deficit reduction processes to add programs that cost money.

You read about Medicaid recently, how that was all added in the reconciliation bill. Whether the program is good or bad, we really are in some kind of a sham and charade when we say we are doing budget reduction and we use an instrument of budget reduction to add new programs that cost enormous amounts of money, especially in future years. Let me just close tonight by saying the time to talk about reform has now ended. It is time to take action.

For those who have told us to do it, we hope when we come around to see you and ask for support, that you will not look glazen-eyed, as if all the brainpower has gone to your feet because you do not even know what we are talking about.

We need your help. We are going to present this fairly and squarely. A lot of Senators wanted it before. We hope you want it next week, next month, and when we finally vote on it on the floor.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Mr. HEFLIN, Mr. BOREN, and Mr. GRAHAM):

S. 1825. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

TAX FAIRNESS FOR MAIN STREET BUSINESS ACT

Mr. BUMPERS. Madam President, I offer this bill on behalf of myself, Senators COCHRAN, CONRAD, DORGAN, HEFLIN, BOREN, and GRAHAM of Florida.

In summary, I offer this bill, first because I used to be a small businessman. I once owned a hardware, furniture, and appliance store among other things. Second, I am chairman of the Small Business Committee. I have a very protective attitude about Main Street small business in this country. As lawyers love to say, since the memory of man runneth not—Main Street businesses have suffered a great competitive disadvantage from mail order houses. This bill is not designed to punish them. There is not a person in this Chamber who has not ordered merchanidse from a mail order catalog.

Their business is growing. Third class mail, of which catalogs represent the bulk, 3.6 million tons of solid waste for the landfills of this country. But this bill is the result of a Supreme Court decision in 1992, and it will enable the States—not mandate, but enable the States—to place a use tax on merchandise shipped in from a mail order house in another State.

A use tax is a tax on merchandise coming into the State. It is the same rate as the sales tax on merchandise bought inside a State. In 1967, in the famous Bellas Hess decision of the Supreme Court, the Court said imposition of a tax collection require meat on interstate sales violates the due process clause and represents a burden on interstate commerce.

In 1992, in a case called Quill versus North Dakota, the Supreme Court overruled the due process portion of the Bellas Hess decision. The Quill Court held that the imposition of a use tax collection burden on an out-of-State company is no longer a violation of due process, but that it is still a burden on interstate commerce. And it is up to Congress, the Court said, to decide whether it will permit such a burden. Thus, this bill.

If the State of Illinois has a 5 percent sales tax, the legislature and the Governor of Illinois may place a 5 percent use tax on merchandise coming into that State from outside. You cannot, if you do not have a sales tax—you cannot levy a use tax. You may only levy a use tax to the extent you have a sales tax in the State.

Some States exempt food from the sales tax. Therefore, if you order food from one of these mail order houses, you may not tax that because you do not tax it locally.

Madam President, the mail order business is growing, and that is fine. I hope they prosper and grow even more. In 1992 they did a estimated $70 to $80 billion in business in this country. If the taxes on those transactions had

been collected, it would have meant about $3.3 billion to the States. A State like California would derive $440 million.

If the States choose to utilize the power of the bill, they can use the money however they want.

Madam President, this is something that we at the Federal Government level can do to level the playing field between mail order houses that do not have to pay sales tax and mail street businesses that do.

There is another thing that goes on in this country. I was in New York a few years ago. I forget how much merchandise I bought. I guess I sounded like a southerner and the clerk said, "Where are you from?" I said, "Arkansas." She said, "Would you like us to mail this to you? If we mail it to you, there won't be any sales tax on it."

I did not accept the offer. As a former Governor who developed a respect for the sales tax and what it means to a State, I did not take her up on the offer, but that is not an uncommon practice.

I have made this bill as palatable as possible to the mail order houses. No. 1, you have to do $3 million of interstate business a year, otherwise you are exempt, unless you do $100,000 of business in one State. If you do $100,000 in any State, you are still subject to the tax in that State.

No. 2, instead of requiring mail order houses to keep up with the sales tax rate in this city, that city, this country, that county and the State, this bill contains a formula so that they will have the option to pay one standard local rate under a formula and allow the States then to redistribute the money to the local jurisdictions.

I want at the conclusion of my remarks to insert three letters that we have received from around the country.

Listen to this one:

Senator Bumpers, thank you in advance for your sponsorship of legislation regarding the collection of interstate sales tax. This week, we lost a $240,000 deal as a result of a sales tax issue. The buyer bought a boat in Oregon to avoid our local and State sales tax. The vessel would be kept out of State for the required period of time and would be subsequently brought into California after the waiting period has elapsed. Based on our local sales tax of 8.25 percent, the resulting tax would have been $19,800. Not only did we and the State of California lose this deal, we also lost the time and expenses involved in upselling the customer to a more expensive boat, from $140,000 to $240,000, sea trialing the boat and providing extensive consultation regarding the boat.

The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete. In today's economic environment, it is tough enough to succeed. But without some form of fair interstate sales tax collection program, we as a responsible law-abiding dealership cannot compete fairly against some of our out-of-State competitors that are not required to collect sales tax or tax at a significantly lower rate.

Thank you very much for your concern.

I cannot be too emphatic in saying that, No. 1, this bill does not require one dime of new taxes. It simply says to the States: You may do this if you believe that these companies are unfairly competing against the main street businesses of your State who collect sales tax and who support the schools and who support everything else in that State. If you do not think it is fair, then they should have to collect taxes just like everybody else does.

We even have a provision in here that if you want to, you may file every 3 months instead of every month. We even have a provision in here requiring the State to install a 1-800 telephone number so these mail order houses can get all the information they need, free of charge.

So I have done my very best to level the playing field for Main Street America. I have done my very best to keep faith with the States, on whom we continue to impose mandates at the Federal level without giving them the money to fulfill those mandates. Here is an opportunity for us to pass a bill that allows the States to impose a fair and equitable tax to help them meet some of those mandates. We are not telling them how. They can do anything they want with the money.

Finally, Madam President, I hope all of my colleagues will read my formal remarks and look at the list of people who strongly support this legislation: National Governors Association. I presented this bill to the Governors Conference in Washington Sunday afternoon downtown and only three Governors voiced any objection to it—three Governors who have admittedly big catalog sales operations in their States.

The National Conference of State Legislatures; the National Association of Counties; the National League of Cities; the U.S. Conference of Mayors; Federal Tax Administrators; Government Finance Officers Association; National Association of State Budget Officers—on and on it goes—National School Boards Association.

But it will not pass here without strong support and lobbying on behalf of my cosponsors and all of these people because there is going to be plenty of opposition to it. I think it is so elementally fair that it is not even debatable.

A GROWING PROBLEM

As the mail order industry has grown in recent years, the tax collection exemption on out-of-State sales has become an increasingly significant problem. In recent months, I have received hundreds of phone calls and letters from Main Street firms across the Nation, all of whom give testimony to the severity of the situation. As a means of attracting customers, many out-of-State companies now tout their exemption from collecting sales taxes as a so-called tax savings to the customer. Last summer, one morning talk show even aired a segment instructing consumers on how to use mail order to avoid sales taxes. Actually, consumers are personally responsible for paying the sales taxes, but the laws are universally ignored. Consequently, sales across State lines are rising and Main Street firms find themselves increasingly disadvantaged.

THE BELLAS HESS AND QUILL CASES

A short discussion of case law is in order to explain why this matter requires congressional intervention. The Supreme Court has twice considered the question of whether a State may impose tax collections duties on an out-of-State mail order company. In 1967, the Court ruled in National Bellas Hess versus Department of Revenue that such a State action violated both the due process clause and the commerce clause of the United States Constitution. Bellas Hess therefore made it impossible for Congress to craft a legislative solution to the problem: although the commerce clause is the exclusive domain of Congress, the due process clause is not subject to congressional discretion. As long as the due process holding from Bellas Hess remained good law, Congress' hands were tied.

Recently, however, the Supreme Court overruled the due process portion of Bellas Hess. In the 1992 case of Quill Corporation versus North Dakota the Court revisited the issue of mail order tax collection and, applying a more modern due process analysis, concluded that mail order activities now constitute a sufficient connection to the State to justify the tax collection requirement. In other words, a State's imposition of tax collection requirements on an out-of-State mail order company no longer offends due process.

The Quill case therefore clears the way for Congress to act on this issue. Although Quill did not overrule the commerce clause portion of Bellas Hess, that holding does not preclude congressional action. As I mentioned earlier, because the commerce clause grants Congress exclusive authority over interstate commerce, Congress may, if it chooses, grant the States the authority to require out-of-State tax collection. Indeed, the Supreme Court expressly acknowledged in Quill that "Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes."

PROTECTIONS AGAINST UNDUE BURDENS ON BUSINESS

In writing this bill, I have taken great care to ensure that it does not place an undue burden on business—particularly small business. I have included four provisions designed to pro-

tect against an overburdensome effect: First, minimus provision—the act expressly exempts any company whose total U.S. revenue is less than $3 million. The exemption will not apply, however, in any State where the company's revenue exceeds $100,000; second, Standard local tax rate—in situations where an out-of-State company is subject to multiple local tax rates in a single State, the company will have the option of paying each applicable local rate or paying one standard rate, called an "in-lieu fee;" third, Filing frequency limitation—States may not require out-of-State companies to file tax returns more than once per quarter; fourth, Mandatory information service—State must maintain a toll-free telephone service to provide out-of-State companies with necessary tax information and forms.

WHAT THE BILL DOES NOT DO

The intent of this bill is not to injure the mail order industry. There are many fine mail order companies in America which offer many useful products, and I have no quarrel with any of them aside from their exemption from collecting use taxes. The intent of this bill is merely to ensure that Main Street businesses are treated equitably in relation to companies located out-of-State.

This bill, moreover, does not impose a new tax. It merely allows for the fair and equitable collection of existing taxes. If the residents of a State do not wish to pay a use tax, then they can repeat that use tax. This is their prerogative. But if they choose to have a use tax, the Federal Government should allow them to enforce it. That's what this bill does—it authorizes the States to collect taxes fairly and evenly from all who conduct business in the State.

Finally, this bill is not a preemption of the States' power to tax. In fact, States are not required to take any action as a result of this bill. They may completely ignore this legislation and continue their present tax collection methods. This bill merely grants the States a power presently denied under the commerce clause and imposes the limitations on that power which are necessary to ensure that the resulting burden on out-of-State companies is not unreasonable.

BROAD SUPPORT

This measure has already gained extensive support. The legislation was crafted with the input of a broad-based coalition of business and governmental associations. They represent large constituencies in 45 States, all of which actively and vocally support the bill.

I urge my colleagues in the Senate to carefully consider this issue. It is very important for the continued vitality of Main Street America, and I invite them to join in this effort to ensure fair competition in American business.

I send this bill to the desk and ask unanimous consent that it be printed in the RECORD, along with an outline of the bill, the three letters, and the list of supporters referred to previously.

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

S. 1825

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 "Tax Fairness for Main Street Business Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) sales by out-of-State firms already are subject to State and local sales taxes, but State and local governments are unable to compel out-of-State firms to collect and remit such taxes,

(2) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(3) State and local governments provide a number of resources to out-of-State firms including government services relating to mail delivery, communications, bank and court systems, and disposal of tons of catalogs,

(4) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including small businesses, in such State,

(5) the Supreme Court ruled in *Quill* v. *North Dakota*, 112 U.S. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(6) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. 3. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this Act.

(b) STATES MUST COLLECT LOCAL SALES TAXES.—A State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC. 4. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this Act and shall be collected under this Act in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Nonuniform local sales taxes required to be collected pursuant to this Act shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this Act to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this Act, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—A State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this Act determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this Act,

(B) in the case of in-lieu fees, as described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local

sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this Act, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this Act, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this Act (or such earlier date as State law may provide). Local sales taxes collected pursuant to this Act prior to the application of this subsection shall be distributed as provided by State law.

SEC. 5. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this Act—

(1) to file a return reporting the amount of any tax collected or required to be collected under this Act, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this Act to collect a local sales tax or in-lieu fee.

SEC. 6. NONDISCRIMINATION AND EXEMPTIONS.

A State shall not have power under this Act to require any person not located in the State or local jurisdiction to collect and remit a State or local sales tax if a person located in the State or local jurisdiction would have been exempt from or otherwise not subject to such State or local sales tax under similar circumstances.

SEC. 7. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section 3 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this Act.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this Act shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this Act, this Act shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. 8. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this Act to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. 9. DEFINITIONS.

For the purposes of this Act—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company or corporation, including a limited liability company, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act. In no event shall this Act apply to any sale occurring before such effective date.

OUTLINE OF THE TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

Effect: Will allow State and local jurisdictions to require out-of-State companies to collect sales taxes on tangible personal property sold to residents of the State or local jurisdiction. Requirements:

The company must solicit or conduct business in the State or local jurisdiction.

The company must deliver the tangible personal property into the State or local jurisdiction.

De Minimus Provision: A company will be exempt if its nationwide sales are less than $3 million. The exemption will not apply, however, in any State where the company's sales exceed $100,000.

Central Collection of Local Taxes Required: To utilize this law, a State must collect local sales taxes on behalf of its local jurisdictions.

Standard Local Sales Tax Option: If local sales taxes vary within a State, companies will have the option of paying all applicable local tax rates or a standard local rate called the "in-lieu fee."

Distribution of Local Sales Taxes: States must distribute local taxes collected pursuant to this law proportionate to the distribution of local taxes collected separate from this law—i.e., local taxes collected from out-of-State companies will be distributed proportionate to local taxes collected from in-State companies. Distributions must occur at least once every calendar quarter.

Filing Frequency: States may not require out-of-State companies to file tax returns more than once every calendar quarter.

Toll-Free Information Service: States must establish a toll-free information service to provide out-of-State companies with necessary information and forms.

BOAT TOWN,
Austin, TX.

Hon. Senator BUMPERS,
Chairman, Committee on Small Business, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: I am writing you this letter to express my concerns about the Interstate Sales Tax Bill. My wife and I have owned a boat dealership here in Austin, Texas for nearly 18 years. Over the past 18 years we have worked very hard and have spent enormous amounts of money trying to bring our local customers into our store. As you well know we spend nearly $300.00 on each boat customer just to get them in our front door.

Over the past years we have seen an increase of people coming into our store shopping for skis and equipment and then turning to mail order catalogs because they do not have to pay sales taxes.

There is not a week that goes by that we do not face this problem. The customer comes in looking for a ski and my salespeople spend time with them fitting them into the type and size of ski that they need. The average ski sale is usually 4 visits to the shop taking an average of 1.5 hours of my salesperson's time. The ski costs $521.00. Our tax rate is 8% and that would equal $41.68 that the customer could save by ordering from the catalog. Then the customer wants us to handle all his warranty problems because we are convenient for him. So, we spend the time selling the ski to the customer, he buys it from the catalog because he saves sales tax, and he wants us to service it! It is virtually impossible for us to compete with these kinds of rules.

Senator, these are the kinds of problems we are facing with mail order catalogs. We are losing sales just because of taxes not having to be collected by mail order houses. Not only are we losing the sale but we are losing money by wasting advertising dollars to get the customer in the store, and then wage dollars wasted spending time with the customer. Any help on this subject would surely be appreciated.

Sincerely,

LOUIE L. RAVEN.

WHITE FURNITURE CO.,
Benton, AR, January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building,
Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has

been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our State sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on "Good Morning America," devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

DEBBIE WHITE.

LONG BEACH YACHT SALES,
Long Beach, CA, January 18, 1994.

Hon. Senator BUMPERS,
Chairman, Committee on Small Business, Russell Senate Office Building, Washington, DC.

MR. STAN FENDLEY, Tax Council: Thank you, in advance, for your sponsorship of legislation regarding the collection of interstate sales tax. This week we lost a $240,000 deal as a result of a sales tax issue. The buyer bought a boat in Oregon to avoid our local and state sales tax. The vessel will be kept out of state for the required period of time and will be subsequently brought into California after the waiting period has elapsed. Based on our local tax rate of 8.25% the resulting tax would have been $19,800.

Not only did we (and the State) lose this deal, but we also lost the time and expenses involved in upselling the customer to a more expensive boat (from $140,00 to $240,000), sea trialing the boat and providing extensive consultation regarding the product. The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete.

In today's economic environment it is tough enough to succeed but without some form of a fair interstate sales tax collection program we, as a responsible and law abiding dealership, can not compete fairly against some of our out of state competitors that are not required to collect sales tax or tax at a significantly lower rate.

Again, thank you for sponsoring this important piece of legislation. Hopefully this will create a fair arena in which we can compete. As always, please feel free to contact me with any questions or comments that you may have.

Sincerely,

RAY JONES,
Owner.

SUPPORTERS OF THE TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

STATE AND LOCAL GOVERNMENT GROUPS

National Governors' Association.
National Conference of State Legislatures.
National Association of Counties.
National League of Cities.
U.S. Conference of Mayors.
Multistate Tax Commission.
Federal Tax Administrators.
Government Finance Officers Association.
National Association of State Budget Officers.
National Association of State Auditors, Comptrollers and Treasurers.
National Association of State Treasurers.

EDUCATION AND LABOR ORGANIZATIONS

National School Boards Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
AFL–CIO Public Employees Department.

RETAIL ASSOCIATIONS

International Council of Shopping Centers.
National Association of Retail Dealers of America.
Home Furnishing International.
Jewelers of America.
National Home Furnishing Association.
The National Floor Covering Association.
Marine Operators Association of America.
Marine Retailers Association of America.
Microcomputer Industry Association.
Performance Warehouse Association.

Mr. GRAHAM. Mr. President, today I am cosponsoring Senator BUMPER's bill entitled the Tax Fairness for Main Street Business Act of 1994. This bill would empower a State or locality to impose, not an excise tax but, a personal property sales tax on products delivered into that State or locality.

This bill provides fairness. Mail order businesses have been able to serve customers living in different States by mailing purchased personal property without collecting a State sales tax on the merchandise. This puts State and local businesses at a disadvantage because they must impose a sales tax on the merchandise they sell. Our bill will put main street merchants on the same competitive sales tax footing as mail order businesses.

Many States need this bill to meet their fiscal responsibilities. Since the sales tax is the primary way that States generate revenue, it has been necessary for the States to rely more and more on the sales tax. Unfortunately the sales tax has not grown significantly enough for States to meet their operational needs. With their fiscal demands growing and their tax base shrinking, many States need another source to draw on for their operational needs. Passage of the Bumpers bill will give them that source.

Another impact on the States' shrinking tax base has been the intrusion of the Federal Government. A recent study by the National Association of Governors [NGA] entitled, "Financing State Governments in the 1990's," says:

There may be a fundamental shift in fiscal federalism brought by changes in federal tax policy or by a balanced-budget amendment to the federal Constitution. If the federal government enacts additional tax increases to pay for health care or to reduce the annual deficit, it is likely to intrude further upon state tax bases. If the federal government continues to reassign domestic policy responsibility to the states, state tax systems will be stressed further.

One recommendation set forth in the NGA report is the creation of uniform laws to address the mail order sales tax problem by allowing States to collect a use tax on direct sales businesses. At its meeting in Washington last weekend, the National Association of Governors adopted a resolution by an overwhelming majority to support Senator BUMPER's bill and give States the ability to act.

Let me compliment my colleague, Senator BUMPERS, on the work he and his staff have put into this bill. I think the bill is timely and necessary and I commend him for his efforts.

Mr. COCHRAN. Mr. President, I am pleased to join with Senator BUMPERS as an original cosponsor of the Tax Fairness for Main Street Business Act.

This bill is similar to legislation I introduced in 1987 and again in 1988 to allow States to require mail order companies to collect State taxes on the merchandise they sell in the State, rather than relying on individuals to voluntarily remit the taxes.

In most instances, Mr. President, individual consumers are unaware of their responsibility to pay taxes on mail order purchases. In fact, many consumers may believe that mail order purchases are tax free.

With the recent and rapid growth in mail order sales and the sophisticated marketing and targeting techniques, catalog shopping has become very convenient and efficient for many consumers. In fact, mail order firms have become competitive with local firms and are now retailing every imaginable form of merchandise all over the country.

According to experts, the annual volume of interstate sales has grown from $80 billion to $300 billion over the last 10 years. These growing sales volumes point to the problem facing local retailers where the mail order firm is not required to collect a 5- to 8-percent sales tax on the sale.

Mr. President, the legislation introduced today is not intended to diminish the opportunity for consumers to order by mail. Instead, it will ensure a level playing field with respect to the collection of taxes on retail sales—whether those sales are by mail or over the counter at a local main street retailer.

This legislation simply authorizes States to require those mail order busi-

nesses that have over $3 million in annual sales or sales in excess of $100,000 in any individual State to collect and remit sales tax to the State to which the merchandise was shipped.

This bill will provide, to those States that choose to exercise it, the authority to enforce collection of their sales taxes. More importantly, it will ensure that local, main street retail firms will be protected from the unfair competition that arises when sales taxes are not collected on mail order sales.

Mr. President, I commend Senator BUMPERS for introducing this legislation, and I look forward to working with him to move it forward.

By Mr. KERRY (for himself, Mr. BUMPERS, Mr. BRADLEY, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. CONRAD, Mr. WOFFORD, and Mr. FEINGOLD):

S. 1826. A bill to reduce the deficit for fiscal years 1994 through 1998; to the Committee on Appropriations.

DEFICIT REDUCTION ACT OF 1994

Mr. KERRY. Mr. President, today I am introducing a bill to cut almost $45 billion from the Federal deficit over the next 5 years. This proposal would achieve a radical reduction in the deficit without touching entitlements and without resorting to gimmicks. It would do so merely by cutting programs that are clearly pork-barrel boondoggles.

I am joined in this effort by eight of my colleagues who share with me a sense of urgency in cutting the deficit. We all feel that it is no longer tenable to continue business as usual in the face of the surging Federal debt that places a huge tax, without representation, on the children of this Nation.

In this issue as in so many others, the American people are far ahead of the policy experts and politicians in Washington. They are telling us loudly and clearly that it is time to take a carving knife to the Federal budget. They are tremendously frustrated with what they see as our inability to eliminate even the smallest, the least defensible programs.

They know—and they are absolutely right—that there are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

My colleagues and I felt that the time had long since passed to dispense with rhetoric and achieve real results in cutting this pork from the Federal budget. In order to do so, we crafted a package of cuts around which we hope we will get maximum consensus—from the American people, from our colleagues, and from the President.

We followed three principles from the start.

First, we decided not to make changes to health care programs. A majority of our group—though certainly not all—decided that we should leave those changes to comprehensive health care reform.

Second, we decided we would use no gimmicks in order to claim savings. No across-the-board cuts; no vague proposals; no double-counting. For example, we decided we would not include in our package the elimination of the 252,000 Federal jobs proposed in the Vice President's national performance review—not because we did not feel that they should be eliminated but because we wanted to be conservative in our savings estimates and the savings from the elimination of these jobs have already been accounted for in the crime bill, the unemployment insurance bill, and the DOD budget.

Third, we decided to let a thousand flowers bloom—in other words, we would not compete with any other group that was seeking, as we were, to reduce the deficit. We would hope that the presence of a variety of plans and options would enhance the likelihood that the deficit would in fact be reduced. In fact, several members of our group participated in other efforts.

Putting together the package meant eliminating programs each of us would have preferred not to cut. But in this era of shrinking Federal resources and rising demands for those resources we must all make tough choices.

I know that none of my colleagues, when forced to make the choice, think they would support health care research in space over education for our inner-city children. But that is exactly the choice they make every year when they vote to continue to fund the space station.

Cutting programs that no longer serve more than a narrow subsection of the Nation is the only way to restore fiscal sanity to our Federal budget, restore the faith of the American people that their elected representatives can be responsible with their tax dollars, and free up funds for our real national priorities.

The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest. I hope that my colleagues will examine our package and join us in our efforts.

Mr. President, I ask unanimous consent that the full text of the bill appear in the RECORD following my remarks.

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

S. 1826

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 "Deficit Reduction Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESCISSIONS OF FISCAL YEAR 1994 SPENDING

Subtitle A—Agriculture

Sec. 101. Rescission of funds for field offices of Department of Agriculture.

Subtitle B—National Defense

Sec. 201. Rescission of funds for nuclear weapons activities.
Sec. 202. Rescission of funds for the Selective Service System.
Sec. 203. Rescission of funds for the D5 (Trident II) Missile Program.
Sec. 204. Rescission of funds for the Follow-On Early Warning System Program.
Sec. 205. Rescission of funds for Ballistic Missile Defense Organization Programs.
Sec. 206. Rescission of funds for recruiting activities of the Armed Forces.
Sec. 207. Rescission of funds for Titan IV missile launch systems.
Sec. 208. Rescission of funds for the National Aerospace Plane Program.

Subtitle C—Foreign Relations and Intelligence

Sec. 301. Rescission of funds for Intelligence and Intelligence-Related activities.
Sec. 302. Rescission of funds for the World Bank.
Sec. 303. Rescission of funds for foreign military aid.

Subtitle D—Government Employees and Government Operations

Sec. 401. Rescission of funds for senior executive service annual leave.
Sec. 402. Rescission of funds for Federal buildings.
Sec. 403. Rescission of funds for the Federal Information Center.

Subtitle E—Energy and Commerce

Sec. 501. Rescission of funds for the Superconducting Super Collider.
Sec. 502. Rescission of funds for the Tennessee Valley Authority Fertilizer Program.
Sec. 503. Rescission of funds for the United States Space Station Freedom Program.
Sec. 504. Rescission of funds for the Modular High-Temperature Gas Reactor.
Sec. 505. Rescission of funds for the Advanced Liquid Metal Reactor.

TITLE II—PERMANENT PROGRAM CHANGES FOR FISCAL YEARS AFTER 1994

Subtitle A—Agriculture

Sec. 1101. Payment of certain costs under acreage limitation programs.
Sec. 1102. Reduction of funding level for Market Promotion Program.
Sec. 1103. Consolidation of field offices of Department of Agriculture.

Subtitle B—National Defense

Sec. 1201. Limitation on the number of nuclear warheads maintained by the United States.
Sec. 1202. Uniformed Services University of the Health Sciences.
Sec. 1203. The Selective Service System.
Sec. 1204. D5 (Trident II) Missile Program.
Sec. 1205. Termination of the Follow-On Early Warning System Program.
Sec. 1206. Ballistic Missile Defense Organization Programs.

Sec. 1207. Consolidation and reduction of recruiting activities of the Armed Forces.
Sec. 1208. Antisubmarine warfare aircraft squadrons of the Navy.
Sec. 1209. Reduction in number of Titan IV missile launch systems acquired.
Sec. 1210. Termination of the National Aerospace Plane Program.
Subtitle C—Foreign Relations and Intelligence
Sec. 1301. Future appropriations for Intelligence and Intelligence-Related activities.
Sec. 1302. Broadcasting activities of Radio Free Europe and Radio Liberty.
Subtitle D—Government Employees and Government Operations
Sec. 1401. Uniform pay adjustments for Members of Congress and civil service employees.
Sec. 1402. Limitation on accumulation of senior executive service annual leave.
Sec. 1403. Moratorium on the acquisition of new Federal buildings.
Sec. 1404. Termination of the Federal Information Center.
Subtitle E—Energy and Commerce
Sec. 1501. Elimination of Superconducting Super Collider.
Sec. 1502. Termination of Tennessee Valley Authority Fertilizer Program.
Sec. 1503. Termination of United States Space Station Freedom Program.
Sec. 1504. Termination of Gas Turbine-Modular Helium Reactor Project.
Sec. 1505. Advanced Liquid Metal Reactor Program.
TITLE I—RESCISSIONS OF FISCAL YEAR 1994 SPENDING
Subtitle A—Agriculture
SEC. 101. RESCISSION OF FUNDS FOR FIELD OFFICES OF DEPARTMENT OF AGRICULTURE.
Of the aggregate funds made available to the Department of Agriculture in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103-111) $13,000,000 is rescinded, to be derived from restructuring and reinventing the Department of Agriculture.
Subtitle B—National Defense
SEC. 201. RESCISSION OF FUNDS FOR NUCLEAR WEAPONS ACTIVITIES.
Of the funds appropriated under the heading "Atomic Energy Defense Activities, Weapons Activities" in the Department of Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $400,000,000 is rescinded, to be derived from weapons research and development activities and weapons testing activities used for national security programs.
SEC. 202. RESCISSION OF FUNDS FOR THE SELECTIVE SERVICE SYSTEM.
Of the funds made available under the heading "Selective Service System" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124), $15,000,000 is rescinded, to be derived from the Selective Service System.
SEC. 203. D5 (TRIDENT II) MISSILE PROGRAM.
Of the funds made available under the heading "Weapons Procurement, Navy" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $1,130,000,000 is rescinded, to be derived from the D5 (Trident II) Missile Program.
SEC. 204. RESCISSION OF FUNDS FOR THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.
Of the funds made available under the heading "Research, Development, Test, and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $110,000,000 is rescinded, to be derived from the Follow-On Early Warning System Program.
SEC. 205. RESCISSION OF FUNDS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.
Of the funds appropriated by the Department of Defense Appropriations Act, 1994 (Public Law 103-139), for research, development, test, and evaluation for Defense-wide and Air Force activities that are available for programs managed by the Ballistic Missile Defense Organization, $900,000,000 is rescinded.
SEC. 206. RESCISSION OF FUNDS FOR RECRUITING ACTIVITIES OF THE ARMED FORCES.
Of the funds made available under the heading "Operations and Maintenance, Defense Agencies" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $16,000,000 is rescinded and of the funds made available under the heading "Military Personnel" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $17,000,000 is rescinded, to be derived from recruiting activities of the Armed Forces.
SEC. 207. RESCISSION OF FUNDS FOR TITAN IV MISSILE LAUNCH SYSTEMS.
Of the funds made available under the heading "Missile, Procurement, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $350,000,000 is rescinded, to be derived from Titan IV missile launch systems.
SEC. 208. RESCISSION OF FUNDS FOR THE NATIONAL AEROSPACE PLANE PROGRAM.
Of the funds made available under the heading "Research, Development, Test and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $40,000,000 is rescinded, to be derived from the National Aerospace Plane Program.
Subtitle C—Foreign Relations and Intelligence
SEC. 301. RESCISSION OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.
Of the funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $1,000,000,000 is rescinded, to be derived from programs and activities of the National Foreign Intelligence Program and the Tactical Intelligence and Related Activities.
SEC. 302. RESCISSION OF FUNDS FOR THE WORLD BANK.
Of the funds made available under the heading "Contribution to International Bank for Reconstruction and Development" in the Foreign Operations Appropriations Act, 1994 (Public Law 103-87)—
(1) $27,910,500 provided for paid-in capital is rescinded; and
(2) $902,439,500 provided for callable capital is rescinded.
SEC. 303. RESCISSION OF FUNDS FOR FOREIGN MILITARY AID.
Of the funds made available under the heading "Foreign Military Financing Program" in the Foreign Operations Appropriations Act (Public Law 103-87), $26,000,000 is rescinded, to be derived from the Foreign Military Financing Grants.
Subtitle D—Government Employees and Government Operations
SEC. 401. RESCISSION OF FUNDS FOR SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.
Of the aggregate funds made available to executive departments and agencies in appropriations act for fiscal year 1994 for purposes of payments for accrued leave upon termination of employment, $2,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.
SEC. 402. RESCISSION OF FUNDS FOR FEDERAL BUILDINGS.
Of the funds made available under the heading "Federal Buildings Fund" in the Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103-123), $288,000,000 is rescinded, to be derived from acquisition of new Federal buildings.
SEC. 403. RESCISSION OF FUNDS FOR THE FEDERAL INFORMATION CENTER.
Of the funds made available under the heading "Information Resources Management Services, Operating Expense" in the Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103-123), $3,000,000 is rescinded, to be derived from the Federal Information Center.
Subtitle E—Energy and Commerce
SEC. 501. RESCISSION OF FUNDS FOR THE SUPERCONDUCTING SUPER COLLIDER.
Of the funds made available under the heading "General Science, Research" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $200,000,000 is rescinded, to be derived from the Superconducting Super Collider.
SEC. 502. RESCISSION OF FUNDS FOR THE TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.
Of the funds made available under the heading "TVA Fund" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $35,000,000 is rescinded, to be derived from the Tennessee Valley Authority Fertilizer Program.
SEC. 503. RESCISSION OF FUNDS FOR THE UNITED STATES SPACE STATION FREEDOM PROGRAM.
Of the funds made available under the heading "NASA, R&D" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103-111), $900,000,000 is rescinded, to be derived from the United States Space Station Freedom Program.
SEC. 504. RESCISSION OF FUNDS FOR THE MODULAR HIGH-TEMPERATURE GAS REACTOR.
Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $12,000,000 is rescinded, to be derived from the Modular High-Temperature Gas Reactor program.
SEC. 505. RESCISSION OF FUNDS FOR THE ADVANCED LIQUID METAL REACTOR.
Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $45,000,000 is rescinded, to be derived from the Advanced Liquid Metal Reactor Program.
TITLE II—PERMANENT PROGRAM CHANGES FOR FISCAL YEARS AFTER 1994
Subtitle A—Agriculture
SEC. 1101. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.
Title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended by adding at the end the following new section:

"SEC. 116. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.

"(a) IN GENERAL.—If an acreage limitation program is announced for a crop of a commodity under this title, as a condition of eligibility for loans, purchases, and payments for the crop under this title, the producers on a farm shall pay to the Secretary of the Interior an amount that is equal to the full cost incurred by the Federal Government of the delivery to the farm of water that is used in the production of the crop, as determined by the Secretary of the Interior.

"(b) APPLICATION.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the delivery of water pursuant to a contract that is entered into before the date of enactment of the Deficit Reduction Act of 1994, under any provision of Federal reclamation law.

"(2) RENEWAL OR AMENDMENT.—If a contract described in paragraph (1) is renewed or amended on or after the date of enactment of the Deficit Reduction Act of 1994, subsection (a) shall apply to the delivery of water beginning on the date of renewal or amendment.".

SEC. 1102. REDUCTION OF FUNDING LEVEL FOR MARKET PROMOTION PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "$110,000,000 for each of the fiscal years 1994 through 1997" and inserting "$98,000,000 for each of the fiscal years 1994 through 1998".

SEC. 1103. CONSOLIDATION OF FIELD OFFICES OF DEPARTMENT OF AGRICULTURE.

Pursuant to authorities proposed in the "Department of Agriculture Reorganization Act of 1993" (H.R. 3171) and current legal authorities, the Secretary of Agriculture shall take action to restructure and reinvent the Department of Agriculture by reducing the number of agencies in the Department, reducing headquarters and administrative staffing and overhead, closing or consolidating unnecessary field locations, and taking such other actions as may be necessary to reduce the staffing of the Department by not less than 7,500 staff years and save a total of not less than $1,640,000,000 during the period fiscal years 1995 through 1999.

Subtitle B—National Defense

SEC. 1201. LIMITATION ON THE NUMBER OF NUCLEAR WARHEADS MAINTAINED BY THE UNITED STATES.

(a) IN GENERAL.—Effective on and after September 30, 1998, the number of nuclear warheads maintained by the United States may not exceed the lesser of—

(1) 4,000; or

(2) the maximum number of nuclear warheads permitted under applicable international agreements to which the United States is a party.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) if the President determines that—

(1) the limitation would adversely affect arms control negotiations with foreign governments; or

(2) the waiver is necessary in the national security interests of the United States.

(c) LIMITATION ON EXPENDITURES FOR NUCLEAR WEAPONS RESEARCH, DEVELOPMENT, AND TESTING ACTIVITIES OF THE DEPARTMENT OF ENERGY.—Notwithstanding any other provision of law, the total amount that may be expended by the Department of Energy for operating expenses incurred in carrying out weapons research and development activities and weapons testing activities necessary for national security programs during—

(1) fiscal year 1995, may not exceed $5,016,800,000;

(2) fiscal year 1996, may not exceed $4,724,000,000;

(3) fiscal year 1997, may not exceed $4,483,000,000; and

(4) fiscal year 1998, may not exceed $4,195,000,000.

SEC. 1202. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) PHASED TERMINATION.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2116. Admissions after 1993 prohibited

"No student may be admitted for enrollment in a program of the University after December 31, 1993.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2116. Admissions after 1993 prohibited.".

SEC. 1203. THE SELECTIVE SERVICE SYSTEM.

(a) TERMINATION.—Effective April 1, 1994, section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is repealed.

(b) USE OF FUNDS FOR TERMINATION.—Funds available for operation of the Selective Service System established under section 10 of the Military Selective Service Act shall be available on and after the date of the enactment of this Act only for payment of the costs associated with the termination of the Selective Service System.

(c) TERMINATION OF REGISTRATION REQUIREMENT.—Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended by adding at the end the following new subsection:

"(c) Effective on the date of the enactment of the Deficit Reduction Act of 1993, no person shall be required to present himself for and submit to registration under this section.".

(d) SUSPENSION OF SANCTIONS.—Subsection (g) of section 12 of such Act (50 U.S.C. App. 462) is amended to read as follows:

"(g) A person may not be denied a right, privilege, benefit, or employment position under Federal law by reason of the failure of such person to present himself for and submit to registration under section 3 if the requirement for the person to so register has terminated or become inapplicable to the person.".

SEC. 1204. D5 (TRIDENT II) MISSILE PROGRAM.

(a) ADDITIONAL PROCUREMENT TERMINATED.—

(1) PROHIBITION ON USE OF FUNDS.—No funds appropriated or otherwise made available to the Department of Defense may be obligated after the date of the enactment of this Act for procurement of D5 (Trident II) missiles.

(2) PAYMENT OF TERMINATION COSTS.—Funds referred to in paragraph (1) that, except for paragraph (1), would be available for procurement of D5 (Trident II) missiles may be obligated for payment of the costs associated with the termination of D5 (Trident II) missile procurement.

(b) TERMINATION OF BACKFITTING.—The Secretary of the Navy may not modify any submarine configured for carrying the C4 missile in order to configure such submarine for carrying the D5 (Trident II) missile.

(c) TEST FLIGHTS.—The number of test flights of D5 missiles conducted in a year may not exceed 6.

SEC. 1205. TERMINATION OF THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Air Force shall terminate the Follow-on Early Warning System (FEWS) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the Follow-on Early Warning System program may be obligated for that program only for payment of the costs associated with the termination of such program.

SEC. 1206. BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.

Notwithstanding any other provision of law, with regard to the funds available for obligation after fiscal year 1993 for programs managed by the Ballistic Missile Defense Organization, preference shall be given to programs, projects, and activities under the Theater Missile Defense program element.

SEC. 1207. CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES OF THE ARMED FORCES.

(a) CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES.—The Secretary of Defense shall consolidate and reduce the recruiting activities of the Armed Forces of the United States.

(b) LIMITATION.—

(1) MAXIMUM AVERAGE RECRUITING COST PER RECRUIT.—

(A) ACTIVE COMPONENTS.—The average cost per enlisted recruit for the active components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the active components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(B) RESERVE COMPONENTS.—The average cost per enlisted recruit for the reserve components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the reserve components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(2) AVERAGE COST PER RECRUIT DEFINED.—In this subsection, the term "average cost per enlisted recruit", with respect to a period, means the average cost incurred by the Department of Defense during that period for the recruitment of a person for an initial enlistment in the active components or the reserve components, as the case may be, of the Armed Forces of the United States during that period.

(3) CONSTANT DOLLAR COMPARISONS.—For the purposes of paragraphs (1) and (2), average costs shall be computed and compared on a constant dollar basis.

(c) PHASE-IN REQUIREMENT.—The Secretary of Defense shall take such actions under subsection (a) as are necessary to achieve during fiscal year 1994 a reduction in recruiting costs of not less that $33,000,000.

(d) WAIVER AUTHORITY.—The President may waive the limitation in subsection (b) in the event of a war declared by Congress or a national emergency declared by Congress or the President.

SEC. 1208. ANTISUBMARINE WARFARE AIRCRAFT SQUADRONS OF THE NAVY.

(a) REDUCTION IN NUMBER OF P-3 AIRCRAFT SQUADRONS.—Funds may not be expended—

(1) after September 30, 1995, to support more than 31 P-3 aircraft squadrons in the Navy;

(2) after September 30, 1996, to support more than 26 P-3 aircraft squadrons in the Navy;

(3) after September 30, 1997, to support more than 23 P-3 aircraft squadrons in the Navy; and

(4) after September 30, 1998, to support more than 18 P-3 aircraft squadrons in the Navy.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) to

the extent that the President determines necessary in the national security interests of the United States.

SEC. 1209. REDUCTION IN NUMBER OF TITAN IV MISSILE LAUNCH SYSTEMS ACQUIRED.

(a) LIMITATION.—The number of Titan IV missile launch systems acquired for the performance of missions that include missions for the Department of Defense may not exceed two in any fiscal year.

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), a missile launch system is acquired when the complete system is accepted.

SEC. 1210. TERMINATION OF THE NATIONAL AEROSPACE PLANE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the National Aerospace Plane (NASP) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the National Aerospace Plane program may be obligated for that program only for payment of the costs associated with the termination of such program.

Subtitle C—Foreign Relations and Intelligence

SEC. 1301. FUTURE APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

The total amount authorized to be appropriated for each of fiscal years 1995 through 1998 for the National Foreign Intelligence Program and for Tactical Intelligence and Related Activities may not exceed the amount (adjusted for monetary inflation after fiscal year 1994) that is made available for fiscal year 1994 for such program and activities (taking into account the rescission in section 301).

SEC. 1302. BROADCASTING ACTIVITIES OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, no grant may be made by the Board for International Broadcasting, or any successor entity that may hereinafter be established, for the purpose of operating Radio Free Europe and Radio Liberty except under the terms and conditions set forth under this section.

(b) LIMITATION ON GRANT AMOUNT.—No grant may be made to operate Radio Free Europe and Radio Liberty after September 30, 1995, in excess of $75,000,000.

(c) COMPETITIVE GRANT REQUIREMENT.—Any grant made to operate Radio Free Europe and Radio Liberty may be awarded on the basis of full and open competition if the grantor determines the grantee is not carrying out the grant in an effective and economic manner.

(d) GRANT AGREEMENT.—(1) Any grant agreement entered into by the Board for International Broadcasting, or its successor, for the purpose of operating Radio Free Europe and Radio Liberty shall require that grant funds shall only be used for activities set forth in the grant agreement, which shall provide, in detail, the purposes for which grant funds may be used and shall include conditions designed to reduce overlapping language services and broadcasting services with other broadcasting services funded by the United States Government.

(2) The grant agreement shall provide that failure to comply with the requirements of the agreement shall permit the grant to be terminated without fiscal obligation to the United States.

(e) PROHIBITED USES OF THE GRANT FUNDS.—No grant funds may be used—

(1) to pay any salary or other compensation, or enter into any contract providing for the payment thereof in excess of the rates established for comparable positions under chapter 51 and subchapter II of chapter 53 of title 5, United States Code, except that this limitation shall not be imposed prior to January 1, 1995 with respect to any employee covered by a union agreement requiring a different salary or other compensation;

(2) to pay for any activity for the purpose of influencing the passage or defeat of legislation being considered by the Congress of the United States;

(3) to enter into a contract or obligation to pay severance payments beyond those required by United States law or the laws of the country where the employee is stationed;

(4) to pay for first class travel for any employee of the grantee or the employee's relation; or

(5) to compensate freelance contractors except as provided for, in detail, in the grant agreement or with the written approval of the grantor agency or its agent.

(f) REPORT ON MANAGEMENT PRACTICES.—Not later than March 31 and September 30 of each calendar year, the Inspector General of the Board for International Broadcasting or its successor, shall submit to the Board, or its successor, and to the Congress, a report on management practices of the grantee, during the preceding 6-month period.

(g) REPORTS ON PERSONNEL CLASSIFICATION.—(1) Not later than 3 months after the date of enactment of this Act, the Board for International Broadcasting shall submit a report to the Office of Personnel Management containing justification, in terms of the types of duties performed at specific rates of compensation, of the classification of personnel employed by the grantee.

(2) Not later than 9 months after submission of the report referred to in paragraph (1), the Office of Personnel Management shall submit to Congress a report containing an evaluation of the system of personnel classification used by the grantee with respect to its employee, including identification of any disparity between the rate of compensation provided to employees of the grantee and that provided to employees of the Voice of America stationed overseas in comparable positions.

(h) PLAN FOR RELOCATION.—Before relocating the headquarters of RFE/RL, Incorporated, in the Federal Republic of Germany to another site, the grantee shall submit to the appropriate congressional committees a detailed plan for such relocation, including cost estimates. No funds may be made available for such relocation unless explicitly provided in an appropriation Act or pursuant to a reprogramming notification.

Subtitle D—Government Employees and Government Operations

SEC. 1401. UNIFORM PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS AND CIVIL SERVICE EMPLOYEES.

(a) CALENDAR YEAR 1994.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost-of-living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) LIMITATION OF FUTURE ADJUSTMENTS.—Effective as of December 31, 1994, paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 is amended—

(1) by striking "(2) Effective" and inserting "(2)(A) Subject to subparagraph (B), effective"; and

(2) by adding at the end the following:

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.".

SEC. 1402. LIMITATION ON ACCUMULATION OF SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.

(a) IN GENERAL.—Effective on the last day of the last applicable pay period beginning in calendar year 1993, subsection (f) of section 6304 of title 5, United States Code is repealed.

(b) SAVINGS PROVISION.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304, such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

(c) CONFORMING AMENDMENT.—Section 6304(a) of title 5, United States Code, is amended by striking "(e), (f), and (g)" and inserting "(e) and (g)", effective as of the effective date of subsection (a).

SEC. 1403. MORATORIUM ON THE ACQUISITION OF NEW FEDERAL BUILDINGS.

(a) GENERAL RULE.—After the date of enactment of this Act and before October 1, 1998, the Administrator of General Services may not obligate any funds for construction or acquisition of any public building under the authority of the Public Buildings Act of 1959 or any other provision of law (other than a public building under construction or under contract for acquisition on such date of enactment).

(b) PUBLIC BUILDING DEFINED.—In this section, the term "public building" has the meaning such term has under the Public Buildings Act of 1959.

SEC. 1404. TERMINATION OF THE FEDERAL INFORMATION CENTER.

Effective July 1, 1994, the Federal Information Center is terminated.

Subtitle E—Energy and Commerce

SEC. 1501. ELIMINATION OF SUPERCONDUCTING SUPER COLLIDER.

(a) FUNDING PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds for the Superconducting Super Collider described in section 7 of Appendix A to part 605 of title 10, Code of Federal Regulations.

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the Superconducting Super Collider.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the Superconducting Super Collider.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of termi-

nating, pursuant to this Act, any action or activity involving the Superconducting Super Collider.

SEC. 1502. TERMINATION OF TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.

Section 5(h) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831d(h)) is amended—

(1) by striking "To establish" and inserting "(1) Subject to paragraph (2), to establish"; and

(2) by adding at the end the following new paragraph:

"(2) The board may not use Federal funds to establish or maintain the National Fertilizer and Environmental Research Center or any comparable entity.".

SEC. 1503. TERMINATION OF UNITED STATES SPACE STATION FREEDOM PROGRAM.

(a) PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds to carry out the provisions of section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (42 U.S.C. 2451 note).

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the United States Space Station Freedom Program.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the United States Space Station Freedom Program.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of terminating, pursuant to this Act, any action or activity involving the United States Space Station Freedom Program.

SEC. 1504. TERMINATION OF GAS TURBINE-MODULAR HELIUM REACTOR PROJECT.

(a) PROHIBITION.—No appropriated funds that remain unobligated on the date of enactment of this Act shall be available for the gas turbine-modular helium reactor project (GT-MHR) (formerly known as the high temperature gas reactor).

(b) PAYMENT OF TERMINATION COSTS.—Notwithstanding subsection (a), funds that are available on the date of enactment of this Act for the gas turbine-modular helium reactor project may be obligated for the project only for payment of the costs associated with the termination of such project.

SEC. 1505. ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) IN GENERAL.—No amount of funds provided for any fiscal year may be obligated by the Secretary of Energy after the date of the enactment of this Act for the civilian portion of the advanced liquid metal reactor program, including—

(1) the program's promotion of the use of such reactors for the disposal of high-level radioactive waste; and

(2) Department of Energy support for regulatory applications to the Nuclear Regulatory Commission for design certification for advanced liquid metal reactors or related licensed facilities.

(b) PROHIBITION OF OTHER USES.—The amount of funds available on the date of the enactment of this Act for obligation for the program described in subsection (a) shall not be available for obligation by the Secretary of Energy after such date for any other purpose.

(c) EXCEPTION.—Subsections (a) and (b) shall not apply to obligations required to be incurred in terminating the program described in subsection (a).

Mr. BRADLEY. Mr. President, it's no secret that one of the truly troubling issues facing this and future Congresses is how to reduce our budget deficit. The fact is that this deficit cripples us. It robs us. It diminishes us. Even worse, it's legacy goes beyond our lifetime to deprive our children of possibilities and the future they deserve.

I'm pleased and proud to support Senator KERRY with this package of spending cuts and program reforms. Last fall, I tried on many occasions to cut spending by offering amendments to the various appropriations bills. Several of these proposals—notably the phaseout of the High Temperature Gas Reactor Program and the Selective Services System—are included in the Kerry package. What I learned from these attempts is that it is very, very difficult to cut spending. The status quo too easily overwhelms a call for change.

Today, we're trying once again to counter the budgetary inertia that threatens us so clearly. With a package of new ideas, we increase the stakes and the impact of the cuts. We counter the argument that nothing can be done. This package, without the usual smoke and mirrors, will cut the deficit. It will save us over $40 billion over the next 5 years. That, as they say, is real money.

Will this solve the problem? Of course not. Without health care reform, without some attempt to deal with the rising cost of entitlement programs, the deficit will continue. But the deficit will drop. More important, passage of a package like this will indicate our seriousness and our willingness to take on special interests, to deal with waste, and to argue for balance and fairness. If we make progress here, we can make progress in other areas. Altogether, with work, we can find our way from a future darkened by a storm cloud of debt.

Mr. President, ours is a serious effort, with great need and high stakes. I urge my colleagues to consider this package carefully. I urge their support.

Mr. LEAHY. Mr. President, for far too long, we have heard empty rhetoric about cutting our national debt. Politicians on both sides of the aisle have merely given lip service to making the difficult decisions needed to cut our deficit. Unlike real budget cutting, talk is cheap.

Today, I am pleased to join with Senator KERRY as an original cosponsor of the Deficit Reduction Act of 1994. This bill turns cheap talk into real cuts by proposing to terminate pork-barrel projects, shut down obsolete programs, and eliminate unnecessary Government spending.

Here is an opportunity for Congress to cut Federal spending by $45 billion. Our bill tackles the boondoggles that Congress has such a hard time killing by cutting off spending for the gas-cooled reactor project, the national aerospace plane, the space station, and the Advanced Metal Reactor Program. These programs are not worth the billions of dollars that they cost. When our national debt is over $4 trillion, we simply can not afford these luxuries.

We go further by eliminating obsolete programs. Projects that once may have been necessary but which should now fade into the pages of history. American taxpayers can save billions by cutting back on nuclear weapons research, the selective service, and several missile systems—all relics of the cold war.

Finally, Americans want a Federal Government that is lean and mean. The Deficit Reduction Act, strikes out at wasteful benefits and programs by rescinding leave accrued by senior Government officials, prohibiting future cost-of-living increases for Members of Congress and closing the doors of the Federal Information Center.

The greatest threat to the United States is our national debt. Our Government needs to get its checkbook in order by making tough choices. The Deficit Reduction Act of 1994 faces this reality and makes these decisions.

Mr. FEINGOLD. Mr. President, I am pleased to be a cosponsor of this legislation to commend the Senator from Massachusetts [Mr. KERRY] for his leadership in putting together this package of spending cuts.

This legislation will produce over $40 billion in deficit reduction over the next 5 years, and it represents the kind of payment we must continue to make if we are to win the war on our massive Federal debt.

Mr. President, this bill is being introduced at a time when many have suggested that we no longer need to worry about the Federal budget deficit. Some point to recent estimates that show much lower deficit figures than were predicted a little over a year ago, and it is true that, thanks to President Clinton's deficit reduction package last year, we have made enormous progress in getting a handle on our Federal budget deficit.

But that progress should not be an excuse to duck tough decisions or postpone additional cuts.

To the contrary, it has taken a long time to build a consensus to make difficult choices and actually reduce the deficit. The political momentum necessary to produce that consensus could dissipate, and would certainly be jeopardized, if we squander the opportunity

we have now to build on our recent efforts and complete the task.

Mr. President, this package is a reasoned and reasonable proposal. It dovetails nicely both with our previous deficit reduction efforts and with the other major proposals that have been developed recently, including a measure I have cosponsored—one developed under the leadership of the Senator from Nebraska [Mr. KERREY] and the Senator from Colorado [Mr. BROWN].

It contains a number of provisions that have been pursued on the floor already this session such as consolidating our overseas broadcasting, terminating the space station, and the cutting the Trident II missile program. Some of the provisions have been passed as part of other legislation. But, having passed those provisions once in no way lessens the need to pursue them again as part of this package. We should take advantage of every opportunity afforded us to attach spending cuts in which we believe to appropriate legislative vehicles.

Along with those provisions, though, this bill also contains provisions that have not had wide discussion or exposure. Among those are two provisions I have introduced as bills. One of them would phase out the Pentagon's medical school, an institution that produces fewer than 10 percent of the physicians in the military at four times the cost of alternative sources. The other would end the dubious practice of subsidizing certain agricultural producers for water used to grow the crops we pay those same producers to limit.

Mr. President, I very much enjoyed participating in the group pulled together by the Senator from Massachusetts. Not only did this effort give each of us another opportunity to pursue our favorite spending cut proposals, the proposal also pulls together a package of cuts that as a whole represent a significant payment to further reduce the Federal budget deficit.

Mr. President, I again commend the Senator from Massachusetts for his tireless efforts to bring together a package of spending cuts, and to the other cosponsors who helped shape this package.

ADDITIONAL COSPONSORS

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 401

At the request of Mr. CAMPELL, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 526

At the request of Mr. BRADLEY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 808

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 808, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 1275

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1275, a bill to facilitate the establishment of community development financial institutions.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1533

At the request of Mr. LOTT, the names of the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1541

At the request of Mr. COVERDELL, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1541, a bill to provide that a nongovernmental person may use a private express carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes.

S. 1669

At the request of Mrs. HUTCHINSON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Colorado [Mr. BROWN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1814

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1814, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. BRADLEY, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Georgia [Mr. COVERDELL], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. Con. Res. 34, a concurrent resolution expressing the sense of the Senate regarding the accounting standards proposed by the Financial Accounting Standards Board.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. SMITH], the Senator from Virginia [Mr. WARNER], the Senator from New Hampshire [Mr. GREGG], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. WALLOP], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. Con. Res. 35, a concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. Res. 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

AMENDMENT NO. 1368

At the request of Mr. DANFORTH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of amendment No. 1368 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthor-

ization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENTS SUBMITTED

GOALS 2000: EDUCATE AMERICA ACT

HATFIELD (AND OTHERS) AMENDMENT NO. 1377

Mr. HATFIELD (for himself, Mr. DURENBERGER, Mr. PELL, Mr. JEFFORDS, Mr. COHEN, and Mr. GRAHAM) proposed an amendment to the bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; as follows:

At the end of section 311, insert the following:

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

DODD (AND OTHERS) AMENDMENT NO. 1378

Mr. DODD (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. PELL, Mr. COCHRAN, Mr. METZENBAUM, Mr. SIMON, Mr. WOFFORD, Mr. WELLSTONE, Ms. MIKULSKI, Mr. GLENN, Mr. LIEBERMAN, Mr. DECONCINI, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. CHAFEE) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of the bill, insert the following new title:

TITLE ___—SAFE SCHOOLS

SEC. ___01. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Safe Schools Act of 1993".

(b) STATEMENT OF PURPOSE.—It is the purpose of this title to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. ___02. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this title may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this title.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to

carry out national leadership activities described in section ___06, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section ___06(b).

SEC. ___03. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency shall demonstrate in the application submitted pursuant to section ___04(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this title, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this title—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. ___04. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this title, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this title will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this title;

(7) an assurance that grant funds under this title will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available by the applicant for the purpose of this title;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this title or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this title for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. ___05. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this title for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this title.

(P) The cost of administering projects or activities assisted under this title.

(Q) Other projects or activities that meet the purpose of this title.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this title in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this title in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this title for construction.

SEC. ___06. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this title, the Secretary is authorized to use funds reserved under section ___02(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects,

activities, and strategies developed pursuant to this title, and peer review of applications under this title. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section ___02(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. ___07. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. ___08. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. ___09. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 1379

Ms. MOSELEY-BRAUN (for herself, Mr. LAUTENBERG, Mr. CAMPBELL, and Mr. ROBB) proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

At the end of the amendment, insert the following:

TITLE ___—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. ___01. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. ___02. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "**and assisted**" after "**public**";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the

amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. ___03. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (1)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

COCHRAN AMENDMENT NO. 1380

Mr. COCHRAN proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

On page 15, after line 3, insert the following:

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 21. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objective for violence prevention and a description of the

procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(3) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

On page 2, between lines 1 and 2, insert the following:

PART A—SCHOOLS PROGRAM

On page 2, line 3, strike "title" and insert "part".

On page 2, line 6, strike "title" and insert "part".

On page 2, line 23, strike "title" and insert "part".

On page 3, line 10, strike "title" and insert "part".

On page 3, line 21, strike "title" and insert "part".

On page 4, line 15, strike "title" and insert "part".

On page 4, line 24, strike "title" and insert "part".

On page 5, line 11, strike "title" and insert "part".

On page 5, line 20, strike "title" and insert "part".

On page 6, line 14, strike "title" and insert "part".

On page 7, line 5, strike "title" and insert "part".

On page 7, line 7, strike "title" and insert "part".

On page 7, line 9, strike "title" and insert "part".

On page 7, line 10, strike "title" and insert "part".

On page 7, line 15, strike "title" and insert "part".

On page 7, line 23, strike "title" and insert "part".

On page 8, line 18, strike "title" and insert "part".

On page 11, line 25, strike "title" and insert "part".

On page 12, line 2, strike "title" and insert "part".

On page 12, line 4, strike "title" and insert "part".

On page 12, line 8, strike "title" and insert "part".

On page 12, line 12, strike "title" and insert "part".

On page 12, line 16, strike "title" and insert "part".

On page 12, line 20, strike "title" and insert "part".

On page 13, line 2, strike "title" and insert "part".

On page 13, line 3, strike "title" and insert "part".

On page 15, line 2, strike "title" each place such term appears and insert "part".

SIMPSON (AND DODD) AMENDMENT NO. 1381

Mr. JEFFORDS (for Mr. SIMPSON for himself and Mr. DODD) proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

On page 3, between lines 4 and 5, insert the following:

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

HELMS (AND LOTT) AMENDMENT NO. 1382

Mr. HELMS (for himself and Mr. LOTT) proposed an amendment to the bill S. 1150, supra; as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.".

DANFORTH (AND OTHERS) AMENDMENT NO. 1383

Mr. DANFORTH (for himself, Mrs. KASSEBAUM, and Mr. CHAFEE) proposed an amendment to the bill S. 1150, supra; as follows:

At an appropriate place, insert the following:

It is the sense of the Senate that local educational agencies should encourage 2 brief periods of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill.

SPECTER (AND DOLE) AMENDMENT NO. 1384

Mr. SPECTER (for himself and Mr. DOLE) proposed an amendment to the bill S. 1150, supra; as follows:

On page 66, line 23, strike "; and" and insert "; and" and insert a semicolon.

On page 67, line 2, strike the period and insert "; and".

On page 67, between lines 2 and 3, insert the following:

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

On page 90, line 11, strike "(I)" and insert "(J)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on Trade and the Environment on February 3, 1994, beginning at 10 a.m.

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

COMMITTEE ON FINANCE

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the State's perspectives on health care.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on the confirmation of James Scheuer to be U.S. Director of the European Bank for Reconstruction and Development.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on Government reform.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 3, 1994, at 5 p.m. to receive a CIA briefing.

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

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on Gov-

ernment Management be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing to examine current United States trade negotiations with Japan on auto parts and trade barriers.

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

COMMITTEE ON THE JUDICIARY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 3, 1994, to hold a hearing on the nomination of Rosemary Barkett, of Florida, to be U.S. Circuit Judge for the Eleventh Circuit.

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

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Energy and Natural Resources Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on H.R. 2144, a bill to provide for the transfer of excess land to the Government of Guam.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 3, 1994, at 9:30 a.m., to hold a hearing on the provisions regarding the Government Printing Office contained in Title XIV of H.R. 3400, Title XIV of the National Performance Review, and the recommendations relating to printing made by the Senate members of the Joint Committee on the Organization of Congress.

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

ADDITIONAL STATEMENTS

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

• Mr. HARKINS. Mr. President, I rise to recognize this day, February 3, 1994, as National Girls and Women in Sports Day.

In memory of U.S. Olympic volleyball great Flo Hyman, this day was created to bring national attention to the achievements of female athletes and the issues facing them. Hyman worked for equality in women's sports and her spirit is commemorated every year on National Girls and Women in Sports Day.

Today, there will be a variety of activities throughout the State of Iowa to recognize the achievements of women in sports beginning with a proclamation by the Governor honoring girls and women in sports. For example, Briar Cliff College in Sioux City will recognize the accomplishments of the women student athletes at a reception, the University of Northern Iowa will be conducting a week long celebration of National Girls and Women in Sports Day and members of the University of Iowa Women's Intercollegiate Sports Council will speak at elementary schools in Iowa City and will sign autographs in the shopping malls. I am glad to see so many schools Iowa participating to honor their female athletes on this special day.

According to the Iowa Girls High School Athletic Association, an annual survey sponsored by the National Organization for Women reports that Iowa has the largest percentage of young women participating in athletics of any State in the Nation. Interscholastic athletic programs have existed in Iowa schools for girls as long as they have for boys. Softball, golf, tennis, track, cross country, swimming, and volleyball will all celebrate over 25-year anniversaries this year. Let me point out that girls' athletic activities were not mandated by the Federal Government until title IX in 1972. Iowa has been way ahead of the game.

The State of Iowa has officially sponsored girls' athletics in high schools since 1920 when the first State championship in basketball was held. The Iowa Girls High School State Basketball Tournament celebrates its 75th Anniversary this spring. I have had the honor, Mr. President, to attend many of the tournaments to see the best young women in Iowa basketball compete for the State title.

It is important for young girls and women to be involved and push themselves to be the best they can be. Sports activities are an excellent way to break down the barriers which sometimes exclude half our population. Girls receive as many benefits from sports as boys.

For example, Hispanic female athletes in particular are more likely to score well on achievement tests, stay in high school, and attend college than their nonathletic peers. Sports involvement significantly lowers the dropout rate for most minority groups.

I once again congratulate all the women and girls for their contributions to sports. I also applaud the National Association of Girls and Women in Sports for its efforts to recognize the fine achievements of female athletes across the Nation.•

WHY AMERICAN BUSINESSES SHOULD SUPPORT MANAGED COMPETITION

• Mr. DURENBERGER. Mr. President, I ask to place in the RECORD my February 1994 report, "Why American Businesses Should Support Managed Competition." I believe that this report convincingly demonstrates the important role that employers have played in our health care system and will play in the future.

The report follows:

WHY AMERICAN BUSINESSES SHOULD SUPPORT MANAGED COMPETITION

AMERICAN BUSINESS AND HEALTH CARE REFORM

One of the most important things I've learned from watching the Minnesota health care market over the last 20 years is that the role employers play in the health system is absolutely critical. If we want to get higher-quality health care at lower cost, it's essential that we make proper use of this creative, innovative resource.

That's why I applaud President Clinton for preserving an employer-based system in his proposal for reform.

Under the current system, employers voluntarily contribute almost $200 billion each year toward their employees' health care coverage.

By banding together to negotiate with health care providers, many employers have become good, intelligent buyers of health insurance.

In Minnesota, for example, companies like Honeywell, General Mills and others have moved aggressively to contain rising costs while offering quality health care to their employees.

Largely because employers have done a good and responsible job of making health care available, the vast majority of Americans are satisfied with their current health care coverage. The Employee Benefit Research Institute found recently that over three-fourths (77 percent) of Americans rate the quality of their care as either excellent or good, and only four percent say the quality of their care is poor.

BUSINESS HAS A HUGE STAKE IN REFORM

This doesn't mean that the current system is free from problems. It isn't. All employers have a significant stake in reforming America's health care system.

If we do nothing, escalating health care costs will continue to eat into your profits and put U.S. companies at a severe disadvantage in the global marketplace.

The U.S. spends more of its GDP on health care than any other country. Over the past three decades, health care costs have increased at more than twice the rate of total income, rising from 5 percent of GDP in 1960 to 14 percent in 1993.

And we still have 38 million people in the United States of America who are uninsured—and many more who are underinsured.

WHY NOT THE CLINTON PLAN? BECAUSE WE HAVE TO DO IT RIGHT THE FIRST TIME

President Clinton says it will cost us more if we do nothing to reform our nation's health care system, but I believe it will cost us much more if we pass a second-rate plan that is bad for the country and for business. While the Clinton proposal includes many necessary market reforms, it also poses significant risks for American business.

Over-regulation—including government-imposed premium caps, state-by-state budgets, and highly bureaucratized purchasing alliances—will stifle competition and reduce consumer choice.

Employer mandates contained in the Clinton proposal will destroy jobs.

Employers to pay 80 percent of the cost of a basic benefits package for full-time employees, and a pro-rated share of the package

for part-timers based on a 30-hour work week, will create a huge new federal entitlement—cleverly disguised as a guaranteed fringe benefit for workers.

This 80 percent mandate will shift costs to employers unable to bear them. The result will be job losses, particularly in lower-skilled, lower-wage sectors of the economy.

Part-time jobs will virtually disappear from retail stores, restaurants and other service industries because of the relatively cheaper medical costs for full-time employees working the same number of hours.

Price Caps—President Clinton proposes to take some of the sting out of employer mandates by capping the percentage of payroll that individual businesses will be required to pay. However, maintaining these caps will almost certainly require huge taxpayer and employer subsidies.

The size of subsidies needed to maintain spending caps has also cast serious doubt on the overall financial feasibility of the Clinton plan and whether the caps could be maintained.

Spending caps also leave no incentive or reward for those companies working to control costs. If you know your health care costs are going to be capped at 7.9%, what incentive do you have to control costs?

Loss of Control—By empowering state regulators, the Clinton Plan will turn most employers into check-writers, whose sole responsibility is to send in premiums to state-run health alliances.

While companies with more than 5,000 workers may "opt out" of the alliances and operate as their own corporate alliance, they will be subject to a 1% payroll tax.

State Bureacuracies—What President Clinton touts as "state flexibility" will create an administrative nightmare by forcing multi-state employers to negotiate 51 different health care financing and delivery systems.

WHY MANAGED COMPETITION IS BETTER

No two employers view health care reform—or President Clinton's reform proposal—in exactly the same way. Nevertheless, there are common interests and goals that all employers share.

Employers should not be forced to give up control over health benefits, without gaining control over costs.

Companies and corporate alliances that are already aggressively containing costs should be rewarded for their successes.

We should never accept a "reform" that sacrifices jobs for health insurance.

We can't force employers or employees to buy high cost plans. Before we address the coverage problem, we must address the cost problem.

MANAGED COMPETITION ACT MEETS ALL THESE TESTS FOR REFORM

We need a better approach—one that addresses these real economic needs. We need precisely the approach contained in the bipartisan Managed Competition Act, which I have introduced along with Senator John Breaux (D-LA).

The Managed Competition Act would cut health care costs, quickly reduce the number of Americans without health insurance by more than half, preserve consumer choice, and improve the quality of care for all Americans. (A similar bill was introduced in the House by Representatives Jim Cooper, D-TN, and Fred Grandy, R-IA.)

The Managed Competition Act is based on the fact that if we want to get higher quality and lower cost in health care, it is essential to make existing markets work—not replace them with government bureaucracies, expensive mandates, or excessive regulation.

Government regulation may be able to put a lid on health care costs in the short run, but will lead inevitably to lower quality and arbitrary rationing.

The Managed Competition Act will contain costs and speed universal coverage to consumers far more effectively than the government takeover of health care decision-making outlined in President Clinton's reform proposal.

Both the Clinton health care reform proposal and the Managed Competition Act encourage employers to band together in order to increase market power, make better information available to purchasers, and drive down health care costs. But where Clinton loses faith in market principles and turns to price controls and global budgets, the Managed Competition Act relies on pure managed competition.

Unlike the Clinton proposal, the Managed Competition Act contains no employer mandates. Instead, it offers full or partial subsidies for coverage to individuals earning up to 200 percent of the federal poverty level (about $28,000 in Minnesota for a family of four).

We can't have 51 different state health plans if we are going to have true national reform. At the same time, government in Washington doesn't have all the answers. The Managed Competition Act sets up a clear system of national rules, that will allow local markets to work more effectively.

The Managed Competition Act strives to build a partnership between business and government, not an adversarial relationship. Instead of mandating and controlling how the market operates, government should ensure that the market operates efficiently to deliver value to all consumers.

Medical coverage should be a matter of personal responsibility—not a new entitlement. While the Managed Competition Act does strive for universal coverage—by reducing medical costs first—it does not make promises it cannot keep. And it will not require looking to employers for larger tax "contributions" down the road to make up shortages in funding, or to finance a huge new health care entitlement bureaucracy.

NEED MORE INFORMATION?

If you're interested in learning more about The Managed Competition Act, or would like to learn what you can do to support the Breaux-Durenberger bill, please feel free to contact Dean Rosen at (202) 224-3244 or Edward Garvey at (612) 370-3382.●

IN HONOR OF DR. MARTIN LUTHER KING, JR.

● Mr. RIEGLE. Mr. President, on January 17, we celebrated our ninth national holiday honoring the life and work of Dr. Martin Luther King, Jr. In this celebration, we remember and reflect upon Dr. King's commitment and dedication in his fight for equal opportunities for people, regardless of race.

During Dr. King's fight for justice and equality in the 1950's and 1960's, he never cowered in the face of ignorance, intolerance, and bigotry—instead, he challenged it. When Dr. King declared that all people should be judged, "not by the color of their skin, but by the content of their character," he pricked the conscience of an America that had not yet come to terms with her dark history of slavery and oppression. Dr. King knew well that simple words like fairness, integrity, decency and hope, coupled with the power of ordinary citizens, could tear down the barriers and structures which had kept African-Americans at the economic fringes of our society during their hundred years of so-called freedom.

In both his support of civil rights and his opposition to the Vietnam war, Dr. King clearly demonstrated to the world that in our democracy one person can make a difference. Today, as we look around us at the appalling newspaper headlines filled with stories of war, genocide, poverty, hunger, racism, and intolerance across our country and the world, Dr. King's ideas and teachings still ring true—we must not look away and ignore injustices which we have the power to change.

In the years since Dr. King's death, true equality has not been realized in our country, and many of the socio-economic barriers he sought to eliminate still exist today in my home State of Michigan, and in cities and towns across our Nation—everything from employment rates to mortgage loan statistics demonstrate that African-Americans are still denied a level playing field in life. We see widespread racial inequity throughout in our State and Federal judicial systems, increasing incidents of hate crimes, disparate housing opportunities, vastly underfunded minority schools, and the blatant racism that many people of color face when simply applying for a job.

It is essential that we invest in the future of this country. We need to work toward Dr. King's goal that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits. We have a unique opportunity to guide the direction of our country into a new millennium, to define our country's character by our actions and by our alliances. The choices we make now, today, will positively affect the young schoolchildren of the year 2000—babies born this year will embark on their first day of grade-school in the new millennium. Who can imagine a greater responsibility than that for all of us here in this Chamber? Whether they are well-fed, safely housed, and emotionally nourished will depend directly on the budget choices we make this year.

Despite all that Dr. King had seen in his life, he had great faith in human nature: He believed that love would conquer hate and that wisdom would conquer ignorance. The strength and compassion of his message still compels us today. As we look forward and face the challenges we will encounter in the year ahead, we should draw inspiration from Dr. King and the legacy of hope that he has left us.●

RECOGNITION OF THE BUSINESS ROUNDTABLE'S SUPPORT FOR S. 1579

• Mr. DURENBERGER. Mr. President, in the last 24 hours a major event occurred that is a turning point in the health care debate. The Business Roundtable, which represents over 200 chief executive officers of America's major corporations, announced its support for S. 1579—the Managed Competition Act. I introduced this bill with my distinguished colleague from Louisiana. The companion bill in the House is H.R. 3222—Cooper-Grandy.

Mr. President, I ask to submit today's coverage from the New York Times, for the RECORD.

Employers play a critical role in the American health care system. Employers voluntarily contribute almost $200 billion a year to the purchase of health care for their employees. More importantly, many employers have moved aggressively to contain rising costs and improve quality by becoming informed purchasers of care. Many of these responsible and creative employers are leaders in the Business Roundtable.

The Roundtable's support for the Managed Competition Act is not an anti-Clinton vote. The Roundtable applauds the President's commitment to reform; so does this Senator and all who are committed to doing health policy reform in 1994. If one looks closely at both bills, you will find that there are many similarities between the approaches.

Both approaches are rooted in what has come to be called managed competition. This concept describes a market-based system of private health insurance competing for patients on the basis of price and quality.

Both approaches retain employers as key players in health care reform.

Where they differ is in the role of government. The business community has recognized that we do not need government controlling and regulating the delivery system. Government's role is to send the right signals to encourage the marketplace. Only markets can produce better product for more people at less cost.

But markets cannot do equity—only government can. We must change tax policy, reform private insurance rules, and restructure our social insurance system. The Managed Competition Act accomplishes these reforms.

The Roundtable characterizes its support for managed competition as a starting point. No bill has all the right answers.

I look forward to the exchange of views that is now beginning in the Finance and the Labor and Human Resources Committees, on both of which I am privileged to serve. I relish the opportunity to work with my colleagues, the administration, and concerned and committed constituents to reform the health care system.

I expect that the American leaders who are the Business Roundtable will make important contributions to that debate and I look forward to working with them on this important issue. With their help, we will do what the President has challenged us to do—find an American solution to an American problem.

The article follows:

POWERFUL BUSINESS GROUP BACKS RIVAL TO PRESIDENT'S HEALTH PLAN—CLINTONS' LOBBYING FAILS TO EASE FINANCIAL FEARS

(By Adam Clymer)

WASHINGTON, February 2.—The Business Roundtable, representing about 200 of the nation's largest companies, struck a blow against President Clinton's health care plan tonight by endorsing a rival proposal sponsored by Representative Jim Cooper that would not guarantee universal insurance coverage.

Despite urgent last-minute lobbying by President Clinton and his wife, Hillary Rodham Clinton, the policy committee of the Roundtable voted to treat Mr. Cooper's bill as a "starting point" for legislation on health insurance. The proposal by Mr. Cooper, a Tennessee Democrat, is the only major health care measure with the support of Democrats and Republicans alike.

John Ong, who is the chairman of the influential Roundtable and the chief executive of the B.F. Goodrich Company, said the policy committee preferred Mr. Cooper's plan because it believed his proposal would foster competition and bring down health care costs.

The White House expressed disappointment over the vote, although the effect on Capitol Hill was uncertain. The vote is bound to help Mr. Cooper, but both his supporters and opponents said it would hardly be decisive in the swirling legislative journey that awaits the health care issue.

Still, Mr. Ong said business was wary of one feature of Mr. Cooper's bill that would deny employers tax deductions for anything beyond the cheapest health insurance.

The Roundtable made it clear that it liked Mr. Cooper's approach of creating cooperatives so small businesses could join in buying insurance, saying this would foster competition. The Clinton Plan does that, too, but brings bigger businesses into alliances as well, and it would set limits on insurance premium increases, a position that the organization opposes.

FOCUS ON COST CONTROLS

Mr. Ong said the Clinton plan had "the potential, if enacted in its current form, to create additional unfunded, off-budget entitlement programs." The plan would create a prescription drug benefit for the elderly under Medicare and some long-term care guarantees.

"It also seeks to control costs, which is a very worthy objective," Mr. Ong said, "but to do that not through harnessing market forces, but rather through Government regulation of the health care industry and what are in effect price controls." The Clinton plan would limit how fast health insurance premiums go up, aiming to reduce increases to no more than the general rate of inflation. Mr. Clinton has said that he would veto any plan that would not provide universal health coverage.

"I am humbled by their support," Mr. Cooper said of the Roundtable decision.

Dee Dee Myers, the White House press secretary, said: "we're disappointed but not surprised. We think it's a mistake, obviously, but they say it's a starting point, and we look forward to a constructive debate about it."

Mr. Ong said the Cooper plan had been approved by "a significant majority" of the committee, "but I won't give you the specific vote."

The Cooper plan would create health insurance purchasing alliances for employers with fewer than 100 workers. Bigger companies would not have to join the alliance but would have to make insurance available. Under the Clinton plan, all employers would be required to pay most of the cost of such insurance.

Mr. Cooper argues that his plan would offer all Americans "access" to insurance and would lead to universal coverage without costing jobs, as he argues Mr. Clinton's plan would.

The Cooper plan is sponsored by 30 other House Democrats and 26 House Republicans, as well as three Democrats and one Republican in the Senate. While three other alternative measures have more supporters, the bipartisan tone of the Cooper corps gives its supporters a tactical advantage beyond their numbers.

The Roundtable brings together chief executives of the nation's largest companies like General Electric, General Mills and General Motors. The head of its Health, Welfare and Retirement Income task force, which drew up the position before it was voted on by the policy committee, is Robert C. Winters, chief executive of Prudential.

The Roundtable, meeting here, would not make Mr. Winters available to reporters. But Mr. Ong said there was no conflict of interest for the insurance executive.

"We try to take a broad view that emphasizes the health of the nation's economy and the overall competitiveness of U.S. industry," he said. "We try to ignore as much as we can the interests of our companies. I don't think there is any merit in supposing that Mr. Winters or anybody else had any bias or prejudice."

Senator John D. Rockefeller 4th, the West Virginia Democrat who has been the Administration's chief liaison with business on the health care issue, took a different view. He said the most active members of the task force came from the insurance and drug industries.

"They don't want the people to get insurance at a better price," he said. "I think business did themselves a disservice in this. I think they let their peers in the insurance industry snooker them."

Mr. Rockefeller said big business liked Mr. Cooper's plan "because he does not change the status quo." He said that big business was so conservative that if the Administration had won its support "it would have been the upset of the decade."

His view that the Roundtable decision did not matter much was shared by one of Mr. Cooper's allies, Senator John Breaux of Louisiana, who is its leading backer of the plan in the Senate.

"I don't think it makes a lot of difference," Mr. Breaux said. "We've got to have 60 votes, and the only way we're going to get it is through a realistic compromise." He characterized the Roundtable vote as "jockeying," getting in position for the real debate to follow.•

WORRISOME WINDS FROM BUCHAREST

• Mr. DECONCINI. Mr. President, on February 21, 994, Romania's ruling

Party of Social Democracy announced its plan to form a coalition government with four smaller allies, including extremist parties from both right and left. The ruling party has always depended on support from these parties to govern—but a formal coalition will entitle them to cabinet level positions. The past 18 months have witnessed a strengthening of United States-Romanian bilateral relations. But by March we may find that the first East-Central European country to join the Partnership for Peace has forged a government of ultra-nationalists, anti-Semites, and veteran Communists.

It is not surprising that this news has failed to make a ripple in our press. After all, most Americans know little about this Balkan country; the political twists and turns of the Romanian Government may bear little relation to our every day lives.

But I, for one, would like to register deep concern about this prospect. I fear that such a coalition will handicap Romania's continued reform. I fear that such a coalition will breed intolerance and mistrust at the very time Romania—and the region as a whole—most needs to build confidence and unity. And I must state loud and clear to my counterparts in Romania that any step away from the path of democratic and market reform will seriously imperil Romania's international standing.

I know that the current economic situation in Romania is devastating. In 1993, inflation rose to 313 percent; the first few weeks of 1994 have been marked by a series of strikes and work stoppages from trade unions calling for higher pay and swifter reform. I know that enforcement of the sanctions against Serbia/Montenegro has inflicted severe losses on the Romanian economy. And I know that Romania is not alone in the region in struggling to come to terms with the political, economic, social and moral demands for the transition from the old system to the new.

But I strongly believe that the best hope for Romania lies in the firm and resolute commitment to complete the journey it has begun. And that is why a coalition government that includes parties that advocate anti-democratic principles is so alarming.

It is my understanding, however, that President Iliescu has another alternative. The democratic opposition, comprised of the Democratic Convention and the Democratic Party-National Salvation Front, is ready to share responsibility for governing. Now is the time for reform-minded leaders within the ruling party, and leaders within the democratic opposition, to forge an agreement for the future. Now is the time to lay aside today's personal disputes, competition, and animosity in the interests of everyone's tomorrow. Both sides will have to be reasonable. Both sides will have to swallow some pride and to shoulder some blame.

Both sides will ultimately be accountable to the people of Romania—the men and the women they serve. But both sides must already recognize that Romania cannot afford to lose any more time.

Mr. President, I come to the floor as a friend of this country, as one who has been there in the past and has met with many of its citzens—some as recently as this week. I am raising this red flag because I care. And I hope that the Government of Romania, however it is ultimately configured, will serve the true interests of its people by holding fast to the cause of democracy and reform.•

DEFICIT REDUCTION ACT OF 1994

• Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of the Deficit Reduction Act of 1994. I commend Senator KERRY for organizing the group that produced this deficit reduction plan. It took a great deal of hard work and compromise to achieve consensus on this package of spending cuts.

I am a cosponsor of this legislation because I firmly believe that Congress needs to enact additional spending cuts this year. Last year, I voted for a deficit reduction package that will reduce the Federal budget deficit by $496 billion. I voted for that package because the choice before Congress was clear: action to get our Nation's fiscal house in order, or business-as-usual and skyrocketing budget deficits. I voted to act, but when I voted for that package, I said repeatedly that additional spending cuts were needed. Since voting for OBRA '93 last August, I have worked toward that goal. This package contains a number of spending cuts that can and should be made.

Congress made the right choice when it passed a comprehensive deficit reduction package last year. Many who voted against the package said it wouldn't reduce the deficit. They said the package would damage a fragile economic recovery. Those critics were wrong. New deficit estimates released by the Congressional Budget Office last week showed dramatic improvements in the deficit outlook. Those dramatic improvements are largely the result of the action we took last year. In the next 5 years, starting with fiscal 1994, the deficit outlook has improved by $617 billion. In addition, the economy grew at a rate of almost 6 percent in the fourth quarter of 1993, and we have the lowest interest rates in 20 years.

With the encouraging economic outlook, some might argue that we should not take any further action on the deficit. Some might say we have already done enough. I disagree. Congress must pass additional spending cuts this year. Further spending cuts are exactly the right prescription to reduce pressure for increasing interest rates. More importantly, though, taking action will help convince taxpayers that Congress is serious about cutting spending and getting the Federal deficit under control permanently, not just for the next few years, until we have another deficit crisis.

This legislation contains 26 separate spending cuts. If enacted, this package would reduce spending by more than $40 billion over the next 5 years. Some of the proposals in this package have been offered before. I have supported some of these cuts for years. For example, this legislation would eliminate the space station *Freedom*, a legislative initiative Senator BUMPERS has worked on for years. This legislation would also terminate the high-temperature gas reactor and the advanced liquid metal reactor. The plan rescinds funding for the P-3 sub-hunting plane. And if this plan were enacted, we would stop wasting money on mismanaged World Bank projects.

I joined the other cosponsors of this legislation in sending a letter to the majority leader last fall, urging prompt consideration of legislation to cut Federal spending further. I am hopeful that the Senate will have the opportunity to consider the legislation we are introducing today, and other spending cut plans, in the near future.•

TRIBUTE TO DR. S.E. FARMER—A LIFETIME OF DEVOTION AS A RURAL FAMILY PRACTITIONER

• Mr. MCCONNELL. Mr. President, I rise today to honor Dr. S.E. Farmer of Brownsville, KY. Dr. Farmer is retiring after over 40 years of outstanding medical service to the families and communities of Brownsville.

At a time when as a nation we are reevaluating how health care is best provided, Dr. Farmer is a shining example of the positive aspects of the medical profession. Since 1950, he has cared for the citizens of Brownsville and surrounding areas in western Kentucky, and has become part of their extended family.

Mr. President, Dr. Farmer is what is known as a rural family practitioner. He served an area that didn't have the benefit of large, state of the art medical facilities. He relied not only on his professional acumen, but also on practiced bedside manner. As the last of a dying breed of house call physicians, Dr. Farmer visited the homes and farms of his patients and was called on to provide a variety of services.

Doctors who engage in this type of medicine do not think of their patients as merely medical cases. Dr. Farmer knows each of his patients as individuals with particular needs and desires, indeed he thinks of them as his friends. Having often treated many generations of the same family, many citizens of this area of Kentucky have grown up

knowing of no doctor other than S.E. Farmer.

Mr. President, S.E. Farmer has decided to retire after a long life of devoted service to his profession. At the end of this month he will make his final house call and see his last patient. It is a sad day because as he leaves, Kentucky will be hard pressed to find a replacement of his high standard and caliber. Today there simply does not seem to be enough doctors interested in serving the remote areas of our country.

One needs only to ask the people of western Kentucky whom he served how valuable Dr. Farmer's services are. They will tell you of the time he stayed all night to make sure they were through the worst part of their illness. Or of the time that he was able to come in the middle of the night when a new mother was worried about her newborn. It is my hope that Edmonson County will find a doctor who recognizes and understands the special requirements of a rural family practitioner. Regardless of who cares for these people next, nobody will ever replace Dr. S.E. Farmer.

Mr. President, I ask my colleagues to join me in congratulating Dr. Farmer for a lifetime of service and wishing him well as he enters this exciting new phase of his life.•

TED WILLIAMS, THE SPLENDID SPLINTER

• Mr. MACK. Mr. President, I rise today to speak on behalf of a true American hero. A man who will forever be remembered as one of the greatest players in the history of baseball, a man who served his country in her time of need, and a man who captures the imaginations of young men everywhere as they dream of a hall of fame career in baseball, Ted Williams.

Next week in Florida, the Ted Williams Retrospective Museum and Library will be officially dedicated. Unfortunately I will be unable to attend this memorable occasion, however, I feel it is important to take a moment to remember Ted's accomplishments on and off the field.

The Splendid Splinter, as many of us remember him, played his entire career for the Boston Red Sox, first from 1939 to 1942 and then after two tours of duty with the U.S. Marine Corps, from 1946 to 1960. In 1941, he batted .406, the last player to hit over .400 in a season. In fact, he earned that distinction on the last day of the season in a doubleheader against my favorite team, my grandfather's Philadelphia Athletics.

Over the course of 2,292 games, Ted batted .344, led the American League in batting 6 times, and had 16 .300-plus seasons. In 1960, at his last bat in his career, Ted hit a home run off Jack Fisher of the Baltimore Orioles, a statement in and of itself about his remarkable career. I could go further into his impressive statistics, but suffice to say that when he was voted into the hall of fame in 1966, he received 93.3 percent of the votes and was the only player inducted.

Though Ted Williams is likely to be remembered for his play on the field, I would like to touch upon a lesser known, but nevertheless, a very important aspect of his life. Two months after the end of the 1941 season, Ted began the first of two tours of duty with the Marine Corps. At 34, he was called up for his second tour, and sent to Korea where he flew 38 combat missions and returned a hero. His service to his country cost him 4½ seasons of baseball.

Ted Williams retired at the end of the 1960 season, but in 1969 was lured back to the game as the manager of the Washington Senators, and then the Texas Rangers. In his first year, he was named Manager of the Year.

Since retiring from the public eye, Ted has served his community and his country through charitable work, and his mere presence still makes people smile, forget their troubles, and remember those days so many years ago.

I know my colleagues join me in thanking Ted Williams for his service to his country, both on and off the ball field and the battlefield, and for the memories which will never be forgotten.•

TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

• Mr. CONRAD. Mr. President, I rise today to cosponsor the Tax Fairness for Main Street Business Act of 1994 as introduced by my colleague, Senator BUMPERS. The inequity that will be righted by this bill has worked an extreme hardship on many small, main street businesses in my home State of North Dakota and all over America. Out-of-State mail order companies can automatically sell their merchandise for a lower price than local businesses because they don't collect the tax due on the purchase.

This legislation authorizes State and local jurisdictions to require out-of-State companies to collect taxes on sales of personal property delivered into their jurisdiction. The result will be to level the playing field for the small, main street retailers. The prices charged by local business and mail order companies will differ only as a result of real economic differences and healthy business competition. Government will not be giving a competitive edge to either type of business.

Mail-order companies can be a welcome presence in States like North Dakota, where consumers don't have the same variety of choices as in more populated areas. It is not the intent of this bill to impair the mail order industry. However, these companies should not operate with an unfair advantage over the local business establishments that provide jobs and contribute to the local economies. Competition should not be biased in favor of out-of-State mail order firms because of a quirk or loophole in the Federal law.

Some people may think that taxes are not due on mail orders and that this bill somehow raises taxes. This is not true. Taxes are due on all sales regardless of whether an item is purchased at a local retailer or through the mail. The only difference is that the States have great difficulty collecting the tax on mail order goods because they are unable to impose tax collection requirements on out-of-State companies. The Supreme Court has now ruled that mail order activities constitute a sufficient connection to the State to justify the tax collection requirement without violating the due process clause of the Constitution. This decision clears the way for Congress to act under its exclusive commerce clause powers and grant States the authority to require out-of-State tax collection.

The States lose revenue by not being able to collect on mailorder sales. Ultimately these lost revenues are made up in other ways such as increased income taxes which affect all State residents and add a further burden to main street businesses.

I have long supported legislative efforts to give States the authority that would be granted through this legislation. As a former State tax commissioner, I know how important this legislation is for the economic health of businesses and State governments in not only my State, but all States. I look forward to working with my colleagues to pass this important legislation.•

ALTERNATIVE PLAN MAY COME UP SHORT

• Mr. DASCHLE. Mr. President, as the Congress debates various health reform options, it is crucial we give every health care proposal the same scrutiny and critical analysis we have given the President's plan. My colleague, HARRIS WOFFORD, does just that in a recent article he authored in the New Republic.

Senator WOFFORD concentrates on the proposal introduced by Representative COOPER, a plan that has received much attention as a viable alternative to the Clinton bill. In so doing, he points our some significant deficiencies in this plan.

A majority of Americans support health reform that achieves guaranteed coverage for every American and checks the escalating costs of health care. Representative COOPER's plan does neither. The Cooper plan may achieve universal access, but this is far from universal coverage.

Further, the Cooper plan would negatively impact upon the national budget

and upon families' pocketbooks. A CBO/Joint Tax Committee report estimated the Cooper plan would increase the deficit by $70 billion. Also, by not requiring a shared employer/employee responsibility for health care premiums, the Cooper plan could significantly shift the burden for health care to families.

Representative COOPER has referred to his plan as "Clinton-lite." It is, if by that we mean it is less filling and more expensive.

While the Cooper bill shares much with the President's Health Security Act, such as the endorsement of managed competition, standardized claim forms, consumer report cards, and regional purchasing groups, it fundamentally fails on two basic premises of health reform: universal coverage and cost containment. Americans expect and deserve more from reform.

I ask that the full text of the New Republic article be printed in the RECORD.

The article follows:

[From the New Republic, Feb. 7, 1994]

COOPER POOPER

(By Harris Wofford)

After a season of new health care proposals, political posturing and broad-brush propaganda by private interest groups, Congress is about to get down to work on crafting a comprehensive health care plan. The final result should be a private-sector system that has lower inflation than our present one, has less bureaucracy and offers greater individual choice among doctors and health plans.

That happy prediction is based on something like Winston Churchill's wartime faith in the American people. In 1941, when Britain's survival hung by a thin transatlantic lifeline, Churchill said he was confident that the Americans "in the end will do the right thing . . . after they have tried every other alternative."

Doing the right thing in health care means achieving two basic goals: guaranteeing coverage for every American and checking the escalation of costs. The challenge is for members of Congress to reach across ideological lines and work with the president to overcome the resistance to reform that thwarted Harry Truman and Richard Nixon alike. Political fantasy? No. Pennsylvania's 1991 special election showed that health care is too important to ignore. It's a problem not only of the poor and uninsured, but of the middle class, which is concerned about the cost and security of its coverage.

So now there are plenty of "reform" plans on the table, most importantly the president's Health Security Act, of which I am a co-sponsor. The New Republic, in a recent editorial ("For the Cooper Plan," December 6, 1993) is right that no measure will pass without the support of proponents of Representative Jim Cooper's plan (and backers of Senator John Chafee's Republican proposal and Representative Jim McDermott's "single-payer" plan). And it's right to discard proposals like Senator Phil Gramm's as "hardly worth taking seriously" because they do so little to achieve universal coverage or limit rising costs. But to ask Congress to accept only the half-steps proposed by Jim Cooper is to risk losing a historic opportunity.

As thoughtful as he is, Cooper's bill does not do what needs to be done. He promises "universal access," but that's not saying much. As my colleague Tom Daschle puts it, we all have "universal access" to Rolls Royce dealerships. That doesn't put us behind the wheel. In fact, according to the Congressional Budget Office, Cooper's plan would leave 22 million people without coverage. Yet a recent NBC/*Wall Street Journal* poll shows that 78 percent of Americans are guaranteed coverage as the sine qua non of health reform.

Changing certain insurance industry practices will improve the availability of coverage: portability of coverage from job to job, a prohibition against denying coverage on the basis of pre-existing conditions. These are part of the Cooper plan—and the president's—but they don't guarantee universal coverage. Health plans must also be required to "community/rate." That is, they must charge all enrollees in a certain area the same amount. Without this step, they will still discriminate against people: not by excluding them but by charging them exorbitant premiums.

While Cooper's plan reflects a healthy skepticism about government's ability to solve every problem, it shows how a little reform can be a dangerous thing. He calls his plan "Clinton-lite." It has the distinction of being both less filling and more expensive. For the Cooper plan is "lite" on reaching comprehensive coverage, but it's heavy on family pocketbooks—as well as the national budget. Unlike the president's plan, the Cooper bill would increase the deficit by some $70 billion over five years, according to CBO/Joint Tax Committee estimates. That doesn't sound very "New Democrat" to me. Nor does the plan's reliance on the IRS: it would create a new layer of government paperwork for every employer by having the agency enforce the cap on tax deductibility.

The Cooper plan would do nothing to reverse the present trend toward limiting people's choice of their own doctors and pressing them into low-cost HMOs. Indeed, by making employers pay taxes on any health premiums higher than those of the lowest-cost plans, it would speed up the process of restricting choice.

Like the president, Cooper proposes reducing the rate of growth in Medicare and Medicaid. But he does so without controlling spending on the private sector side. As a result health care providers will shift costs, as they do today, by charging their privately insured patients more. Unlike the Health Security Act, the Cooper bill includes no protection for early retirees, who are increasingly seeing their coverage cut off by former employers. It doesn't begin to face the challenge of long-term care. And it doesn't cover prescription drugs for the elderly.

Crafting health care reform isn't a multiple-choice question with one right answer; it's an essay in which many primary sources contribute to the final product. Cooper himself lists fifteen similarities between his proposal and the president's, as well as eight key differences. He calls the plans "first cousins" and suggests a "family reunion" in any final legislation.

The most fundamental agreement is that competition should be promoted by regional purchasing groups through which individuals and businesses would buy coverage. Cooper calls them "Health Plan Purchasing Cooperatives"; the president calls them "Health Alliances." But this rose by either name is the agency for the "managed competition" Cooper has championed. Cooper should declare victory (and Congress should adopt many of his provisions to assure that the groups are consumer-run cooperatives, not new government agencies). The common ground also includes a standard claim form, electronic billing and consumer "Report Cards" on the competing plans. And there is agreement that Medicaid should be replaced, so the poor can have the same choices as everyone else.

So what is holding us back? Rhetoric aside the fight is over this: Should employers continue to pay health care premiums and should the present employer-employee contribution system be extended to all employers and their workers who are uninsured? Or should the only "mandate" be put on individuals and families, with the help of some new government subsidies?

Supporters of the Cooper and Chafee plans aren't willing to insist that all employers contribute. That may appear like political practicality. But it runs into a harsh reality: any plan that does not provide for a shared employer-employee responsibility would put great financial pressure on companies to dump coverage and shift billions in cost onto working families. The fact is most insured Americans now receive coverage through employers. The Cooper plan could mean that a family earning $30,000 per year would have to spend what The New York Times labeled a "merciless" $5,000 per year for basic coverage.

Restraint may be a virtue. Far more virtuous however, would be to fulfill Truman's promise of universal, private health insurance. Jim Cooper's proposal fails that test. So having considered the alternatives, we should in the end, as Churchill suggested, "do the right thing."•

REGARDING STATE TAXATION OF PENSION INCOME

• Mr. MCCAIN. Mr. President, I strongly support S. 235, legislation to repeal the source tax and I am pleased to be a cosponsor of this legislation. The bill would amend Federal law to prohibit any State from imposing an income tax on the pension income of any individual who is not a resident or domiciliary of that State. When an individual works in one State and pays into a pension, and then moves to another State to retire and there pays taxes on that pension, the original State should not be able to tax that pension income.

What is occurring now amounts to double taxation, and that is wrong, and completely unfair. Many hard working individuals are being punished due to the greed of certain States. The Federal government has an obligation to end this unfair system, and S. 235 does exactly that.

Mr. President, let me emphasize, this debate is not about avoiding taxes. The many seniors in my state who are ill-affected by these circumstances are not trying to avoid taxes. They are trying to not be forced to pay double taxes. They choose to live in the great State of Arizona and they are proud to pay Arizona taxes. What they and I believe is wrong is that the current law allows for other States in which they do not live to also tax them.

It is time to be fair. It is time to pass this needed legislation and end this unfair practice.•

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. Senators will cease audible conversation.

The majority leader.

PROGRAM

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pending bill at 8:30 a.m. tomorrow, that Senator GORTON be recognized to offer his amendment on violence in schools.

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

Mr. MITCHELL. Mr. President, the Senate will resume consideration of the pending bill at 8:30 a.m. tomorrow, with Senator GORTON offering his amendment. There will be votes tomorrow. There will be no vote prior to 9:30 a.m. tomorrow. We cannot be certain of exactly when the vote will occur since there is no time agreement with respect to the Gorton amendment, but the vote will not occur prior to 9:30.

There will be several votes during the day on other amendments, and it is my intention that we will remain in session tomorrow until we complete action on the bill.

Mr. President, I was unaware when I made that request of the interest of the Senator from Missouri in a vote on his amendment, which deals with the same subject matter as the Helms amendment just voted on. Am I correct in that?

Mr. DANFORTH. Yes, Mr. President. It would be all right with me if we did it tomorrow.

Mr. MITCHELL. Mr. President, therefore I ask unanimous consent that at 9:30 a.m. tomorrow, the Gorton amendment be laid aside and a vote occur at that time on the Danforth amendment which I am advised has already been offered and been the subject of debate.

Mr. DANFORTH. Debated, right. The yeas and nays have not been ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent now it be in order to request the yeas and nays on the Danforth amendment as part of this unanimous consent request on the vote occurring at 9:30 tomorrow.

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

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, so Senators now should be aware there will be a vote at 9:30 on the Danforth amendment which was offered earlier today and debated.

The Gorton amendment will be offered at 8:30. It will be voted on at some point subsequent to the vote on the Danforth amendment.

I thank my colleagues for their cooperation.

There will be no further rollcall votes this evening but Senator KENNEDY and Senator JEFFORDS will remain. There is other business to act on with respect to this bill.

I repeat, there will be votes tomorrow. It is my intention we will remain in session tomorrow until we complete action on the pending bill.

I thank my colleagues for their cooperation.

ORDERS FOR FRIDAY, FEBRUARY 4

Mr. RIEGLE. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Friday, February 4, which is my birthday, and that following the prayer the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1150, as provided for under the previous unanimous consent agreement.

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

Mr. RIEGLE. Madam President, there is one other item that we have to resolve before I can move to recess the Senate, and so, as I await word on that item, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE HEALTH CARE ISSUE

Mr. RIEGLE. Madam President, we are still awaiting the last item for clearance this evening before the Senate recesses. I thought in the intervening time I would comment further on the suggestion made by some on the other side of the aisle that there is no crisis, some say, in the health care system.

Clearly, there is. If you have nearly 40 million people in the country who do not have any health insurance at all, it is certainly a crisis for them. I think when you have that many people in that situation, it is a terrible problem for a country as a whole.

I was trying to think what would meet the definition of a crisis for some of the people on the other side of the aisle here who do not think we should be very aggressive about dealing with this health reform issue. As I thought about the things that would probably qualify as a crisis in their minds I thought of if all of a sudden the health insurance were taken away for the U.S. Senate. If the health insurance coverage that we now have was taken away from the U.S. Senate, I think those same people would then see what they would then consider to be a crisis. That would be a crisis. Then they could see the crisis.

If it were there problem, they could see the crisis. But when it is the problem of someone else outside of here multiplied by 40 million, they cannot see that problem; that is not a crisis. That is not a crisis.

Furthermore, if you just think about it, think about the logic of it, if somehow the health insurance was taken away from the U.S. Senate and taken away for the executive branch of Government, do you know how long it would take us to fix that problem? It would not take years, and it would not take months. I do not even think it would take weeks. In fact, we would be in session right now fixing that problem if that problem were affecting us individually and our families the way it is affecting so many tens of millions of people out in the country.

That is part of the disconnection that exists right now in our Government system. It is why so many people are alienated and frustrated and do not believe any longer that they can count on the Government to do the things that the Government should do and that Governments in other countries are seeing gets done, namely, that there is some kind of a health insurance plan in place that can protect everybody in the country. Other countries have found those answers and we have not.

So I am convinced that if the health insurance were taken away in here we would be in session tonight. We would be working on it. We could probably have an answer maybe tomorrow, but it would not take very long. Within a matter of days if not hours we would find an answer for that problem if it were a problem affecting ourselves.

That is really the issue here. This is a crisis. It is time to act on it, and I want to see us act on it this year, act on it now so that we can help the kind of people that I was talking about earlier in Michigan and in other States.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. RIEGLE. Madam President, there being no further business to come before the Senate tonight, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 7:42 p.m. recessed until Friday, February 4, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1994:

DEPARTMENT OF JUSTICE

LOIS JANE SCHIFFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RICHARD BURLESON STEWART, RESIGNED.

MICHAEL R. BROMWICH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE, VICE RICHARD J. HANKINSON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMES OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be major general

BRIG. GEN. JERROLD A. ALLEN [redacted]
BRIG. GEN. ALLEN D. BUNGER [redacted]
BRIG. GEN. STEWART E. CRANSTON [redacted]
BRIG. GEN. ROBERT S. DICKMAN [redacted]
BRIG. GEN. WILLIAM J. DONAHUE [redacted]
BRIG. GEN. ROBERT W. DREWES [redacted]
BRIG. GEN. PATRICK K. GAMBLE [redacted]
BRIG. GEN. FRANCIS C. GIDEON, JR. [redacted]
BRIG. GEN. EDWARD F. GRILLO, JR. [redacted]
BRIG. GEN. JOHN W. HANDY [redacted]
BRIG. GEN. CHARLES R. HEFLEBOWER [redacted]
BRIG. GEN. HENRY M. HOBGOOD [redacted]
BRIG. GEN. HAL M. HORNBURG [redacted]
BRIG. GEN. NORMAND G. LEZY [redacted]
BRIG. GEN. DONALD E. LORANGER, JR. [redacted]
BRIG. GEN. JOHN M. MCBROOM [redacted]
BRIG. GEN. GEORGE K. MUELLNER [redacted]
BRIG. GEN. ROBERT F. RAGGIO [redacted]
BRIG. GEN. JOHN B. SAMS, JR. [redacted]
BRIG. GEN. MICHAEL C. SHORT [redacted]
BRIG. GEN. RONDAL H. SMITH [redacted]

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 lieutenant general

LT. GEN. NEAL T. JACO [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MARC A. CISNEROS [redacted] UNITED STATES ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be brigadier general

COL. ALEX R. GARCIA [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant general

MAJ. WILLIAM P. ALBRO [redacted], 10/15/92
MAJ. MICHAEL O. BUCKLEY [redacted] 8/26/93
MAJ. ANTHONY J. CRISTIANO [redacted], 10/4/93
MAJ. WILLIAM H. ETTER [redacted], 10/3/93
MAJ. JUDITH A. GIGLIO [redacted] 10/21/93
MAJ. STEPHEN W. GREGOR [redacted], 10/2/93
MAJ. DONALD JACKSON [redacted] 10/2/93
MAJ. MICHAEL J. O'TOOLE [redacted] 10/5/93
MAJ. RONALD E. PARKHOUSE [redacted] 8/26/93
MAJ. WILLIAM M. SCHUESSLER [redacted] 9/27/93
MAJ. MICHAEL W. SCOTT [redacted], 10/3/93
MAJ. PAUL K. STONE [redacted] 9/19/93
MAJ. GARY G. WILSON [redacted] 10/8/93
MAJ. KAREN L. WINGARD [redacted] 10/3/93

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. JOSEPH E. WALSH [redacted], 10/14/93

MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. LOREN W. FLOSSMAN [redacted], 10/16/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. SAMUEL I. TILONSKY [redacted], 10/16/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. TIMOTHY H. GENG [redacted], 10/3/93
MAJ. DONALD E. HICKS [redacted] 9/18/93
MAJ. LEMUEL J. SHAFFER [redacted] 10/2/93
MAJ. HARVEY K. YEE [redacted] 9/12/93

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTIONS 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DANIEL A. BECHDOLT [redacted] 9/1/93
MAJ. JOE H. BRYANT, JR. [redacted] 9/1/93
MAJ. ALAN C. BUNTING [redacted] 9/22/93
MAJ. IWAN B. CLONTZ [redacted] 9/11/93
MAJ. JAMES E. GREEN [redacted] 9/29/93
MAJ. SAMUEL C. HEADY [redacted], 9/13/93
MAJ. ROBERT T. HEARD [redacted] 9/1/93
MAJ. STEPHEN R. HICKS [redacted] 9/25/93
MAJ. EDWARD W. HOFFMANN [redacted] 6/12/93
MAJ. RANDALL K. JONES [redacted] 9/13/93
MAJ. DENNIS W. KOTKOSKI [redacted] 6/27/93
MAJ. RICHARD M. NAUMANN [redacted] 9/24/93
MAJ. JOHN B. PEARSON III [redacted] 9/1/93
MAJ. JAMES A. PECK [redacted] 9/25/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. DANA A. RAWL [redacted], 9/11/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. LARRY J. GRACE [redacted] 9/12/93

NURSE CORPS

To be lieutenant colonel

MAJ. TERESA M. MORRIS [redacted], 9/11/93

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

CHRISTOPHER REDDIN MEEHAN

IN THE NAVY

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM

To be ensign

MARK T. ADAMY
KEVIN S. ANDERSON
TIMOTHY J. ANDERSON
JOSEPH J. ARNOLD
SCOTT M. AYERS
BRYAN W. BALGENORTH
JOSEPH L. BANACH
JAMES P. BEER
JOSEPH J. BIONDI
JERRY S. BLACKWELL
JOSEPH R. BLANK
JAMES R. BLANKENSHIP
ALLEN C. BLAXTON
TONY R. BRANCH
EDWARD A. BRAY
JEFFERY W. BRIDGWATER
CARL S BROW, III
DOUGLAS R. BUEHNE
STEVEN C. BUKOSKI
DENNIS M. BURKE
EUGENE F. BUSTAMANTE
SCOTT A. CARLSON
CHRISTOPHER J. CARMONA
TODD R. CHIPMAN
KEVIN P. CHRISTIE
JEFFREY M. CORLISS
CHRISTOPHER J. CORRIGAN
ALBERTO C. CRUZ
ANDRE T. CUEVAS
MALART CUNNINGHAM
DOUGLAS W. CZARNECKI
DUANE L. DECKER
JOSEPH DITURI
KEVIN J. DOWNEY
STEVEN D. DUESMAN
JAMES K. DUNBAR
ZACHARY K. DUNHAM
PATRICK W. DURBIN
TODD P. EHRHARDT
JAMES E. ELLIS
ROB E. ENDERLIN
TODD N. EPLEY
MARK A. ESCOE
KEVIN L. ETZKORN
BENJAMIN E. EVERHART
MICHAEL J. FAY
RALPH H. FIELD
ROBERT D. FIGGS
JIMMY D. FINLEY
CLAUDIA D. FLORES
MICHAEL J. FOGLIATTI
JOHN W. FOY
BRYANT L. FRAZIER
JOHN C. GASSER
JAMES L. GEICK
VINCENT C. GIAMPIETRO
MARCO P. GIORGI
RICHARD J. GORMAN
ADAM H. GRAY
MICHAEL E. GROSS
SHEILA M. GUSCHWAN
GENE M. GUTTROMSON
RICHARD GUZMAN
DAVID G. GWALTNEY
CHARLES V. HALL
CHARLES E. HANS
STEPHEN C. HARRINGTON
ROBERT J. HARTLEY
LINDA M. HATCHER
MICHAEL E. HAVENS
THOMAS M. HERNANDEZ
MARC R. HERRIMAN
CURTIS J. HICKLE
CURTIS R. HOLLAR
STEVEN E. HOLTZINGER
JOSEPH W. HOOTMAN
GREGG A. HUDAK
CLARK A. HUFFMAN
RUPERT L. HUSSEY
JAY H. JOHNSON
DARRELL M. JOHNSTON
JEFFREY A. JONES
MICHAEL W. JONES
ROBERT D. JONES
REED W. JORGENSON
SUNCHAI M. KHEMLAAP
JASON S. KINDRED
CHARLES P. KIROL
PHILLIP E. KNAUSS
DANIEL W. KORUS
DANIEL L. LANNAMANN
WESLEY H. LATCHFORD
BRIAN J. LAUER
OTIS L. LEAKE
ANDY M. LEAL
DAVID C. LEGLER
WILLIAM R. LEWIS
MICHAEL R. LOCK
GENE W. LOUGHRAN
WILLIAM A. MADDOX
GREGORY M. MAGEE
CHRISTOPHER M. MAGHUYOP
JON MARTINDALE
ROSE M. MATTIS
DOUGLAS K. MAYFIELD
MICHAEL J. MCCABE
MITCHELL P. MCCAFFREY
KEVIN P. MEYERS
VICTOR F. MILANO
JACOB W. MILLER
JAMES B. MILLER
MICHAEL R. MILLER
RENWICK M. MOHAMMED
DANIEL MONTOYA
JAMES D. MUSGRAVES
KENNETH R. OBRIEN
JEFFREY M. ODONNELL
GEORGE E. ODORIZZI
ROBERT F. OGDEN
ERIK D. OLLER
RODNEY M. OSBORNE
TERRY L. OWENS
CARL M. PEDERSEN
DANA L. PEELER
MICHAEL J. PELLERITO
SONJA M. PERRY
WILLIAM M. PHILLIPS
STEVEN G. PRENTISS
KAREN M. PRESCOTT
JOSEPH R. PRISELLA
JEFFREY J. PRONESTI
TODD C. PRUETT
DAVID J. RHONE
DENNY R. ROBERSON
JAMES M. ROBERTS
DAVID G. ROBERTSON
PAMELA R. RUSSELL
PAUL P. RYNNE
CARLOS SANCHO
DAVID R. SCALF
STEVEN L. SCHWEND
JAMES M. SHIELS
TIMOTHY G. SHINN
ARTHUR B. SHORT
JOHN W. SIMMS
WILLIAM J. SIMPKINS
DOUGLAS D. SMITH
TIMOTHY B. SMITH
EDWARD L. STEVENSON
MARK G. STOCKFISH
ROBERT P. STRAHM
JASON D. STUART
DONALD M. STYER
CALVIN F. SWANSON
STEVEN M. TABORSKY
MICHAEL R. TASKER
RHONDA J. TAYLOR
OSCAR TEQUIDA
ALVIN THOMAS
JOHN D. TINETTI
PAMELA K. TROUTMAN
JAY S. TUCKER
DANIEL L. VANMETER
LARRY P. VARNADORE
NEIL S. VELLEMAN
MICHAEL P. WARD, II
JOHN B. WEATHERWAX
RICHARD F. WEBB
WILLIAM L. WHITE
DANIEL S. WILCOX
WILLIAM G. WILKINS
NEIL S. WILLMANN
CHRISTOPHER M. WISE
DOUGLAS M. ZANDER
JAMES H. ZEIGLER
BRIAN S. ZITO
JON F. ZREMBSKI

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander

MARY C. JACOBSEN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE OF THE NAVY

To be lieutenant

MARK S. ANDERSON
BELINDA A. BAKALLA
TAMMY M. BAKER
USHER L. BARNUM, JR.
DANELLE M. BARRETT
THOMAS D. BARZEE
WILLIAM J. BATTERTON
RICHARD W. BAUER
CHRISTOPHER M. BLASCHUM
CRAIG R. BOMBEN
JAMES E. BREDEMEIER
STEPHEN F. BROWN
GREGORY J. BURGESS
ANN M. BURKHARDT
MICHAEL L. BURNS
TIMOTHY J. BURRINGTON
ROBERT E. CAMPBELL
BRET C. CARROLL
JOHN B. CASLER, JR.
GREGORY C. CAVANGH
ROBBY D. CHASON
DANIEL L. CHEEVER
BRYAN L. CLARK
DANIEL A. CLARK
JEFFREY S. COLE
ERNEST H. COLEMAN III
ANDREW P. COVERT
GRAHAM S. COX II
RANDY L. CRYSEL
MICHAEL F. CURA
ANTHONY B.H. CURRAN
RANDY C. DARROW
MICHAEL C. DAVIS
NORMAN D. DAWKINS
JEFFREY E. DEBOLT
DISTER L. DEOSS, JR.
CARL W. DEPUTY
PAUL F. DESMET
GARRY W. DILDAY
ROBERT E. DVORAK
JOHN T. DYE, JR.
GARY EDWARDS
JOSEPH A. ELLENBECKER
JAMES A. EMMERT
PATRICIO ESCOBAR, JR.
JEFFREY W. FENTON
LANCE E. FEWELL
ROBERT J. FINK
PHILLIP B. FRANKLIN
KURT A. FRANKENBERGER
JON FREDAS
MARK M. FREDERICKSON
JOHN N. FREEBURG III
VINCENT F. GIAPAOLO
MARK GIBBONS
JAMES F. GIBSON, JR.
STEVEN S. GINSKI
TRACY A. GRAHAM
PAUL F. GRONEMEYER
SCOTT D. HAMILTON
IVY D. HANCHETT
STEVEN E. HARFST
REBECCA L. HARPER
PETER C.J. HENDRICKSON
CHARLES J. HERBERT
DOUGLAS E. HIGGINS
RUTH A. HILES
MARK F. HINCH
JOHN M. HOOPES
JOHN R. HOOTEN, JR.
ELIZABETH S. HOSTETLER
GEORGE N. HUGHES
MARK A. HUNT
JAMES R. JARVIS
DEBORAH L. JENKINS
JAMES R. KADOW
RONALD D. KAELBER
JAMES E. KALLAHER
STEPHEN P. KELLEY
JOHN F. KEMPROWSKI
KAREN M.S. KERSTEN
ANDREW T. KEY
JARED A. KEYS
SUSAN E. KING
LESA J. KIRSCH

WILLIAM P. KOPPER
WILLIAM S. KUCIREK
TIMOTHY C. KUEHHAS
EDWARD F. LAZARSKI, JR.
ROBERT H. LEDOUX III
MARK F. LIGHT
JULIO LOFST
DARRYL J. LONG
MARIS N. LUTERS
MARIANNA B. MAGNO
JOHN A. MAHONEY
JAMES D. MARSHALL
JOHN S. MCKEE
KENNETH J. MCKOWN
DANIEL L. MEYERS
GEORGE D. MICHAELS
BRIAN L. MIRS
BRENT A. MORGAN
THOMAS P. MOSSEY, JR.
JEFFREY S. MYERS
JAMES M. NESHEIM
KENNETH E. NICHOLAS
JOHN P. NOLAN
LAFAYETTE F. NORTON I
GERALD A. NUNEZ
THOMAS W. ONEILL
ERIC D. PARSONS
TIMOTHY L. PEERY
MICHAEL C. PERKINSON
JOSEPH R. PETERSEN
JAMES R. PETTYJOHN, JR.
SEAN M. PHILLIPS
ALDEN D. PIERCE
CECILE R. POWELL
ROBERT H. POWERS
MICHAEL L. PRITCHETT
JOHN H. QUILLINAN III
TODD W. RADER
LUIS M. RAMIREZ
THOMAS C. RANCICH
JOSEPH D. RASKIN
ALLEN R. REEVES
DAVID REIDLARRY, JR.
GEORGE B. RILEY III
DAVID H. RYAN
STEPHEN A. SCHMEISER
JOHN P. SEGERSON
K. JEFFREY SEMON
KENNETH R. SHOOK
ANTHONY B. SILK
MARK A. SINGLETARY
VICTOR S. SMITH
SHANE E. SMITHSON
THOMAS J. STEER
HERBERT M. STEIGLEMAN III
MARTIN L. STRONG
CHRISTOPHER E. SUND
BRUCH W. TUNNO
VALERIE A. ULATOWSKI
JUDITH I. VANDERWAALDOROZCO
DAVID L. VARNER
HENRY L. VELARDE
NEIL F. VOJE
DOUGLAS R. VOLKMAN
LELAND C. VULCAN
CHARLES G. WALKER
DAVID A. WALKER
SEAN S. WALL
DAVID H. WATERMAN
JOHN R. WEBER
WILLIAM A. WEEDON
JON A. WELDON
JAMES P. WHATLEY
JOHN D. WHEELER
STEFAN D. XAUDARO, JR.
CHRISTOPHER T. YEAGER
GLENN W. ZEIDERS III
MICHAEL L. ZIMMER
GEORGE F. ZINNINGER I

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

TERRY LYNN ALSTON
KURT ROBERT BAN
JASON DIRK BROOKS
KARLIS IVAN BURTON
JERRY ARCHIE COLEMAN
JOHN GORDON COOK
JAMES DAVIS DEAN
GREGORY A. DUBE
WILLIAM LEWIS EWALD
ANDREW IRAJ FATA
JAMES ALLEN HILL
KEVIN G. HODER
JEFFREY THOMAS JATCZAK
JOHN MATTHEW KORMASH
THOMAS BRADEN LEE, JR.
VAN PATRICK MCLAWHORN
ROBERT STEPHAN MEHAL
JOHN NEIL O'DONNELL
LAURENCE MURRAY PATRICK
STEPHEN RAY PERRY
ALFRED BENJAMIN PRICE
DOUGLAS ALAN RINE
ANDRES FERNANDO SANDOVAL
JEFFREY SCOTT SPIVEY
HAROLD WILLARD STOUT
BRIAN GERARD WOODS
MICHAEL ZIV
REGINALD BAKER
MICHAEL BRAIN BRITT
DAVID ALLEN BURRIS
MATTHEW OWEN CASE
CYNTHIA DIANE CONWAY
JASON DON CRAIN
STEVEN EDMUND DRADZYNSKI
GARY DUKE ELLINGTON
STEPHEN FRANCIS FAHEY
WALLACE JOSEPH GABER, JR.
ROBERT REGINALD HILL, JR.
JOHN WILLIAM HUMPHRIES
MICHAEL CHARLES KNAPP
JAMES MICHAEL LANDAS
GEORGE MAGISKE III
TIFFANY MICHELE MCNEASE
TODD JAMIE MITCHELL
ROBERT EUGENE PAGE
DAREN RICHARD PELKIE
PAUL MAURICE PIERRE
TIMOTHY PAUL RICHARDT
JAMES DONALD ROCHA
ALEXANDER THADDEU SKINNER
STEPHAN MICHAEL STEMPINSKI
KEVIN DALE VAUGHN
SUSAN LOY YATES

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

ROBERT M. BENDER, JR.
CHRISTOPHER A. BOLLINGER
MICHAEL C. BOOMER
SCOTT D. BOXBERGER
MARK RICHARD CAMPO
PHILIP S. CARTACIANO
ROLANDO CHEN IV
MING CHUNG CHOW
LAWRENCE R. CORR
JOHN D. COTTINGHAM
BRIAN H. CRAWFORD
CASEY K. CREECH
SCOTT B. CURTIS
JOHN CLAY DANKS
KEITH J. DEBATES
JEFFREY S. ELLSWORTH
STEVEN M. FELKER
TIMOTHY W. FITZWILLIAM
ANDREW J. FRANSEN
JOHN A. GEARHART
ROBERT B. GINN
GARTH D. GRIMM
JASPER C. HARTSFIELD
TIMOTHY C. HAVENS
ROBERT L. HENDRY
LEIF DANIEL HILLE
JEFFREY C. HILYARD
DAVID M. HIMES
DAVID A. HODGSON
AARON M. HOLDAWAY
RONALD J. C. KIDD
JOHN H. KOSCHWANEZ
ADAM C. LARSON
TIMOTHY LEE
ANDREJS J. LEWIS
CARL M. LIBERMAN
JOEL S. LOVEGREN
STEVEN MANCINI
WILLIAM A. MANHART
MARK A. MANSKE
PAUL G. MASSEY
JEFFREY D. MCGEE
STEVEN W. MEDLAND
JAMES M. MERCURIO
PATRICK A. MILLER
CHRISTOPHER H. NEILL
PATRICK K. OBRYAN
ANDREW S. PARKE
JOHN M. PERRY
STEVEN L. PLAUTZ
BERT P. POHL, JR.
ALPHONSE PORCELLO
GERALD R. PRENDERGAST
STEPHEN J. RUPPERT
KENNETH T. SCHLAG
XIANYU SHEA
STEVEN R. SHIVERS
DAVID J. SIDEBOTTOM
STEVEN J. SKRETKOWICZ
JON ERIC STEARN
DAVID M. STONE
JASON R. STRICKLAND
MARK D. THELEN
DAVID G. THOMAS
MICHAEL T. WARD
JAMES M. WELLS
JOHN H. WENZEL
JOHN J. WHITE
CHRISTOPHER S. WICHMAN
DAVID L. WILLIAMSON
DAVID H. WILSON
MATHEW J. WOLFE
JON ERIC WRIGHT
SCOTT A. YATES
PAUL R. YONDOLA
ALAN W. YOUNG
ROBERT A. ZALEWSKIZARAGOZA
MICHAEL A. ZONA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be commander

RAMON A. URDANETA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant commander

JAMES ALLEN BLACK
ANDREW GERALD EICHLER
KEVIN L. GALLAGHER
STEVEN JEFFREY HAGER
JERRY J. HODGE III
MARK HAROLD JOHNSTON
BRIAN PATRICK MONAHAN
STRATTON SHANNON
ROBERT A. DEEDMAN
PAUL HARMON EPHRON
JEFFREY ROBE GREENWALD
THOMAS E. HATLEY
KENNETH JAY IVERSON
PAUL A. LUCHA
CHARLES ANTHONY RUST

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant

BRIAN M. BELSON
ERIC A. BOWER
LARRY C. BOYD
MATTHEW ANDER CARLBERG
JOHN C. NICHOLSON
MARGARET A. RYAN
TERRENCE L. SOLDO
BARBARA K. BOLLINGER
PATRICK H. BOWERS
RAFAEL A. CABRERA
DELBERT W. HAM
KEVIN J. RONAN
LEE R. SCHREIBER
DALE F. SZPISJAK
LAWRENCE E. WALTER

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant

SCOTT LAVALLE HAWKINS
JOHN FRANCIS ZOLLO

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

JOSEPH F. BENNETT, JR.
CASEY C. BURNS
ROBERT CAMPBELL
RONALD R. COLEMAN
TIMOTHY G. CRAVEN
RAYMOND B. J. DAUGHERTY
DANE A. DENMAN
SCOTT H. GOODWIN
ROBERT J. HAMMOND
MICHAEL C. HARR
JAMES C. HENDERSON
JAMES F. HILES III
ROBERT R. HOOTEN, JR.
ROBET E. HOWELL
JAMES M. JOHNSON
RICHARD N. MAENHARDT
BOYD A. MCCAIN
WILLIAM F. REICH IV
MELVIN A. SHAFER
JOSEPH M. SKYMBA
RODNEY J. SOULTZ
TERRY M. SURDY
DIMITRI TAYLOR
MICHAEL T. WINKLER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

PAUL J. BOURGEOIS
JAMES T. CHAVIS
KURT M. CHIVERS
MATTHEW J. GIBBONS
TIMOTHY J. HARRINGTON
ANGELA JACKSON
DAVID H. KAO
JAMES M. LOWTHER
DEBORAH A. SALLADE
JON D. SCHAAB
TIFFANY A. SCHAD
ROBERT L. SIMMONS

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be ensign

MICHAEL J. GALLAGHER
JOHN T. MANGELS
BRENT T. MEYER
KRISTINE K. SMITH

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant

BENJAMIN J. BARROW
WALTER B. GLENN
CHRISTOPHER S. LAPLATNEY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

SHAWN J. BERGAN
GARTH B. BERNINGHAUS
DAVID R. GEORGES
WALTER M. LENOIR III
HOMER C. PHILLIPS
JUAN T. ROBERTSON
DANIEL J. THERRIEN

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

RAYMOND L. COURNOYER, JR.
JEFFERY P. FOLTZ
JEAN A. WENIGER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

GORDON E. CLARK, JR.
STEPHEN J. DONLEY
DAVID W. HAYNES
TODD B. HENRICKS
STANLEY A. KLOSS
DAVID B. KOCH
MARK D. RUSSELL
ANNE V. SCALA
GLENN A. SHEPHARD
GEORGE N. SUTHER
RICHARD C. TAYLOR
THOMAS B. TRYON
MARK E. WIERSMA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

MICHAEL H. BANDY
BRENT G. FILBERT
KRISTEN M. HENRICHSEN
STEVEN J. HIPFEL
MELINDA D. LAWRENCE
JOHN R. LIVINGSTON
PATRICIA M. LYNCHEPPS
JOANN W. MELESKY
TAMARA A. MIRO
ROBERT A. SANDERS
SUSAN C. STEWARD
HELEN K. YOUNG

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant commander

GINA L. HITCHCOCK
DANIEL W. SCHAFFNER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant

LYNNE A. BALDASSARICRUZ
MONICA E. BERNINGHAUS
ROBERT A. BOUFFARD
SCOTT W. COLBURN
JOHN S. EVERED
ARTHUR D. GAGE
KEITH C. KEALEY
FRANCISCO R. LEAL
MARK L. PLEDGER
PAMELA V. ROBINSON
GARRY SCHULTE
CLIFFORD ZDANOWICZ

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant commander

ROBERT S. PARKER III

THE FOLLOWING NAMED LINE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

JAMES E. BREAY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

PIUS A. AIYELAWO
KATHLEEN V. ALDRIDGE
JOSPEH M. ALEXANDER
RAOUL ALLEN
MARTHA J. ANDREWS
DECIMA C. BAXTER
NANCY A. BRAUN
JEFFREY R. BUSH
NEAL A. CARLSON
MEGHAN A. CARMODY
KIM CARVER
JAMES A. CLINDANIEL
EUGENE M. DELARA
JOHN F. FERGUSON
MICHAEL L. FINCH
STEPHEN E. FORMANSKI
ROXANNE FRANCIS
DAVID L. HAMMELL
RICHARD J. JEHUE
ANTONY R. JOSEPH
CHRISTOPHER KARDOHELY
THEODORE KELL
DAVID O. KEYSER
JULITO P. LALUAN
CALVIN A. I. LATHAN
STEVEN E. LINNVILLE
JAMES E. J. MCGRIFF
JANET L. MENZIE
EDWARD A. METCALF
JONATHAN A. MILLER
CHRIS A. MINO
JUDITY A. MUELLER
MATTHEW E. NEWTON
RONALD A. J. NOSEK
LORRAINE E. NUDD
BRADLEY B. PHILLIPS
WENDY H. PINKHAM
JONATHAN C. POPA
LYNDA M. RACE
EDWARD A. REEDY
PETER W. SEELEY
LESLIE L. SIMS
FRANCIS V. SMITH
PAUL S. SON
ANNE M. SWAP
GRAY W. THOMAS
LAURA R. WETZEL
CAREY C. WILLIAMS
MICHAEL J. WILSON

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

MARIE A. VOLPE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

JESSE PHILMOR ALDRIDGE
HEIDI LOUISE ATWOOD
DAVID NELSON BREIER
GARY WILLIAM BRUTON
HAROLD EMERSON BURKE, I
ANTHONY SEAN CHAVEZ
LAMAR ANTHONY CHILDS
DAVID THOMAS CLONTZ
GERALD LORENZA CREECH
MAURICIO GERA DRUMMOND
RICHARD PAUL ERICKSON
LEE ALLAN FORDYCE
JEFFREY KEITH GUYOT
JOE HARPER HEMENWAY
GERALD DEAN KIPLINGER
DAVID RICHARD KOCH
RICHARD EDWAR MAKARSKI
CHRISTINE WI MANKOWSKI
MICHAEL ANGELO MEDINA
DEBRA ANN MORTLAND
BARBARA ELLEN NOSEK
JANET AMELIA OLSON
TODD CHRISTOPHE SANDER
KIM MARY TAYLOR
KAREN LINDA WEISS

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be ensign

ROSANNE Y. CONWAY
DAVID A. ELLENBECKER
SARAH MARIE NEILL

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, Nurse Corps

BRADLEY DENA ALEXANDER
CURT DOUGLAS ANDERSEN
CHARLES PATRIC ANTOLDI
JUDITH DEADRICK BELLAS
MARY KATHERINE BROWN
NANCY K. CONDON
CRAIG LEE COOPER
TINA ANN DAVIDSON
DRUSILLA JANE ELLIOTT
CYNTHIA JEAN GANTT
KIMBERLY ANN GRANVILLE
JUDY ELIZABETH GROOVER
KATHERINE MARIE GULLON
TERRY JON HALBBRITTER
ARTHUR BAXTER J. HANLEY
TRACY L. HARRINGTON
CATHARINE MARY HOFFMAN
JOELL ANDREA HOLMES
LINDIA GAIL HUGHES
JOSEPHINE CAROL JENKINS
DENISE JOHNSON
DEBORAH STARR KIDDER
JANET MAURINE KIMBELL
LYNNE ROWENA KUECK
RUTH ANN LONGENECKER
JOHN THOMAS MANNING
CATHERINE LIMBO MANUEL
SIMONE NINA MARSAC
MARGARET MARY MCGINTY
VELMA LEE MONTGOMERY
TINA LOUISE NAWROCKI
SUSAN NEHILLA
DENNIS MERLE ODELL
ROSEMARIE JOYCE PARADIS
MARIA ELIZABETH PERRY
ROBERT FRANK PROFETA
ANN RAJEWSKI
BEVERLY ANN SASS
SARAH LOUISE SCHULZ
PAULA YVONNE SIMPSON
DOROTHEA ARNELL SLEDGE
MICHELE HERLINE SMITH
CASSANDRA ANITA SPEARS
AMY LOUISE SPRINGMAN
ROSS ROWENA P. STEVENS
JOSEPH GERARD STOWELL
MARY A. SUTHERLAND
SUSAN LILLIAN TITUS
JENNIFER ANN TORRES
CONSTANCE LYNN WORLINE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade) Nurse Corps

DONALD WAYNE ANDERSON
SUSAN MARIE BESSING
SANDRA ANN BIRCHFIELD
STACEY PAULINE BOLIN
KAREN MARIE BRANSON
PATRICIA MARY BURNS
NORMAN FRAN CHARBONEAU
HONEY LYNN DEARMOND
BRIAN JAMES DREW
DEBRA JO ELLIOTT
DONNA MARIE HAASE
ANNE REID HALEY
ROSANNE IRENE HARTLEY
LINDA JANE ANN HOUDE
LAURIE ANN IRWIN
JOAN ANNE MCDERMOTT
MICHAEL ALASTAIR NACE
SUSAN ANNE PIERSON
RANDY LEE SHARP
VICKI LARRAINE SIMMONS

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE AS A LIMITED DUTY OFFICER OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant limited duty officer

WILLIAM BOYD ALLEN

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS

To be ensign

JEFFREY M. ABBRUZZI
FLORENTINO E. ABENA
PAMELA S. ABERNATHY
DAVID F. ACQUAVELLA
KRISTIN ACQUAVELLA
CHRISTOPHER G. ADAMS
JOHN R. ADAMS
MICHAEL A. ADKINS
SHANE A. AHALT
JOHN E. ALANIS
JOSEPH J. ALBERTI, JR.
MITCHELL W. ALBIN
JAVIER ALMODOVAR
HEIDI A. ALOISE
SERHAT ALPAR
JASON S. ALZNAUER
SCOTT R. ANDERSEN
MATTHEW J. ANDERSON
MICHAEL L. ANDERSON
RICHARD D. ANDERSON III
SEAN R. ANDERSON
MARK ANDREWS
CHRISTOPHER J. ANGELOPOULOS
JAMES P. ANNUNZIATA
JARED L. ANTEVIL
STEVEN M. ANTHOLT, JR.
JULITO T. ANTOLIN, JR.
PAUL A. ARMSTRONG
CRAIG S. ARNESON
ANTHONY E. ARNOLDS
NERGENE A. ARQUELADA
SCOTT M. ASACK
JOYCE C. ASCANO
DAMASO ASENCIO, JR.
KEITH A. AVERY
RICHARD D. AVILA
ROBERT F. BAARSON, JR.
CRAIG E. BACHO
JAMES L. BAILEY
GREGORY M. BAKER
RICKY L. BAKER
LUKE H. BALSAMO
MARCELINO C. BALTERO
JOHN D. BANDY
CHRISTOPHER M. BARBER
THOMAS C. BARBOA
MATTHEW P. BARENTS
TODD E. BARNHILL
JAMES M. BARRETT
JONATHAN S. BARROWS
KEITH W. BARTON
GREGORY J. BATCHELDER
JUSTIN T. BATES
MARCUS P. BAUER
OLIVER F. BAYONA
ADRIAN G. BEALE
WILLIAM A. BEDARD III
RICHARD J. BEHRENS
DAVID W. BEISSLER
ERIC E. BELIN
LIONEL M. BELLA
PAUL J. BERNARDINO
KEITH C. BERNHARDT
DANIEL J. BESSE
MICHAEL C. BIEMILLER
JONATHAN C. BIERCE
MARC W. BIGBIE
BRANDON L. BIGELOW
DALE D. BIGHAM
BARRY R. BILLMANN, JR.
CLAUDE E. BIRD
JOHN R. BIXBY
DAVID A. BIZOT
CRAIG F. BLACKBURN
DUNCAN R. BLAIR
THOMAS E. BLAKE, JR.
DAVID G. BLENCOE
RODNEY D. BLEVINS
JESSICA L. BLORE
RHONDA W. BONNAVILLE
AARON L. BOOK
TROY D. BOOKER
DALE W. BOPP
ANDREW J. BORDICK
ERNEST W. BORUM
BERNARD J. BOSSUYT
RANDALL W. BOSTICK
MICHAEL C. BOSWORTH
CHRISTOPHER D. BOTTORFF
JASON C. BOWMAN
BRIAN D. BOYCOURT
RODNEY R. BOYD
CHRIS G. BOYLE
KENNETH C. BOYSEN
CHRISTOPHER A. BRADSHAW
DOUGLAS M. BRADSHAW
DELIA D. BRADY
DENNIS A. BRADY, JR.
PATRICK W. BRAME
ROBERT W. BRANDT, JR.
NICOLE A. BRANDVOLD
MATTHEW J. BRAUN
PAUL A. BREAULT, JR.
MICHAEL A. BRIGGS
SCOTT A. BRIQUELET
MARY M. BRISTER
PHILIP M. BROCK
CHAD M. BROOKS
TODD M. BROSKI
CHRISTOPHER D. BROWN
ERIC P. BROWN
KENNETH J. BROWN, JR.
KEVIN R. BROWN
SHAWN S. BROWN
JEREMY D. BRUNN
JAMES S. BRUSKE
STERLING L. BRYSON
JAMES A. BUCHANAN
JOSEPH G. BUCKLER
SEAN P. BUCKLEY
CHAD E. BUERMELE
ANDREW E. BUESCHER
MARK A. BULKELEY
MICHAEL C. BULLOCK
JEFFREY J. BURFORD
CARL J. BURGOS
ADAM L. BURKS
DEXTER A. BURLEW
JOHN S. BURNETTE
CHRISTOPHER J. BURNS
LARRY D. BURTON
VICTORIA L. BURTON
ERIC V. BUSH
THOMAS A. BUSHAW
DIANE M. BUTORAC
RYAN A. BUXTON
CHRISTOPHER BUZIAK
ROBERT L. BYERS
ROBYN V. CADOGAN
ERIC C. CAHILL
JOHN R. CALLAWAY
ANDREW S. CAMERON
FRANCISCO J. CANTERO, JR.
JOSHUA D. CANTOR
CHRISTOPHER B. CANTRELL
JONATHAN P. CARDONA
BRUCE L. CARLTON
JAMES L. CAROLAND
STEVEN M. CARPENTER
SAMUEL A. CARRINGTON
SANTIAGO M. CARRIZOSA
SHAUN D. CARSTAIRS
RAYMOND R. CARTY
BRIAN D. CASEY
JASON R. CASSANO
MARYANN T. CASTRO
BRIAN L. CATHCART
CLIVENS R. CELESTIN
FRANK C. CERVASIO
BRENT T. CHANNELL
RICHARD C. CHASTAIN
HARISH J. CHAUHAN
JUAN J. CHAVEZ
JAMES CHEATHAM
VINCENT S. CHERNESKY
SHARON E. CHISOM
DENNIS S. CHO
TROY P. CHRISTENSEN
KAREN A. CHRISTIANSEN
ROBERT W. CHRISTIE
WILLIAM A. CISLER
GILBERT R. CISNEROS
BENEDICT D. CLARK
DOUGLAS L. CLARK
STEPHEN A. CLEARE

JAMIE G. CLEARMAN
ROBERT L. CLIFTON
MICHAEL L. COE
BRET B. COLBY
CHRISTOPHER B. COLLINS
THOMAS R. COMFORT
JOHN C. COMPTON
JOHN F. CONLEY
STEVEN M. CONLON
BRIAN N. CONNER
JOSEPH R. CONNER
JAMES R. COOK
LAUREL A. COOK
JAMES H. COOLEY
STANLEY L. COOLEY
MICHAEL J. COOLICAN
MICHAEL S. COONEY
STEWART M. COPENHAVER
SCOTT J. CORBETT
ANDREW N. COREY
ERIC C. CORRELL
CHRISTOPHER J. COUCH
DANIEL P. COVELLI
MICHAEL T. COX, JR.
SELWYN J. CREWS
DAVID W. CRISPELL
RYAN P. CROLEY
JOSEPH T. CRONLEY
JOHN G. CROOKS
HERMAN A. CRUZ
OSCAR CUELLAR
RAFAEL CUELLAR
LARMAR CUNNINGHAM
WARREN E. CUPPS
LEANNE K. CURRIE
CHRISTOPHER N. CURRY
MATHEW J. CUSOLITO
CHRISTOPHER M. CZYZEWSKI
NOEL J. DAHLKE
PATRICK S. DAILY
PAUL M. DALE
JON C. DANCKWERTH
STEPHEN W. DANEKER
GEORGE W. DANIEL
PAULA K. DANIELS
WILLIAM C. DARDIS
CHRISTOPHER B. DARGIS
CLIFFORD T. DAVIS
JASON R. DAVIS
PATRICIA L. DAVIS
SCOTT A. DAVIS
DEAN G. DAVISON, II
DARRELL L. DAY
THALMUS D. DAY
MARK R. DECKER
DEAN D. DEDICATORIA
JEFFERY B. DEGARMO
MAURICIO H. DELGADO
PAUL C. DEMARCELLUS
TIMOTHY R. DENEZZA
JASON R. DENTON
ERIC P. DESBOROUGH
TOBE C. DEUTSCHMANN, III
SEAN E. DEVICH
GLEN P. DEWEY
DAVID B. DIAMOND
WENDY DIAZ
SCOTT P. DICKINSON
JAREMA M. DIDOSZAK
JAMES R. DIETZ
GASPAR R. DIGIOVANNA
MICHAEL J. DILLENDER
ROBERT P. DILLION
CHRISTOPHER C. DILORENZO
JOSEPH J. DIPONIO
MATTHEW G. DISCH
CHARLES S. DITTBENNER, II
THOMAS E. DIXON
LEONARD S. DOCKERY
ROBERT J. DODSON
BRIAN K. DOELFEL
JASON E. DOERING
TIMOTHY J. DOLAN
BRYAN J. DOMBROWSKY
PAMELA J. DOMITROVIC
ROBERT F. DONAHUE
SEAN T. DONAHUE
DARREN J. DONLEY
ADAM J. DONOHOE
JASON K. DOUR
RICHARD H. DOWNEY
SCOTT C. DOWNEY
MATTHEW J. DRABIK
SEAN C. DRISCOLL
ERIC B. DROUKAS
DAVID W. DRY
MATTHEW B. DUDLEY
ANTHONY A. DUE
ELIZABETH T. DUGAN
BERNARD DUNLAP
MARK S. DUNNAGAN
JOSEPH E. DUPRE
ROBERT M. DURLACHER
PAUL M. DURSO
DAVID C. DYE
JASON W. EARLY
DARRELL EASTER, II
ELLIS A. ECKLAND
JAMES W. EDWARDS, JR.
SEAN M. EGGE
CHARLES A. EHLENBERGER
EDGAR J. EJERCITO
BRIAN P. ELKOWITZ
REBECCA A. ELLIOTT
DIRK W. ELWELL
BRANDON N. EMANUEL
BRADLEY E. EMERSON
DAVID N. ENGLISH
CARLA R. ESTEP
MELANIE A. ETZ
KARL R. ETZEL
ROBERT E. EVANS
ROBERT C. EVANS MILLER
PETER T. EWALD
JAMES G. FABBY
JASON A. FAIR
GREGORY S. FARLEY
BRYAN M. FARRENS
MARC A. FASSNACHT
JOSEPH FAUTH, IV
JOEL E. FAY
CHRISTINE H. FEDOR
ALLAN S. FELICIANO
MELISSA G. FERRO
TOM FIFER
SUSANNAH T. FINCH
JAMES M. FINLEY
JOHN A. FISCHER
MARK A. FISCHER
PETER D. FITCH
CHRISTOPHER F. FLAHERTY
STEPHEN A. FLAHERTY
ERIC E. FLECKTEN
BRIAN C. FLICK
ANDREE FLORVIL
MARA C. FLOURNOY
GEORGE A. FLOYD
MICHAEL A. FOGGIN
EVANDER F. FOGLE
MICHAEL R. FOHNER
DAVID D. FOLDY
CHRISTOPHER S. FORD
SHIELA J. FORD
VALERIE A. FORD
CHARLES A. FORTINBERRY
JOEL W. FOUST
DANIEL S. FOWLER
JEREMY R. FRANK
WILLIE T. FRANKLIN
EUGENE N. FRANKS
WILLIAM R. FRANS
LISA M. FRATTAROLI
TROY A. FRAZIER
JEFFREY S. FREELAND
STEVEN F. FRILOUX
EDWARD K. FUHR
CHRISTOPHER A. FUNK
CHRISTOPHER L. GABRIEL
JOHN P. GAINOR
KEVIN R. GALLAGHER
JENNY B. GALLEGOS
JOHN C. GALLEGRO
JAVIER GALLO
BRENT S. GALLOWAY
MICHAEL E. GALVEZ
DON D. GALYON, II
ANDREW W. GARRETT
DAVID B. GARTRELL
FRANCISCO GASCA
JAMES R.S. GAYTON
JOEL D. GEBAUER
JOHN W. GEHLE
BARRY C. GENTRY
NATHAN R. GERHARDT
SUGATA GHATAK
PETER GIANGROSSO
TIMOTHY M. GIBBONEY
MICHAEL S. GILES
SCOTT A. GILES
BRIAN M. GILLIGAN
JOHN E. GILMORE
BRIAN J. GINNANE
CHRISTOPHER M. GIORDANO
PHILLIP A. GIST
CHRISTOPHER F. GLANZMANN, JR.
CHADWICK A. GODLEWSKI
MARK C. GOETZE
MICHAEL C. GOLDEN
JOSEPH E. GOLDMAN
TINA R. GONZALEZ
SHAWN M. GOODRICH
HAYES D. GORI
WAYNE J. GOVEIA
PATRICK D. GRANT
DEBORAH C. GRAVES
WALTER V. GRAY, IV
SCOTT J. GRAYBEAL
TIMOTHY A. GREATHOUSE
BRYAN T. GREENE
JEANETTE D. GREENE
JEFFREY A. GREGOR
RONALD L. GRIESENAUER
MATTHEW K. GRIFFIETH
MALCOM. A. GRIFFIN
WESLEY A. GRIFFIN
JOHN H. GRIMES
STEFAN M. GROETSCH
MICHAEL D. GROSE
KEVIN D. GUARD
DARREN B. GUENTHER
MISAEL A. GUERRA
QUILLIAN GUNN, III
JEREMY W. GUNTER
MATHEW G. GURGEL
MICHAEL R. GUSTAFSON, II
RUSSELL S. GUTHRIE
CHAD D. GUYER
ERICK J. HAASE
JOED J. HADDAD
PATRICK J. HAGGARD
JEREMY D. HAHN
BRET P. HALDIN
DERON J. HALEY
RICHARD D. HALL
STANLEY M. HALL
MOLLY A. HAMILTON
BRIAN J. HAMLING
EMILY P. HAMPTON
DEREK G. HANDLEY
JASON D. HANEY
JEFFREY R. HANKE
JAMES R. HANLY
JOSHUA C. HANSEN
RANDAL L. HANSSEN
GEOFFREY M. HARDIN
STEVEN T. HARFORD
BRAD S. HARKEN
RICHARD A. HARMS
DEREK R. HARP
MATTHEW C. HARPER
TIMOTHY P. HARRENSTEIN
TIMOTHY L. HARRINGTON
MICHAEL T. HARRISON
KENNETH A. HARROD
JOSEPH A. HART
FREDERICK L. HARTLEY
ROBERT T. HASENSTAB
KIMBERLY D. HASKETT
PAUL A. HASLAM
JULIA D. HEBERT
ROBERT R. HEFFERNAN
FREDERIC E. HEFFNER
DANIEL A. HEIDT
KERRY B. HEISS
DANIEL J. HELD
JAMES N. HELFRICH
DAVID P. HELGERSON
SHANNON W. HELZER
JAMES W. HENDLEY
JAMES G. HENDRICKSON, JR.
LEE A. HENDRICKSON
LAWRENCE H. HENKE, III
ANDREW C. HERTEL
DANIEL R. HESTAD
DON R. HEUMPHREUS
JASON R. HIDEK
PETER M. HILGARTH
ANTHONY N. HILL
JOHN F. HILL
MICHAEL P. HILVERT
RHONDA O. HINDS
ANDREW L. HINKLE
CLAYTON F. HINTON
RUSSELL B. HISER
MARGARET H. HOEFNER
CHRISTOPHER J. HOEHN
KEITH A. HOLIHAN
SCOTT J. HOLLOWAY
GREGORY D. HOLMES
MARK J. HOLOWACH
MATTHEW R. HOLT
MICHELE D. HOLTZMAN
RICHARD G. HONAN II
MATTHEW F. HOPSON
JIMMY D. HORNE, JR.
BRIAN S. HORSTMAN
JACK E. HOUDESHELL
MATTHEW J. HOUGH
THOMAS J. HOUGHTON
KENNETH S. HOYING
KEVIN D. HUDSON
JENNIFER K. HUEBNER
TRACIE D. HUGHES
MATTHEW C. HUHNKE
ANDREW L. HUIZENGA
DANIEL K. HUME
KARL F. HUMISTON
RICHARD D. HUNTER
PAUL R. HURLBERT
JAMES P. HURLEY
MARK P. HURST
SCOTT M. HUTH
ANTHONY T. ICAYAN
JESUS A. IGLESIAS
DAVID S. INGRAM
VERNON D. INGRAM II
JAMES M. IORIO
LANCE A. JACKOLA
DEDRIC N. JACKSON
JEFFERSON P. JACKSON
KEVIN M. JACKSON
MICHAEL JACKSON
MATTHEW J. JACOBS
TODD A. JACOBSON
JEFFERY P. JACOBY
MICHAEL E. JAMES
JOSEPH A. JANOS
CRAIG A. JARROW
TRACY E. JARVIS
JOCELYN M. JAYME
KENNETH E. JEWELL
WILLIAM L. JILES
SUK J. JIN
ANDREW F. JOHNKE
MICHAEL D. JOHNS
THORSTEN P. JOHNSEN

CASEY G. JOHNSON
CRAIG F. JOHNSON
ERIK C. JOHNSON
GREG A. JOHNSON
JEROME M. JOHNSON
JONATHAN E. JOHNSON
MICHAEL S. JOHNSTON
STEVEN P. JOHNSTON
CHRISTOPHER S. JONES
DONALD E. JONES
MICHAEL K. JONES IV
RONALD Q. JONES
RUSSELL W. JONES
PETER J. JORDAN
CORRY H. JUEDEMAN
KEVIN K. JUNTUNEN
MICHAEL J. KANE
TRAVIS T. KARLIN
JAMES M. KATIN
DAVID E. KAUFMAN
JENNIFER J. KAUP
SEAN D. KEARNS
JONATHAN L. KEARY
BERNARD K. KEENAN
ANNE C. KEITH
JOSEPH J. KELLER
MATTHEW D. KELLER
KENNETH W. KELLY
RAYNER W. KELSEY
DAVID M. KERR
BRIAN L. KEYS
CHRISTIAN N. KIDDER
BOYD B. KILE
JACKIE L. KILLMAN
KOLT KILLMAN
ROBERT H. KIM
JAMES W. KING
RICHARD G. KINNEAR
KATHLEEN A. KINSKE
NEIL C. KLAPROTH
JASON E. KLEIN
JONATHAN P. KLINE
JAMES R. KLOSS
SHANE KLUGH
CHRISTPHER G. KNIGHT
PATRICK E. KOEHLER
MATTHEW G. KONOPHA
JOHN R. KOON
BRIAN F. KOWAL
JOSEPH J. KRASINSKI
GARRETT V. KRAUSE
GREGORY A. KROLL
DAVID M. KRUM
STEPHEN L. KUCALA
DAVID T. KUDISH
DAVID E. KUHLMAN
STANLEY L. KUMOR
ALLEN C. KUNKLE
JEREMY A. KUFCHO
JERRY D. KURINSKY
STEPHEN C. LABASH
DANIEL P. LABYAK
RONNIE G. LAFLAMME
CHRISTOPHER S. LAKE
DAVID J. LALIBERTE
LYNDSI N. LAMKIN
ADAM L. LANDRY
MICHAEL J. LANG
MICHAEL R. LANGE
PAUL J. LANZILOTTA
BRENT B. LAPP
JAMES M. LAROWE
DAVID B. LARSEN
AARON L. LARSON
MICHAEL A. LAUGHERY
ALISSA A. LAVIGNE
DONALD E. LAWSON
JENNIFER A. LEASURE
RICHARD K. LEATON
MICHAEL R. LEBESCH
DEREK R. LEEK
MICHAEL F. LEFLORE
JASON C. LEHR
MAGNUS C. LESLIE
DANIEL P. LESSARD
BRIAN L. LEUPOLD
BRENT A. LEVANDER
DAVID A. LEVY
STUART A. LEVY
DARRELL L. LEWIS
THOMAS W. LEWIS
WILLIAM N. LI
GLENN L. LICHTENBERGER
DON A. LICHTER
CHRISTOPHER D. LIGHT
ERIC K. LINDBERG
DANIEL A. LINQUIST
MARK B. LIPSCOMB
ERIC S. LITZENBERG
JONATHAN B. LOANE
JOHN R. LOEBMANN
TRINA R. LOEFFLER
KAREN M. LOMMEL
ABRAM LONG
KERRY S. LONG
BAYLEN K. LOONEY
STORMI J. LOONEY
PATRICK D. LOPATH
BLAINE S. LORIMER
WILLIAM E. LOTH
DAVID C. LOTT
ROBERT E. LOUGHRAN JR.,
THOMAS J. LOUGHRAN
TIMOTHY M. LOY
DONALD W. LUNDSTROM
THOMAS B. LUTKENHOUSE
JAY D. LUTZ
JODY L. LUTZ
EARL T. LYNCH III.,
MARK C. LYNCH
IAN R. MACIULIS
DANIEL L. MACKIN
BRIAN MAGNANI
ANDREW H. MAGNUS
LLOYD B. MAGRUDER
LARRY D. MAGUIRE
BRIAN S. MAHONEY
PAUL J. MAKAR
JOSEPH P. MALETTA
RICHARD H. MALONE
KEITH W. MALY
SHAWN K. MANGRUM
RYAN K. MANVILLE
PATRICK W. MANZO
CHRISTOPHER M. MANZUK
QUENTIN C. MAPLE
EVE E. MARHAFER
RICHARD T. MARINO
WILLIAM D. MARKS JR.,
NATHANIEL P. MARLER
JOSE A. MARRERO
JOSE J. MARROQUIN
RUSSELL L. MARSH
COLLEEN D. MARSHALL
KENNETH C. MARSHALL
ANDREW C. MARTIN
RODOLFO E. MARTINEZ
CHRISTOPHER A. MARTINO
THOMAS A. MARTUCCI, III
TRACIE A. MASHORE
JOE L. MASON, JR
REID W. MATTHEWS
GEORGE N. MAURICE
NORMAN F. MAXIM, II
SCOTT D. MAXWELL
GLENN E. MAYNARD
CHRISTOPHER A. MAYNES
TROY V. MAYS
PATRICK F. MCARDLE
CHARLES W. MCCAFFREY
COLIN G. MCCARTHY
JEFFERSON E. MCCOLLUM
KENNETH J. MCCRANK, II
MICHAEL H. MCCURDY
CHRISTOPHER R. MCDOWELL
CHARLES R. MCENNAN
GARY L. MCEUEN
AMY D. MCINTIRE
BRIAN MCKAY
TIM E. MCKENZIE
LAWRENCE F. MCKEOGH
DIX B. MCLAUGHLIN
STACY L. MCLAURIN
CARLTON C. MCLEOD
DONNA L. MCLEOD
KEVIN C. MCMAINS
RALPH F. MCMANIS
BRIAN M. MCNEANY
NICHOLE L. MCNEELY
JAMES A. MCNICHOLAS
JAMES W. MCRAE, JR
STEPHEN R. MEADE
PATRICK D. MEAGHER
BRETT M. MEARS
ALLISON S. MECHAM
WILLIAM F. MERRITT
JAMES M. METCALFE
GWEN E. METZ
JAMES G. MEYER
PAULA J. MECHAUD
HAROLD MIDENCE
MICHAEL T. MIHALY
LAURA A. MILANESE
DAMON D. MILBY
ANDREW S. MILLER
CHAD M. MILLER
ERIC A. MILLER
STEVEN M. MILLER
REID D. MILLIGAN
DENISE E. MILTON
CHAD T. MINGO
ANTHONY L. MINNIEFIELD
MARTA H. MIRECKI
JAMES R. MIRES
FREDERICK MISCHLER, III
DAVID M. MITCHELL
JAMES R. MITCHELL, III
ROBIN L. MITCHELL
JASON S. MOAK
MICHAEL E. MOFFAT
JOSEPH M. MOLOUGHNEY, JR
MARK J. MONTANO
MICHAEL E. MONTEIRO
LIAM J. MONTGOMERY
RONNIE L. MOON
JOSEPH W. MOORHOUSE
ERIC J. MORALES
MICHAEL P. MORAN
ZACHARY L. MORELAND
DAVID V. MORGAN
SAMUEL L. MORGAN
AMANDA L. MORIN
CHRISTOS G. MORRIS
JULIE D. MORRIS
WILLIAM J. MORRISSEY
BRIAN D. MORROW
SPENCER A. MOSELEY
CAROLYN O. MOSIER
ARTHUR R. MOSLOW
MATTHEW J. MOWAD
GREGORY M. MUHLNER
KEVIN M. MULLANEY
BARBARA A. MULLEN
ERIN P. MULLIGAN
JAMES L. MURPHY
KEVIN A. MURPHY
SIOBHAN L. MURPHY
ROGER D. MUSSELMAN
CHRISTOPHER M. MYERS
DANIEL E. NANCE
SCOT D. NAPOLETANO
JOHN P. NEAL
DANIEL A. NELSON
DARREN W. NELSON
STEVE H. NELSON
TOBEN D. NELSON
CHRISTOPHER A. NERAD
STEVEN A. NEWTON
ANTHONY NGUYEN
MARK A. NICHOLSON
PETER A. NIEMAN
ALBERTO J. NIETO
MARK E. NIETO
CAROLYN E. NOBEL
BRUCE D. NOLAN
JORGE A. NOLASCO
ANDREW O. NOLD
DAMON E. NOLTING
MICHAEL E. NOONAN
STEVEN M. NORDTVEDT
TONY NORSWORTHY
SCOTT M. NOVINGER
BENJAMIN H. NUNNALLEE
TODD J. OCHSNER
DANIEL P. OCONNOR
MARGARET A. OCONNOR
DAVID I. ODOM
BRADLEY T. ODONNELL
SEAN P. ODONNELL
STANFORD B. OGLESBY
MICHAEL A. OLEARY
ROBERT D. OLIVER II
MATTHEW V. OLSON
KEVIN P. OROURKE
PATRICK D. OSBORNE
JOSEPH M. OSWALD
DAVID J. OTOOLE
JAMES A. OUELLETTE JR.
JASON H. OWENS
CHRISTOPHER G. PACE
EDWARD J. PADINSKE JR.
LAWRENCE E. PALMER
LEE ANN M. PALOMINO
MATTHEW L. PANGARO
CHRISTOPHER C. PANKEY
BRYAN A. PARISEAULT
MATTHEW T. PARKER
TIMOTHY V. PARKER
WENDELL L. PASARABA
VINIL PATEL
ROBERT W. PATERSON
CHASE D. PATRICK
JAWARA C. PATRICK
JUSTIN K. PATRICK
DONALD J. PATTERSON III
MICHAEL B. PAYNE
THOMAS L. PEEPLES JR.
FRANK J. PELKOFER III
JEFFREY P. PELLETIER
STEPHEN T. PENEPACKER
JASON S. PENNA
SAMUEL D. PENNINGTON
JACK B. PERKINS
WILLIAM A. PERKINS
WILLIE J. PERKINS
MATTHEW J. PERUN
JOSEPH M. PERUSO
MARTIN R. PESUT
ESLY A. PETERS
JOSEPH D. PETERS
ROBERT E. PETERS
BRIAN F. PETERSON
JEFFREY C. PETTY
NED M. PEVERLEY JR.
MICHAEL PFARRER
KRISTOFFER H. PFISTER
SCOTT R. PFISTER
JASON D. PHILLIPS
JASON R. PHILLIPS
MATTHEW A. PHILLIPS
CHAD E. PIACENTI
TABITHA D. PIERZCHALA
PAUL M. PIERZCHANOWSKI
MARC D. PINATE
DANIEL J. PLAFCAN
JEFFREY M. PLAISANCE
RUBEN D. PLAZA JR.
JOSEPH R. PLESCIA
JOHN F. PLUMB
JOHN L. POGUE
EDWARD L. POINDEXTER
JOSEPH T. POOLE
ADAM D. PORTER
JESSE E. PORTER
TERRY E. POTTER
JAMES A. POWELL

STEVEN D. PRATT
TODD C. PRINGLE
COLE C. PRIZLER
JOSEPH E. PROBST
JAMEAU R. PRYOR
JOHN J. PUDLOSKI
JAMES T. PURIFOY, JR.
RANDALL A. PURINTUN
CHRISTOPHER N. PURTILL
JOHNATHAN C. PUSKAS
MATTHEW T. PYBURN
PHILIP J. PYLES
CHARLES B. RALEY
JAMES C. RAPLEY III
NICKOLAS L. RAPLEY
DAVID P. RASMUSSEN
SCOTT P. RAYMOND
LISA A. REALE
MARK P. REAMS
RODGER D. REED
ERIC P. REMSEN
ARISTIDES G. REYES
ANTHONY A. RICCI
CHARLES D. RICE, JR.
CHRISTOPHER C. RICHARD
RONALD K. RICHARDS
ERIC L. RICHARDSON
STEVEN M. RIEDEL
ANTHONY C. ROACH
ANNE B. ROBERTS
FRANK L. ROBERTS
JOHN T. ROBERTS
SHAWN A. ROBERTS
RICKY L. ROBINS
GODDARD E. ROBINSON
MATTHEW H. ROBINSON
RAY P. ROBINSON
SOLOMON ROBINSON
ROBERT P. ROCH
JAMES A. RODGERS
CHRISTOPHER M. RODRIGUES
JOSE L. RODRIGUEZ
STEVEN G. RODRIGUEZ
ROBROY ROEDEL
RICHARD ROGALIN, JR.
CHARLES L. ROGERS
JOSEPH E. ROGERS
JOSEPH T. ROGERS
STEPHEN C. ROGERS
RICHARD R. ROGUS
KEITH A. ROHWER
DAVID P. RONKA
DOUGLAS W. ROSA
WILLIAM J. ROSANA, JR.
TEDDY ROSAYA
LISA F. ROSE
JONATHAN E. RUCKER
JON E. RUGG
ROBERT J. RULE
DAVID J. RUPPERT
REGINALD T. RUSSELL
JACK W. RUST
HAYES L. RUTTER
JOHN D. SACCOMANDO
KENO D. SADLER
CHRISTOPHER R. SALTER
JORDAN R. SAMORTIN
BRYAN T. SAMUEL
JOSE L. SANCHEZ
BRADFORD L. SANDERS
PATSY SANDOVAL
ANDREW J. SANOCKI
THERESA D. SANSONE
CHRISTOPHER P. SANTOS
BARRY C. SASS
ANTHONY M. SAUNDERS
JONATHAN D. SAVAGE
SCOTT G. SAVAGEAUX
ANDREW D. SAWYER
JON D. SCHABERT
JASON B. SCHEFFER
JENIFER L. SCHELLENBERGER
MICHAEL R. SCHIFFERLE
BRIAN H. SCHIMMEL
DANIEL K. SCHMICK
ANDREW C. SCHMIDT
JOHN E. SCHMIDT
KEVIN P. SCHULTZ
RICHARD J. SCHWARTE
JEFFREY L. SCIFERT
MARC S. SCOTCHLAS
DANIEL L. SCOTT, JR
ROBERT B. SCOTT
SHELIA D. SCOTT
JAMES E. SEDDON
ANDRE E. SEKOWSKI
CHRISTIAN N. SETTLEMIER
DARRICK J. SEYMORE
WILLIAM K. SHAFLEY III
LEONARD T. SHANKMAN
MICHAEL P. SHANNON
RAVI K. SHARMA
DAVID K. SHARP
BRIAN J. SHEAKLEY
BLANE T. SHEARON
ROBERT R. SHELBY, JR.
PATRICK L. SHELL
SCOTT H. SHERARD
ZACHARY E. SHEREN
ANGELINA M. SHERMAN
JOSEPH H. SHERMAN
CHRISTOPHER R. SHERWOOD
RICHARD E. SHETTLER
STEPHEN J. SHIPLETT, JR.
ANTHONY T. SHORT
THOMAS E. SHULTZ
CAROL A. SHUPACK
CRAIG C. SICOLA
BRETT M. SIDES
JONATHAN B. SIEGEL
ROBERT A. SIM
DAVID W. SIMMONS
JOELLE M. SIMONPIETRI
ALEXANDRE R. SINGLETON
TRAVIS D. SISK
THOMAS E. SLEDER
BRADLEY S. SLOCUM
ANTHONY C. SMITH
BRIAN T. SMITH
BROOK A. SMITH
CHARLES R. SMITH
CHRISTOPHER R. SMITH
CLIFFORD A. SMITH
DEANNA J. SMITH
ESTHER A. SMITH
GARY F. SMITH
JAN G. SMITH
KEVIN R. SMITH
LEONARD J. SMITH
MATTHEW J. SMITH
PAYTON C. SMITH
SHERRY L. SMITH
THADEOUS C. SMITH
MIRIAM K. SMYTH
TERENCE M. SOBOLEWSKI
ALEXANDER T. SOE
GABRIEL E. SOLTERO
JEFFREY L. SORICELLI
JEFF W. SORRENTINO
AXEL W. SPENS
ALFRED J. SPEREDELOZZI
LOUIS V. SPICCIATI, JR.
RICHARD M. SPRINGER
JASON A. STABENOW
TARSHA V. STACY
CHRISTOPHER M. STAFFORD
ADAM N. STANKS
ERROL J. STANSBERRY
GREGORY E. STATON
CRAIG J. STEELE
MEGHAN E. STEELE
CHRISTOPHER C. STEENSMA
JASON D. STEGNER
WILLIAM J. STEGNER
ROBERT J. STEINBERGER
WILLIAM L. STELLWAG, JR.
ALEKSI J. STENBACK
PAUL R. STEPHENSON
ROBERT L. STEPHENSON, JR.
KEVIN W. STERLING
SCOTT W. STETSON
JASON D. STEVENS
CLAUDE R. STEWART
DAVID G. STILL
COY R. STINE
RONALD C. ST MARTIN
JAMES E. STONE
JONATHAN C. STONE
CAROLYN A. STORCK
JEFFREY R. STOTLER
WILLIAM P. STRADER
CHRISTIAN P. STRAND
JEFFREY E. STRANGE
JEFFREY D. STROH
LAWRENCE V. STROUD
SCOTT J. SUDA
JERALD J. SUMMERS
KEVIN T. SUTTON
WILLIAM A. SUTTON, JR.
VARUTH T. SUWANKOSAI
BRYAN R. SWANN
CHRISTOPHER A. SWANSON
CHARLES T. SWEENEY
ROBERT E. SWEENEY
JOHN F. SWEETER, JR.
PETER J. SZCZEPANKIEWICZ
SEAN K. SZYMANSKI
PEDRO G. TAJALLE, JR.
CHARLES B. TALBOTT
JOHN M. TATUM
CAMERON L. TAYLOR
JAMES M. TAYLOR
STACEY L. TAYLOR
BRIAN D. TERRIEN
BRADLEY B. TERRY
JOEL R. TESSIER
ARMAND T. TESTA
BRENT W. THIEC
WOLFGANG K. THIERS
KIMBERLY W. THIGPEN
CHANNING J. THOMAS
JAMES T. THOMAS
JOHN B. THOMAS III
KARL A. THOMAS
ROBERT W. THOMAS JR.
ABRAHAM A. THOMPSON
JOHN C. THURMOND
MICHAEL K. TIBBS
RODNEY D. TILLOTSON
MICHAEL J. TITCOMBE
BRETT E. TITLE
GREGORY V. TOLLE
STEPHEN D. TOMLIN
DAVID A. TORGERSON
KATHERINE A. TRAUTH
ARTHUR J. TRUJILLO
JOSHUA L. TUCKER
SCOTT A. TUCKER
PAUL A. TURCOTTE
JULIAN W. TYLER
MARK J. VAGEDES
VICTOR C. VALENZUELA
DARIN L. VALLETTE
JOHN R. VANBUREN
RUSSELL J. VANDIEPEN
NOU VANG
EDWARD M. VARGAS
DANIEL J. VASSAR
BRIAN K. VAZQUEZ
CHRISTOPHER R. VEGA
VICTOR V. VELASCO
MATTHEW A. VERICH
DOMINICK A. VINCENT
JON C. VINGE
JEFFREY W. VOIGT
NICOLAS R. VOLPICELLI
JOHN W. WADE
PETER N. WAINMAN
ALEXANDER R., WAKEFIELD
ALEXIS T. WALKER
JAMES A. WALKER
JUNDY C. WALERK
ROBERT G. WALKER
STEPHEN B. WALLER
DARREN C. WALLIS
WILLIAM G. WARBURTON JR.
JEFFERY D. WARNER
SEAN D. WATERMAN
TIMOTHY M. WATSON
VINCENT C. WATSON
RONALD WEATHERED
MICHAEL C. WEBER
SCOTT L. WEBER
ERICH R. WEDAM
SHAWN K. WEIDERT
DAVID W. WEIDNER
BRIAN D. WEISS
JEFFREY D. WEITZ
CORY J. WELCH
BRIAN E. WELSH
COREY J. WENDLING
GERALD M. WINNER III
JIMMY J. WESTBROOKS
DANIEL F. WESTERHEIDE
TODD E. WHALEN
AMY L. WHITE
ROY G. WHITE JR.
AMAHL K. WILLIAMS
BRYAN T. WILLIAMS
CHRISTOPHER J. WILLIAMS
JASON A. WILLIAMS
MICHAEL E. WILLIAMS
MICHAEL J. WILLIAMS
ROBERT J. WILLIAMS
RUSSELL V. WILLIAMS
SHOWN T. WILLIAMS
DUMLIE K. WILSON
JOHN M. WILSON
KENNETH S. WILSON
RICCARDO WILSON
ROBERT C. WILSON
ELNORA E. WINN
MARK S. WITHYCOMBE
STEPHEN J. WONG
CHARLES E. WOODARD
DARRIN L. WOODS
ASTRID E. WOODWARD
AMY E. WOOTTEN
RICHARD M. WORMS JR.
JAMES T. WORTHINGTON III
CYNTHIA M. WRIGHT
MILTON E. WUERTZ
THOMAS M. YANNONE JR.
NATHAN D. YATES
WILLIAM J. YODER
JI H. YOO
NATHAN S. YORK
CHARLES T. YOUNG JR.
DAVID A. YOVANNO
DAMON R. YUHASZ
ADAM S. ZACHER
RANDY ZAMORA
CARLA N. ZEPPIERI
PAUL D. ZIEGLER JR.
DANIEL F. ZIMMERMAN
DAVID E. ZIRINGER
HARALD ZUNDEL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DUANE A. WILLS [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. HENRY G. CHILES, JR. [redacted]

THE FOLLOWING NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ROBERT K.U. KIHUNE [redacted]
VICE ADM. STEPHEN F. LOFTUS [redacted]
REAR ADM. EDWIN R. KOHN, JR. [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

RADM(LH) JOSEPH JOHN DANTONE, JR. [redacted]
RADM(LH) ROBERT PHILIP HICKEY [redacted]
RADM(LH) JAY LYNN JOHNSON [redacted]
RADM(LH) JOHN ALLEN LOCKARD [redacted]
RADM(LH) JOSEPH SCOTT WALKER [redacted]

IN THE COAST GUARD

THE FOLLOWING CADETS FROM THE UNITED STATES COAST GUARD ACADEMY ARE NOMINATED FOR APPOINTMENT TO THE GRADE OF ENSIGN.:

SHARIF A. ABDRABBO
LARA A. ALLISON
SCOTT ANDERSON
CHRISTOPHER J. ANDRES
PATRICK D. ARCHIBALD
JENNIFER H. ARKO
DESARAE ATNIP
KENNETH P. BACKES
DONALD E. BADER
CHRISTINE F. BALKON
JON N. BALLWEBER
TODD S. BARDIN
MICHAEL D. BARNER
ERICH J. BAUER
RICHARD W. BAUMGARTNER
LANCE C. J. BELBEN
THOMAS H. BELL
TARAH K. BELL
DAMON L. BENTLY
TROY A. BERRY
CLINT D. BERRY
ERIC T. BLACKBURN
MEGAN A. BLACKEBY
RICHARD G. BOSTON
GARY R. BOWEN
MICHAEL J. BRANDHUBER
TINA M. BRIAND
JAMES J. BROGAN
MARKO R. BROZ
STEPHEN V. BURDIAN
ROBERT R. BURKE
JAY D. CAMPBELL
MICHAEL E. CAMPBELL
SEAN M. CARROLL
CHRISTOPHER W. CARTER
KEVIN M. CHANDLER
CHRISTOPHER M. CHASE
BENJAMIN H. CLARK
KURT A. CLARKE
JAMES T. COBB
LAURA D. COLLINS
CHRISTOPHER J. CONLEY
RYAN T. COOK
THOMAS F. COOPER
DAVID W. COOPER
THOMAS L. COPELAND
SEAN M. CROSS
RUSSELL E. DASH
ANTHONY P. DAVIS
CHRISTINA M. DELEON
CHAD K. DEMAREST
STEPHEN W. DEPEW
JOH C. DETTLEFF
CRAIG G. DEWALT
DAVID C. DIAZ
WILLIAM H. DINKELMANN
ANGELIC D. DONOVAN
ROBERT J. DORAN III
JOSEPH S. DEFRESNE
JOSEPH A. DUGAN
EDWARD L. DUGGS
TODD H. EICHBERG
JAMES P. ESPINO
COLLIN T. FAGAN
THERESA N. FASCESKI
MATTHEW J. FAY
CHRISTIAN A. FERGUSON
ERIC V. FINGER
WILL R. FORD
RICHARD J. FRATTARELLI
MICHAEL J. FRENDER
CHRISTOPHER M. FRITZ
CHRISTOPHER A. GALE
MARIA G. GALMAN
JORGE C. GARRIDO
TREVER R. GEORGE
KRISTOPHER K. GHOLSON
KYE M. GILDER
BRIAN C. GLANDER
MARK A. GOLDEN
DOUGLAS D. GOODWIN
KEVIN E. GOUNAUD
JOHN P. GREGG III
GEORGE G. GRILLS
SEAN J. GRYGIEL
TODD A. HAVILAND
TIMOTHY L. HAWS
DAWN M. HEATH
DANIELLE L. HEMBROOK
PAUL J. HENNELLY
JAMES J. HERLONG
JONATHAN HICKEY
NATHAN C. HIMES
JOHN HOLLINGSWORTH
JAMES F. HOUCK
THOMAS T. HUBBLE
MICHAEL D. HURSTA
TRAC T. T. HUYNH
WILLIAM HYDE
TODD S. JAMES
TANYA L. JEITZ
CHRISTOPHER J. JENSEN
KURT T. KACPRZYNSKI
THOMAS J. KAMINSKI
ROBERT S. KEISTER
SCOTT A. KEISTER
KENNETH J. KENDRA
JOHN W. KENNEDY
KIRK W. KINDER
KEVEN M. KING
DAVID J. KING
VERNON L. KIPP
JADON KLOPSON
MARC W. KNOWLTON
DENNIS KOHANYI
ALO H. KONSEN
BRIAN K. KOSHULSKY
SHERMAN M. LACEY
SCOTT C. LALIBERTE
CHASE R. LANDON
DOUGLAS LIESS
JOSEPH B. LORING
JENNIFER H. LUCAS
MARK MACANGA
GREGORY H. MAGEE, JR.
JAY E. MAIN
RYAN D. MANNING
PIERRE G. MARTEL
DAVID J. MARTYN
MICHAEL C. MCKEAN
JOSHUA D. MCTAGGART
CARL R. MESSALLE
JOHN B. MICKETT
ANDREA G. MILLER
ERIC J. MILLER
DENISE MINAKOWSKI
KEVIN W. MOHR
MARK G. MOLAND
JOSE E. MORA
ELIZABETH A. MORE
MATTHEW J. MOREHEAD
JOHN A. MORRISON
RYAN W. MURPHY
THOMAS F. MURRAY
GREGORY W. MYERS
PATRICK S. NELSON
BRIAN K. NORBERG
BRIAN C. NUTTER
ELAINE A. O'BRIEN
TOBIAS M. OLSEN
DANIEL J. OSTERGAARD
NORBERT J. PAIL
RONALD PAILLIOTET
DANIEL K. PICKLES
STACEY A. POMMERENCK
JOHN W. PRUITT III
RICHARD K. PURRIER
JONATHAN Q. QUACH
REBECCA M. RABAGO
THOMAS C. REMMERS
BRENDON H. RITZ
JOHN G. RIVERS
CHRISTOPHER C. ROACH
LEE M. ROSENBAUM
CHRISTOPHER M. ROTELLA
ERIC W. RUBIO
GENNARO A. RUOCCO
PATRICK C. SCHREIBER
LISA H. SCHULZ
JENNIFER A. SCOTT
JERROLD N. SGOBBO
PATRICK J. SHAW
AREX B. SIGNEY
DOUGLAS C. SIMPSON
VINCENT J. SKWAREK
SHAWN A. SLAYTON
MATTHEW B. SMITH
CALE M. SMITH
JON S. SMITHERS
BRANDON L. STACK
MICHAEL S. STEWART
TIFFANY M. STUBBENDECK
PAUL D. STUKUS
CURTIS L. SUMROK
JOSEPH J. SUNDLAND
RICHARD T. SUNDLAND
JAMES P. SUTTON
JASON F. SWIM
FRANCES M. TASSONE
PATRICIA E. TATE
TOBIAH T. TAYLOR
CONRAD R. THEROUX
MARC A. THIBAULT
CHRISTOPHER A. THORPE
RITCHER L. TIPTON
GREGORY B. TLAPA
TRISTAN N. TODD
STEPHEN J. VANESSENDELFT
ELIZABETH F. VARELY
CURTIS L. VIRKAITIS
MARK VISLAY, JR.
MARK R. VLAUN
TERRY VOGLER
JOHN T. WALTHALL
ADAM R. WASSERMAN
AARON E. WATERS
SCOTT J. WEAVER
CHRISTINA WENDEROTH
WARREN J. WHEALTON
MATTHEW T. WHITE
STEPHEN R. WHITE
CRAIG J. WIESCHHORSTER
DAVID S. WILHELM
JOSHUA D. WITTMAN
TODD L. WIZA
HOWARD H. WRIGHT
ANN L. ZEARFOSS
APRIL I. ZOHN
ANNA E. ZUKAS
KATHLEEN A. ZYGMUNT

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

DENTAL CORPS

To be lieutenant colonel

*MARSHALL R. COX, [redacted]

MEDICAL CORPS

To be major

JEFFREY J. SOLDATIS, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDE BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

KRIS TIMERMAN ACKERBAUER
MARK REED MILLIKEN

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be commander

RICHARD BURTON WREN

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS APPROVED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutanant commander

TIMOTHY EUGENE DURST
DAVID MICHAEL FOX

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be lieutenant commander

JOHN H. HEALEY

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

MICHAEL S. ABBOTT [redacted]
ALLEN R. ABELL [redacted]
ROBERT ABERNATHY [redacted]
LEROY ABNER [redacted]
DOUGLASS ABRAMSON [redacted]
THOMAS F. ADAMCYK [redacted]
JOHN J. ADAMS [redacted]
ROBERT E. ADAMSKI [redacted]
SIMPLICIO AGANAD [redacted]
WILLIAM AGRICOLA [redacted]
JOHN H. AILPORT [redacted]
WILLIAM J. AIRD [redacted]
JEFFREY AKAMATSU [redacted]
ALAN K. AKERS [redacted]
RICHARD S. ALBERG [redacted]
HANS D. ALBINUS [redacted]
WILLIAM L. ALDRED [redacted]
DAVID N. ALEXANDER [redacted]
ROBERT E. ALEXANDER [redacted]
ROBERT W. ALEXANDER [redacted]
ROLAND C. ALEXANDER [redacted]
BRUCE E. ALLEN [redacted]
DON S. ALLEN [redacted]
CHARLES R. ALSBURY [redacted]
RODNEY G. ALSUP [redacted]
ROBERT F. ALTHERR [redacted]
BARBARA J. AMSTER [redacted]
SUSAN P. ANDERS [redacted]
GARY E. ANDERSEN [redacted]
DANIEL G. ANDERSON [redacted]
JOHN W. ANDERSON [redacted]
MARTIN F. ANDERSON [redacted]
MYRON L. ANDERSON [redacted]
STEPHEN ANDERSON [redacted]
WILLIAM ANDERSON [redacted]
DONALD C. ANDERTON [redacted]
WALTER S. ANSEL [redacted]
HAROLD S. ANSELL [redacted]
PERRY E. ANTHONY [redacted]
HARRY R. ARCHER [redacted]
HARRY AREND [redacted]
KEITH O. ARLUND [redacted]
ROBERT ARMSTRONG [redacted]
RUSSELL D. ARNESON [redacted]
JOHN J. ARNOLD [redacted]
OSCAR W. ASCHERL [redacted]
BRUCE W. ASHMAN [redacted]
JANICE L. ATWOOD [redacted]
JOHN P. AUBIN [redacted]
SAMUEL P. AUSBAND [redacted]
STEVE P. AUSTIN [redacted]
REMY E. AUTZ [redacted]
MARIO AVILA [redacted]
DONALD E. BACHAND [redacted]
STEVEN A. BACKER [redacted]
ERNEST M. BAILEY [redacted]
LARRY J. BAILEY [redacted]
RICHARD A. BAIR [redacted]
THOMAS A. BAIRD [redacted]
DAVID L. BAKER [redacted]
RONALD G. BAKER [redacted]
STANFORD C. BAKER [redacted]
WAYNE R. BAKER [redacted]
DANNY C. BALDWIN [redacted]
ROBERT N. BALENTON [redacted]
WILLIAM D. BALIS [redacted]
VERNON C. BALLARD [redacted]
ALBERT BARDAYAN [redacted]
JAMES BARFKNECHT [redacted]
DAVID J. BARISANO [redacted]
JAMES W. BARKELL [redacted]
MICHAEL D. BARKS [redacted]
FREDDIE L. BARNARD [redacted]
MICHAEL L. BARNES [redacted]
DANIEL W. BARR [redacted]
MARIANNE BARR [redacted]
CURTISS O. BARROWS [redacted]
PAMELA S. BARTON [redacted]
FREDERICK BARUZZI [redacted]
SILVIO J. BARUZZI [redacted]
HOMER J. BASH [redacted]
JOHN W. BASS [redacted]
EDWARD O. BAST [redacted]
JAMES W. BATES [redacted]
CHARLES E. BATTLE [redacted]
SCOTT W. BAXTER [redacted]
THOMAS A. BAY [redacted]
MICHAEL A. BEAM [redacted]
PENNY A. BEAMER [redacted]
ROBERT A. BEAN [redacted]
IGNATIUS B. BEANS [redacted]
BENEDICT BEARDSLEY [redacted]
JOHN S. BEAVER [redacted]
MARK D. BECHER [redacted]
LARRY D. BECKER [redacted]
DAVID J. BEINING [redacted]
JAMES R. BEIRNES, JR. [redacted]
KENNETH W. BELL [redacted]
RICHARD R. BELL [redacted]
CHRISTINE BENDAS [redacted]
EDGAR L. BENJAMIN [redacted]
LUCION A. BENNETT [redacted]
JON D. BERLIN [redacted]
CHARLES BERNSTEIN [redacted]
GERALDEA BETTERSON [redacted]
GERALD R. BETTY [redacted]
MICHAEL S. BEVILLE [redacted]
CHARLES R. BICKERS [redacted]
ROBERT J. BILOUS [redacted]
JAMES E. BIRKHIMER [redacted]
JACK R. BISHOP [redacted]
LEONARD W. BISHOP [redacted]
DAVID BLACKLEDGE [redacted]
KENNET BLACKLEDGE [redacted]
GERALD BLACKWELL [redacted]
WILLIAM P. BLAICH [redacted]
HOMER D. BLAIR [redacted]
JAMES R. BLEVINS [redacted]
DANIEL BLOODWORTH [redacted]
MATTHEW P. BLUE III [redacted]

ROBERT L. BOATNER xxx-xx-x...
MICHAEL BOATRIGHT xxx-xx-x...
KEITH BOBENMOYER xxx-xx-x...
LARRY BOCCAROSSA xxx-xx-x...
DOUGLAS B. BOCK xxx-xx-x...
ROBERT J. BOLLIG xxx-xx-xx...
ROBERT C. BOLTON xxx-xx-x...
RAYMOND J. BONDY xxx-xx-x...
DANIEL G. BONNET xxx-xx-x...
RALPH E. BOOKER xxx-xx-x...
RONNIE M. BOOKER xxx-xx-x...
DONALD V. BOOTH xxx-xx-x...
DONALD W. BORRMANN xxx-xx-x...
PAUL S. BOUNDS xxx-xx-x...
KENNETH M. BOURNE xxx-xx-x...
LAWRENCE BOUTERIE xxx-xx-x...
JAMES J. BOUTIN xxx-xx-xx...
THOMAS M. BOWE xxx-xx-x...
PHILLIP E. BOWEN xxx-xx-x...
RICKI F. BOWER xxx-xx-x...
KERRY A. BOWERS xxx-xx-x...
ROBERT W. BOWERS xxx-xx-x...
ROBERT J. BOWLES xxx-xx-xx...
RONALD D. BOWLING xxx-xx-x...
GERALD M. BOYD xxx-xx-x...
ROBERT G. BRAAF xxx-xx-x...
KERRY M. BRACEY xxx-xx-x...
GARY R. BRADDOCK xxx-xx-x...
WENDELL BRADFORD xxx-xx-x...
THOMAS M. BRADLEY xxx-xx-x...
DAVID A. BRADSHAW xxx-xx-x...
BARRY H. BRAMWELL xxx-xx-x...
DAVID H. BRANDT xxx-xx-x...
JOHN D. BRANDT xxx-xx-x...
JAMES F. BRANNON xxx-xx-x...
HENRY K. BRASWELL xxx-xx-x...
JAMES M. BREGE xxx-xx-xx...
LEON BREIDENSTEIN xxx-xx-x...
ALVIN L. BRIDGES xxx-xx-x...
MARC D. BRIERRE xxx-xx-x...
RALPH A. BRILEY xxx-xx-x...
WALLACE BRITTAIN xxx-xx-x...
DAVID G. BRITTEN xxx-xx-x...
BENNIE O. BROOKS xxx-xx-x...
RUSSELL L. BROOKS xxx-xx-x...
THOMAS G. BROOKS xxx-xx-x...
TILDEN L. BROOKS xxx-xx-x...
ROBERT D. BROSHAR xxx-xx-x...
BRUCE B. BROWN xxx-xx-x...
HARRY B. BROWN III xxx-xx-x...
R. D. BROWN xxx-xx-x...
WILLIAM J. BROWN xxx-xx-x...
SHELDON J. BRUCE xxx-xx-x...
JAMES A. BRYANT xxx-xx-x...
GARY T. BUBLITZ xxx-xx-x...
FREDERICK J. BUCK xxx-xx-x...
LINDA M. BUCKNER xxx-xx-x...
RONALD V. BUETTNER xxx-xx-x...
JAMES T. BULLARD xxx-xx-xx...
PHILLIP R. BURCH xxx-xx-xx...
BENJAMIN BURGOS xxx-xx-x...
JAMES W. BURKE xxx-xx-x...
JOHN M. BURKE xxx-xx-x...
THOMAS J. BURLESON xxx-xx-x...
CHARLES BURNS xxx-xx-x...
JOHN W. BURNS xxx-xx-x...
GARY S. BURROW xxx-xx-x...
JOHN M. BUTTINE xxx-xx-x...
JEFFERY K. BUTTS xxx-xx-xx...
ROBERT A. BYES xxx-xx-x...
LEBARON BYRD xxx-xx-x...
JAMES H. BYTNAR xxx-xx-x...
HORACIO A. CABRERA xxx-xx-x...
GARY S. CALABRESE xxx-xx-x...
DAVID B. CALDWELL xxx-xx-x...
DONALD S. CALDWELL xxx-xx-x...
RICHARD CALDWELL xxx-xx-x...
GERALD L. CALHOUN xxx-xx-x...
LYNN D. CAMERDON xxx-xx-x...
ALELBERT CAMPBELL xxx-xx-x...
BENJAMIN CAMPBELL xxx-xx-x...
HAROLD W. CAMPBELL xxx-xx-x...
JOHN T. CAMPBELL xxx-xx-x...
ROLAND L. CANDEE xxx-xx-x...
JAMES F. CANNON xxx-xx-x...
LUCIEN G. CANTON xxx-xx-x...
AMADOR R. CANTU xxx-xx-x...
FRANCIS G. CAPUTO xxx-xx-x...
STEVEN L. CAREY xxx-xx-x...
DONALD L. CARLSON xxx-xx-x...
STANELY J. CARLSON xxx-xx-x...
JOHN B. CAROON xxx-xx-x...
PETER A. CAROZZA xxx-xx-x...
DONALD E. CARROLL xxx-xx-x...
JOHN D. CARROLL xxx-xx-x...
JOHN E. CARTER xxx-xx-x...
C. C. CARUSO xxx-xx-x...
JOHN P. CASCIANO xxx-xx-x...
BRUCE A. CASELLA xxx-xx-x...
EDWIN S. CASTLE xxx-xx-x...
WILLIAM T. CEARLEY xxx-xx-x...
DANIEL F. CHANDLER xxx-xx-x...
DAVID A. CHANK xxx-xx-x...
CRAIG S. CHAPMAN xxx-xx-x...
NORMAN CHARLEVILLE xxx-xx-x...
JACK R. CHARLTON xxx-xx-x...
WILLIAM O. CHATWIN xxx-xx-x...
GERALD CHERNICOFF xxx-xx-x...
DOUG CHESNULOVITCH xxx-xx-x...
DENNIS CHOJNOWSKI xxx-xx-x...
THOMAS CHRISTENSEN xxx-xx-x...
REYNOL CHRISTENSON xxx-xx-x...

LARRY J. CHRISTIAN xxx-xx-xx...
GEORGE W. CHURCH xxx-xx-x...
HARRY M. CHURCH xxx-xx-x...
WALTER CHYTERBOK xxx-xx-x...
DENNIS C. CLAMAN xxx-xx-x...
BRENT L. CLARK xxx-xx-x...
CHARLES J. CLARK xxx-xx-x...
EUGENE H. CLARK xxx-xx-x...
GEORGE A. CLARKE xxx-xx-x...
JEFFREY CLARY xxx-xx-xx...
DONALD J. CLAYE xxx-xx-x...
LESTER L. CLEMENT xxx-xx-xx...
DAVID E. CLEMONS xxx-xx-x...
ROBERT C. CLOUSE xxx-xx-x...
WILLIAM G. COBB xxx-xx-x...
ROBERT D. COCHRAN xxx-xx-x...
MICHAEL J. COFFEY xxx-xx-xx...
RICHARD A. COHOON xxx-xx-x...
MICHAEL H. COKER xxx-xx-x...
MICHAEL W. COLBERT xxx-xx-x...
LLOYD V. COLE xxx-xx-x...
RICHARD A. COLE xxx-xx-x...
MICHAEL COLEGROVE xxx-xx-x...
PAUL D. COLEMAN xxx-xx-x...
GARY M. COLLINS xxx-xx-x...
JEFFREY M. COLLINS xxx-xx-xx...
JOHN T. COLLINS xxx-xx-x...
MARTIN D. COMPTON xxx-xx-x...
BARRY E. CONBOY xxx-xx-x...
RONALD P. CONLEY xxx-xx-x...
DAVID H. CONNOLLY xxx-xx-x...
VICTOR D. CONTI xxx-xx-x...
CARL R. COOK xxx-xx-x...
CURTIS L. COOK xxx-xx-x...
JOHN B. COOLEY xxx-xx-x...
STEPHEN A. COOLEY xxx-xx-x...
WILLIAM H. COOPER xxx-xx-x...
JOHN J. COPELAN, JR. xxx-xx-xx...
GALE P. CORBIN xxx-xx-x...
REBECCA S. CORD xxx-xx-x...
JOHN A. COREY xxx-xx-x...
JAMES A. CORMAN xxx-xx-x...
LOUIS F. COROSO xxx-xx-...
JAMES L. CORRELL xxx-xx-xx...
JAMES W. CORRIVEAU xxx-xx-x...
ROBERT O. CORTEZ xxx-xx-x...
JAMES H. COSTON xxx-xx-x...
JAMES E. COUCH xxx-xx-x...
ARDWOOD COURTNEY xxx-xx-x...
RAY A. COURTNEY xxx-xx-x...
ROBERT D. COWEN xxx-xx-x...
JEREL L. COX xxx-xx-x...
JOHN A. COX xxx-xx-x...
HAROLD W. COYLE xxx-xx-x...
HARRY G. CRAMER xxx-xx-x...
DAMIAN K. CRANE xxx-xx-x...
LYNN D. CRAWFORD xxx-xx-x...
ROBERT L. CRAWFORD xxx-xx-x...
SALVATORE CREMONA xxx-xx-x...
DAVID H. CRESS xxx-xx-x...
FRED D. CROSS xxx-xx-x...
RANDY K. CROSS xxx-xx-x...
WILLIAM B. CUDE xxx-xx-x...
LOUISA L. CULLEM xxx-xx-x...
JAMES W. CULLUM xxx-xx-x...
JOHN D. CULP xxx-xx-x...
EDWARD R. CUMMINGS xxx-xx-x...
STEPHEN D. CURLEE xxx-xx-xx...
DANIEL O. CURRAN xxx-xx-x...
THOMAS P. CUSIMANO xxx-xx-x...
MICHAEL E. CUTTS xxx-xx-x...
JEAN L. DABREAU xxx-xx-x...
CLYDE DAELLENBACH xxx-xx-x...
DAVID C. DAHL xxx-xx-x...
WALTER DAHLMANN xxx-xx-x...
CHARLES T. DALBEC xxx-xx-x...
THEODORE DALIGDIG xxx-xx-x...
JOHN M. DALINIS xxx-xx-x...
BRIAN E. DALY xxx-xx-x...
JOE C. DANIEL xxx-xx-x...
WARREN A. DANIEL xxx-xx-x...
PATRICIA DANIELS xxx-xx-xx...
JAMES M. DAPORE xxx-xx-xx...
BYRON M. DARNELL xxx-xx-x...
DAVID E. DAVENPORT xxx-xx-x...
JAMES E. DAVENPORT xxx-xx-xx...
MARY E. DAVENPORT xxx-xx-x...
WILLIE DAVENPORT xxx-xx-x...
JAMES D. DAVIDSON xxx-xx-x...
ROBERT A. DAVIDSON xxx-xx-x...
ALVIN A. DAVIS xxx-xx-x...
ELBERT B. DAVIS xxx-xx-x...
JEFFREY A. DAVIS xxx-xx-xx...
JOHN G. DAVIS xxx-xx-x...
JOHN N. DAVIS xxx-xx-x...
JOHN T. DAVIS xxx-xx-x...
RALPH C. DAVIS xxx-xx-x...
ROBERT E. DAVIS xxx-xx-x...
WILLIAM A. DAVIS xxx-xx-x...
GARY M. DAWSON xxx-xx-x...
JESSE L. DAY xxx-xx-x...
KENNETH M. DAY xxx-xx-x...
RICHARD L. DAY xxx-xx-x...
ANTHONY DEBARTOLI xxx-xx-x...
GEORGE V. DECASTRO xxx-xx-x...
WILLIAM A. DECKER xxx-xx-x...
LEON G. DEHAVEN xxx-xx-x...
DAVID P. DEKORTE xxx-xx-x...
PETER A. DELIA xxx-xx-xx...
DAVID P. DEMERS xxx-xx-x...
DONALD J. DEMETZ, JR. xxx-xx-xx...
HUGH M. DENNY xxx-xx-x...

JAMES A. DENSLEY xxx-xx-xx...
GARRY J. DERAMUS xxx-xx-xx...
SAMUEL A. DEROCCO xxx-xx-x...
ROBERT W. DERR xxx-xx-x...
CHARLES DETULLEO xxx-xx-x...
FREDERICK DEWALD xxx-xx-x...
EDGARDO DIAZ xxx-xx-x...
PEDRO E. DIAZ xxx-xx-x...
GLEN W. DICKEN xxx-xx-x...
STANLEY DICKERSON xxx-xx-x...
DAVID F. DICKSON xxx-xx-x...
CARL D. DIETZ xxx-xx-x...
KENNETH R. DILEONE xxx-xx-x...
THOMAS L. DILEY xxx-xx-x...
JOHN C. DILLARD xxx-xx-x...
ANTHONY DIMARZIO xxx-xx-x...
JERRY DINKELACKER xxx-xx-xx...
CARL DISALVATORE xxx-xx-x...
LOUIS F. DISANTO xxx-xx-x...
DIXON, LINDA J. xxx-xx-x...
EDWARD DLUGOLENSKI xxx-xx-x...
DENNY P. DOBBINS xxx-xx-x...
JOHN P. DOBYNS xxx-xx-x...
CLEMENT P. DONELON xxx-xx-x...
DANIEL F. DONOHUE xxx-xx-x...
KENNETH E. DONOVAN xxx-xx-x...
ROBERT J. DONOVAN xxx-xx-x...
RONALD E. DONOVAN xxx-xx-x...
JOHN P. DORAN xxx-xx-x...
PAUL E. DORR xxx-xx-x...
JOHN F. DOUGLAS xxx-xx-x...
DAVID J. DOUGLASS xxx-xx-x...
CLARENCE A. DOVER xxx-xx-x...
WALTER G. DRAGO xxx-xx-x...
CLAIR L. DRAPER xxx-xx-xx...
JOHN R. DREBUS xxx-xx-x...
JON W. DRYSDALE, JR. xxx-xx-xx...
PATRICK DUCHATEAU xxx-xx-x...
GEORGE M. DUDLEY xxx-xx-x...
GILFORD C. DUDLEY xxx-xx-x...
EDWARD R. DUGGER xxx-xx-x...
WILLIAM B. DULING xxx-xx-x...
ARTHUR H. DUMAS xxx-xx-x...
AUGUSTAV M. DUNCAN xxx-xx-x...
JAN E. DUNKELBERG xxx-xx-xx...
DOUGLAS E. DUNLAP xxx-xx-x...
ROBERT M. DUNN xxx-xx-x...
JAMES J. DUNPHY xxx-xx-xx...
WARREN L. DUPUIS xxx-xx-x...
LOUIS R. DUYNYA xxx-xx-x...
DANIEL G. DUTRO xxx-xx-x...
GILBERT DVORACEK xxx-xx-x...
ALLAN G. DYER xxx-xx-x...
CHERYL A. DYER xxx-xx-x...
JOSEPH D. DYESS xxx-xx-xx...
STANLEY J. DYKSTRA xxx-xx-xx...
TODD L. EADS xxx-xx-x...
CHARLES EAGLESON xxx-xx-x...
ANTHONY D. ECHOLS xxx-xx-x...
WILLIAM S. ECK xxx-xx-x...
STEVEN D. ECKER xxx-xx-x...
LYAL A. EDGHILL xxx-xx-x...
GREGORY B. EDWARDS xxx-xx-x...
JAMES L. EDWARDS xxx-xx-x...
RONALD T. EDWARDS xxx-xx-x...
STEVEN C. EDWARDS xxx-xx-x...
ERIC O.L EGAN xxx-xx-xx...
DENNIS J. EICHER xxx-xx-xx...
DENNIS W. ELDRIDGE xxx-xx-x...
CHARLES E. ELGIN xxx-xx-x...
MELVIN ELLIOTT xxx-xx-x...
KEITH K. ELLMERS xxx-xx-xx...
TERRY E. ELMORE xxx-xx-x...
RICHARD, ELTZROTH xxx-xx-x...
FREDERICK EMEHISER xxx-xx-xx...
MARVIN E. EMERSON xxx-xx-x...
DAVID G. ENG xxx-xx-x...
RANDALL EPPERSON xxx-xx-xx...
STEVEN H. EPPERSON xxx-xx-xx...
TERRY L. ERBERT xxx-xx-xx...
ROBERT C. ERICKSON xxx-xx-x...
WALLACE ERICKSON xxx-xx-x...
DONALD M. ERNST xxx-xx-x...
SALVATOR ERVOLINA xxx-xx-x...
MARIS H. ESHLEMAN xxx-xx-x...
THOMAS L. ESKER xxx-xx-x...
MICHAEL ESSELMAN xxx-xx-x...
LARRY D. ETZKORN xxx-xx-x...
TIMOTHY T. EUM xxx-xx-x...
ALYCIA M. EVANS xxx-xx-x...
DAVID L. EVANS xxx-xx-x...
JEFFREY C. EVANS xxx-xx-xx...
MICHAEL E. EVANS, SR. xxx-xx-xx...
ROBERT R. EVANS xxx-xx-x...
STEPHEN L. EYNARD xxx-xx-xx...
REGINALD J. FADDEN xxx-xx-xx...
FRANK J. FAHR xxx-xx-xx...
BROCK T. FALLON xxx-xx-x...
CHARLES J. FANDEL xxx-xx-xx...
MARGIT A. FARMER xxx-xx-x...
ROBERT E. FARMER xxx-xx-xx...
MICHAEL E. FARRELL xxx-xx-xx...
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THOMAS D. FARRELL xxx-xx-xx...
SCOTT W. FAUGHT xxx-xx-x...
CHARLES FAULCONER xxx-xx-x...
MICHAEL J. FECHIK xxx-xx-x...
GEORGE M. FEENEY xxx-xx-x...
DAVID L. FELKER xxx-xx-xx...
MARK S. FENICE xxx-xx-x...
JAMES M. FERGUSON xxx-xx-xx...
JOSE FERNANDEZ RUIZ xxx-xx-xx...

PETER J. FERRARA, xxx-xx-x...
PAUL T. FERRELL, xxx-xx-...
WILLIAM A. FERRELL, xxx-xx-x...
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DAVID V. FINNELL, xxx-xx-...
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ALAN L. FISHER, xxx-xx-...
DONALD D. FITHIAN, xxx-xx-x...
LAWRENCE FITTING, xxx-xx-x...
MICHAEL FITZPATRICK, xxx-xx-x...
GARY J. FLEMING, xxx-xx-x...
EDWIN F. FLINT, JR., xxx-xx-...
ROLAND A. FLORES, xxx-xx-...
TERRY FOBBS, xxx-xx-x...
GERALD W. FONTENOT, xxx-xx-...
GARY D. FORD, xxx-xx-...
STEVEN T. FORD, xxx-xx-x...
KENNETH A. FORREST, xxx-xx-...
MACK H. FOUNTAIN, xxx-xx-x...
WILLIAM FOUNTAIN, xxx-xx-...
DANIEL G. FOUST, xxx-xx-x...
DEAN R. FOUST, xxx-xx-...
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JOHN B. FOWLER, xxx-xx-...
SAMUEL R. FOWLER, xxx-xx-x...
ROGER A. FOWLES, xxx-xx-x...
JAMES A. FRALEY, xxx-xx-x...
MURRAY L. FRANZ, xxx-xx-x...
SCOTT L. FRASER, xxx-xx-x...
JAMES R. FREEMAN, xxx-xx-x...
IAN G. FRENCH, xxx-xx-...
THOMAS E. FRICKS, xxx-xx-...
JOHN FRIEDLANDER, xxx-xx-x...
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ANTHONY D. FUGER, xxx-xx-x...
RODNEY K. FULLER, xxx-xx-...
KURT A.GABEL, xxx-xx-...
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RICHARD GAGLIARDO, xxx-xx-x...
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ROBERT L. GALLAWAY, xxx-xx-x...
WILLIAM F. GALVIN, xxx-xx-...
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GLENN H. GARDNER, xxx-xx-...
JOSEPH C. GARDNER, xxx-xx-x...
GARY H. GARRETT, xxx-xx-...
PETER H. GARRETT, xxx-xx-x...
STEPHEN GARRINGTON, xxx-xx-x...
HOWARD E. GARVAR, xxx-xx-...
JAMES J. GARVEY, xxx-xx-x...
RAYMOND E. GARVEY, xxx-xx-x...
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BRUCE W. GINN, xxx-xx-...
MARK A. GINN, xxx-xx-...
MARK R. GIROLAMO, xxx-xx-x...
ALLEN W. GLASS, xxx-xx-...
JOHN P. GLENN, xxx-xx-x...
JOHN T. GLISSON, xxx-xx-...
ROBERT D. GLOVER, xxx-xx-...
RAYMOND GODLESKI, xxx-xx-x...
KATHLEEN GODSALL, xxx-xx-x...
JOSEPH GOLDBERG, xxx-xx-x...
PETER S. GOLDBERG, xxx-xx-x...
FRANCIS G. GOMOLKA, xxx-xx-x...
LOUIE GONZALES, xxx-xx-x...
MANUEL E. GONZALEZ, xxx-xx-x...
GERALD L. GOOCH, xxx-xx-...
ALLEN L. GOODINE, xxx-xx-...
JOHN A. GOSHORN, xxx-xx-x...
JUNE E. GOTOWICKI, xxx-xx-x...
JAMES L. GOUGH, xxx-xx-...
JON G. GRABER, xxx-xx-x...
THOMAS V. GRAHAM, xxx-xx-x...
DAVID D. GRAY, xxx-xx-...
ROBERT B. GRAY, xxx-xx-...
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HORST G. GRECZMIEL, xxx-xx-x...
BILLY R. GREEN, xxx-xx-...
STANLEY GREENWOOD, xxx-xx-x...
NANCY L. GREGG, xxx-xx-...
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WAYNE P. GRESH, xxx-xx-x...
ALAN E. GRICE, xxx-xx-...
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ROBERT L. GRONSKI, xxx-xx-...
JAMES J. GROSS, xxx-xx-...
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PHILLIP R. GRUBBS, xxx-xx-...
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JOSEPH GULINELLO, xxx-xx-x...
DENNIS L. GUM, xxx-xx-...
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WILLIAM C. HAASS, xxx-xx-x...
DAN HAENDEL, xxx-xx-...
LEE D. HAFER, xxx-xx-x...
MARK J. HAGAN, xxx-xx-...
LAWRENCE HAGGERTY, xxx-xx-x...
JOHN P. HAIRE, xxx-xx-...
THOMAS D. HALEY, xxx-xx-x...
ALLEN R. HALL, xxx-xx-...
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JOSEPH M. HAMM, xxx-xx-...
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ROGER W. HAMMOCK, xxx-xx-x...
RONALD B. HAMMOND, xxx-xx-x...
MARK L. HAMPTON, xxx-xx-x...
GAYLE B. HAMRICK, xxx-xx-x...
MACKEY K. HANCOCK, xxx-xx-x...
BRETT L. HANKE, xxx-xx-...
COLIN M. HANNINGS, xxx-xx-...
DOUGLAS L. HANSEN, xxx-xx-x...
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GEORGE R. HANSON, xxx-xx-...
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GLEN A. HARCEY, xxx-xx-...
MARK S. HARDING, xxx-xx-x...
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REX S. HARPER, xxx-xx-...
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DONNAN R. HARRISON, xxx-xx-x...
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BRENTON L. HAWORTH, xxx-xx-x...
GRANT L. HAYDEN, xxx-xx-...
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WILLIAM C. HECKEL, xxx-xx-...
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LEWIS HENDERSON, xxx-xx-x...
TROY L. HENDERSON, xxx-xx-x...
VAN B. HENDERSON, xxx-xx-...
STEVEN P. HENRY, xxx-xx-...
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PATRICK HERMANSON, xxx-xx-x...
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WAYNE HERRINGTON, xxx-xx-x...
CHARLES R. HIATT, xxx-xx-...
GREGORY V. HICKS, xxx-xx-...
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WILLI HILDEBRANDT, xxx-xx-x...
MARK W. HILL, xxx-xx-x...
STEVEN A. HILL, xxx-xx-...
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CURTIS L. HOBBS, xxx-xx-x...
JOHN S. HOBSON, xxx-xx-x...
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JOHN A. HODGES, xxx-xx-...
JACK W. HOESLY, xxx-xx-...
MICHAEL HOFBERGER, xxx-xx-x...
MICHAEL H. HOFFMAN, xxx-xx-x...
STEPHEN D. HOGAN, xxx-xx-...
GAROLD D. HOLCOMBE, xxx-xx-x...
CHARLES G. HOLDEN, xxx-xx-x...
JAN P. HOLESOVSKY, xxx-xx-x...
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WAYMAN HOLLAND, xxx-xx-...
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ARTHUR J. HOULE, xxx-xx-x...
JONATHAN M. HOUSE, xxx-xx-...
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JAMES HUTCHISON, xxx-xx-x...
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JEANINE E. JACKSON, xxx-xx-x...
ARTHUR M. JAMES, xxx-xx-x...
KIM M. JAMES, xxx-xx-x...
ZBIGNIEW JANKOWSKI, xxx-xx-x...
FRANK B. JANOSKI, xxx-xx-x...
CHARLES N. JAY, xxx-xx-...
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KEITH R. JEVONS, xxx-xx-x...
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CHARLES H. JOHNSON, xxx-xx-...
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SAMUEL S. JOSLIN, xxx-xx-...
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KEITH K. KALMAN, xxx-xx-x...
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LESTER J. KAMPEN, xxx-xx-...
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DENNIS R. KARNS, xxx-xx-x...
ROGER W. KAUTZ, xxx-xx-x...
WILLIAM KAZDOBA, xxx-xx-x...
GREGORY R. KEECH, xxx-xx-...
MICHAEL A. KEEFER, xxx-xx-x...
GEORGE F. KEENAN, xxx-xx-x...
WILLIAM KEGERREIS, xxx-xx-...
NATHAN R. KEITH, xxx-xx-x...
WILL KELIIPAAKAUA, xxx-xx-x...
MICHAEL A. KELLER, xxx-xx-...
RUSSELL E. KELLER, xxx-xx-x...
ARTHUR D. KELLY, xxx-xx-x...
EDITH H. KELLY, xxx-xx-x...
PAUL T. KEMPF, xxx-xx-x...
JAMES F. KEOUGH, xxx-xx-x...
JON R. KER, xxx-xx-x...
RICHARD J. KIEHART, xxx-xx-...
SHARON L. KIESEL, xxx-xx-x...
JERRY D. KIMBLE, xxx-xx-x...
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COLLIN M. KINSEY, xxx-xx-x...
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PAULA E. KIRBY, xxx-xx-...
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CARL E. KIRK, xxx-xx-x...
MARY P. KLEE, xxx-xx-x...
PATRICK J. KLEIN, xxx-xx-x...
JOHN F. KLINE, xxx-xx-x...
JERRY KLINGINSMITH, xxx-xx-x...
CHARLES T. KNIGHT, xxx-xx-x...
JAMES W. KNIGHT, xxx-xx-x...
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MICHAEL T. KOFF, xxx-xx-x...
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ANDREW M. KOPEC, xxx-xx-x...
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RICHARD A. KOTCH, xxx-xx-x...
WILLIAM F. KOUS, xxx-xx-...
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ROBERT A. KRAUSE, xxx-xx-x...
MARY L. KRENEK, xxx-xx-x...
MICHAEL D. KROUSE, xxx-xx-x...
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CHARLES M. KUHL, xxx-xx-...
JOHN J. KUHLE, xxx-xx-x...
JERRY A. KULLOS, xxx-xx-x...
IHOR N. KUNYNSKYJ, xxx-xx-x...
DANIEL KURCZODYNA, xxx-xx-x...
ROBERT L. KURTH, xxx-xx-...
CHARLES B. LADD, xxx-xx-x...
MARGARET LAFRANCE, xxx-xx-x...
LARREMORE LAMONTE, xxx-xx-x...
MICHAEL F. LANASA, xxx-xx-...
MARK E. LANDERS, xxx-xx-x...
VALTON D. LANDRUM, xxx-xx-...
RICHARD F. LANGE, xxx-xx-x...
GEORGE D. LANNING, xxx-xx-x...
ALEXANDER LAPINSKI, xxx-xx-x...
LEON F. LAPOINT, xxx-xx-...
ROBERT E. LARA, xxx-xx-...
PAUL B. LARSON, xxx-xx-x...

DANIEL R. LASATER xxx-xx-xx...
HARVEY L. LASELL xxx-xx-x...
KURT R. LAVIN xxx-xx-x...
DANIEL R. LAVINE xxx-xx-x...
FRANCIS J. LAWLESS xxx-xx-xx...
STEVEN M. LAWRENCE xxx-xx-x...
DARRYL L. LAWS xxx-xx-x...
CHARLES L. LAWSON xxx-xx-x...
RICHARD A. LAWSON xxx-xx-x...
BENJAMIN R. LAWTON xxx-xx-x...
EDWARD B. LAYNE, III xxx-xx-x...
MICHAEL T. LEACH xxx-xx-x...
ALAN J. LECLAIR xxx-xx-x...
JOSEPH H. LEDOUX xxx-xx-x...
CHARLES B. LEE xxx-xx-x...
ELDRIDGE L. LEE xxx-xx-x...
RONALD P. LEFEVER xxx-xx-xx...
ANDREW B. LEIDER xxx-xx-x...
RAYMOND LEMANSKI xxx-xx-x...
RICHARD LEMMERMAN xxx-xx-x...
FRANK J. LENGEL xxx-xx-xx...
RICHARD A. LENNON xxx-xx-x...
PATRICIA A. LENNON xxx-xx-x...
JOSEPH LEONELLI xxx-xx-xx...
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BRENT R. LESEBERG xxx-xx-xx...
DENNIS M. LESNIAK xxx-xx-x...
BERNARD P. LEVAN xxx-xx-x...
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MACK E. LEWIS xxx-xx-x...
CEASAR J. LEYSATH xxx-xx-xx...
JAN A. LICHTIG xxx-xx-x...
JOHN D. LICK xxx-xx-x...
RICHARD LIMEHOUSE xxx-xx-x...
ELIZABETH LIPPMANN xxx-xx-x...
GEORGE M. LIRA xxx-xx-x...
RICHARD LITTLETON xxx-xx-x...
ROGER LIVINGSTON xxx-xx-x...
JAMES D. LOCKABY xxx-xx-x...
JOHN I. LODEN xxx-xx-x...
LAWRENCE E. LOFTUS xxx-xx-x...
STEWART W. LONG xxx-xx-x...
ROSEMARY R. LOPER xxx-xx-x...
JAMES E. LOUIS xxx-xx-xx...
ERNEST G. LOVETT xxx-xx-x...
TIMOTHY LUBINSKY xxx-xx-x...
JOHN E. LUCHANSKY xxx-xx-x...
WILLIAM H. LUKER xxx-xx-x...
DENNIS E. LUTZ xxx-xx-x...
ERNEST W. LUTZ xxx-xx-x...
RAYMOND R. LUTZ xxx-xx-x...
LESLIE C. LYONS xxx-xx-x...
ANTON L. MACHANY xxx-xx-x...
MICHAEL MACKENZIE xxx-xx-x...
ROBERT W. MACKIE xxx-xx-x...
ANN F. MACMURRAY xxx-xx-x...
CHRIS E. MADONTI xxx-xx-x...
EDWARD T. MAGDZIAK xxx-xx-x...
SAMUEL B. MAGRUDER xxx-xx-x...
CHRISTOPER MAIXNER xxx-xx-x...
DONNA C. MAIZEL xxx-xx-x...
GERHARD J. MAJER xxx-xx-xx...
FORREST D. MALCOMB xxx-xx-x...
CARLOS MALDONADO xxx-xx-x...
MARTIN MALDONADO xxx-xx-x...
WARREN E. MALLEN xxx-xx-x...
JOAN F. MALLOY xxx-xx-x...
PAUL E. MALMROSE xxx-xx-x...
STEPHEN R. MANCE xxx-xx-x...
RICHARD MANFREDI xxx-xx-x...
CHRISTOPHER MANOS xxx-xx-x...
JOHN C. MANTELL xxx-xx-x...
PETER C. MARCEAU xxx-xx-x...
JOSEPH L. MARCHAND xxx-xx-x...
RALPH K. MARKARIAN xxx-xx-x...
DAVID J. MARKO xxx-xx-x...
BRIGITTE B. MARTIN xxx-xx-x...
FRIEDRICH MARTIN xxx-xx-x...
JASON H. MARTIN xxx-xx-x...
LEWIS A. MARTIN xxx-xx-x...
PETER D. MARTIN xxx-xx-x...
RONALD D. MARTIN xxx-xx-x...
WAYNE K. MARTIN xxx-xx-x...
LOUIS M. MARTINEZ xxx-xx-x...
HERBERT I. MASON xxx-xx-x...
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ROYCE D. MASSEY xxx-xx-x...
JOHN F. MATHEWS xxx-xx-x...
RUSSELL G. MATHIS xxx-xx-x...
ROBERT D. MATKIN xxx-xx-x...
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ROGER S. MATZKIND xxx-xx-x...
STEPHEN E. MAXEY xxx-xx-x...
RICHARD T. MAY xxx-xx-x...
BOBBY E. MAYFIELD xxx-xx-x...
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GREGORY P. MAYNARD xxx-xx-x...
DOMINIC MAZZOTTA xxx-xx-x...
JOHN M. MCAULEY xxx-xx-x...
JOHN T. MCBRAYER xxx-xx-x...
JEFFREY C. MCCANN xxx-xx-x...
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CHARLES MCCHRISTON xxx-xx-x...
WARNER D. MCCLURE xxx-xx-x...
JOHN R. MCCOLLOM xxx-xx-x...
TERENCE H. MCCOOL xxx-xx-x...
JOHN C. MCCORMICK xxx-xx-x...
LYNN M. MCCRUM xxx-xx-x...
ROBERT MCDERMOTT xxx-xx-x...
THOMAS H. MCDONALD xxx-xx-x...
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CHARLES W. MCEWEN xxx-xx-x...
MICHAEL MCFADDEN xxx-xx-x...
DONALD E. MCFELEA xxx-xx-x...
THEODORE C. MCGANN xxx-xx-x...
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THOMAS MCGINNESS xxx-xx-x...
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ROB MERCERFALKOFF xxx-xx-x...
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KEITH E. MINKLEY xxx-xx-x...
JAMES F. MINOR xxx-xx-x...
LEWIS MITCHELL xxx-xx-x...
ANDRE F. MIXON xxx-xx-x...
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DAVID B. MOCK xxx-xx-x...
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EVERETT R. MOUDY xxx-xx-x...
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GILLES G. NADEAU xxx-xx-x...
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LOUANN NANNINI xxx-xx-x...
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LEWIS L. NEILSON xxx-xx-x...
LEE E. NELSON xxx-xx-x...
LOU G. NELSON xxx-xx-x...
THOMAS D. NELSON xxx-xx-x...
THOMAS W. NELSON xxx-xx-x...
JACK F. NEVIN xxx-xx-x...
MICHAEL J. NEW xxx-xx-x...
GLENN D. NEWELL xxx-xx-x...
FRANCIS C. NEWTON xxx-xx-x...
FRANK D. NIAGRO xxx-xx-x...
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MICHAEL R. NICHOLS xxx-xx-x...
PAUL J. NICOLETTI xxx-xx-xx...
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TERRY R. NOACK xxx-xx-x...
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FREDERICK NORDAI xxx-xx-x...
THOMAS H. NUGENT xxx-xx-x...
DELL H. NUNALEY xxx-xx-x...
MICHAEL E. NUNLEY xxx-xx-x...
WAYNE A. OAKS xxx-xx-x...
JOHN F. OBITTS xxx-xx-x...
BRYAN R. OBOYLE xxx-xx-x...
MARK J. OCKWOOD xxx-xx-x...
HENRY J. OCONNOR xxx-xx-x...
PATRICK ODONNELL xxx-xx-x...
THOMAS P. ODONNELL xxx-xx-x...
WILLIE H. OGLESBY xxx-xx-x...
THEODORE H. OKAWA xxx-xx-x...
KEITH D. OLIVER xxx-xx-x...
ROBERT OLSCHESKY xxx-xx-x...
BRUCE L. OLSON xxx-xx-x...
JACK D. OLSON xxx-xx-x...
JAMES J. OLSON xxx-xx-xx...
LEE E. OLSON xxx-xx-x...
LEONARD R. OLSON xxx-xx-x...
DENNIS M. OMALLEY xxx-xx-x...
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DOUGLAS M. OMATA xxx-xx-x...
MARTIN J. ONEILL xxx-xx-xx...
MARK J. OROPALLO xxx-xx-x...
RAYMOND H. ORR xxx-xx-x...
VICTOR ORTIZMERCADO xxx-xx-x...
RUPERT O. OSBORN, JR. xxx-xx-x...
DANIEL OSTENDORPH xxx-xx-x...
KENNETH L. OTEY xxx-xx-x...
DAVID A. OTTESEN xxx-xx-x...
JAMES E. OTTO xxx-xx-x...
GEOFFREY OVENDEN xxx-xx-x...
HARRY D. OWEN xxx-xx-x...
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JIMMY J. OWENS xxx-xx-x...
MITCHELL A. PABIS xxx-xx-xx...
RONALD M. PACKER xxx-xx-x...
DONALD L. PADGETT xxx-xx-x...
JOHN W. PADLEY xxx-xx-x...
LOUIS J. PAESSUN xxx-xx-xx...
ERNEST F. PAGRAGAN xxx-xx-xx...
CHARLES E. PAINTER xxx-xx-xx...
ALBERT D. PALMER xxx-xx-xx...
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ROGER A. PAQUETTE xxx-xx-x...
BOYD R. PARKER xxx-xx-x...
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ROBERT PARMENTER xxx-xx-x...
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IKE I. PEEL xxx-xx-xx...
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PHILIP D. PERRY xxx-xx-xx...
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TERRENCE A. POWERS xxx-xx-xx...
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HAS J. SLONE xxx-xx-x...
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SOLOMON SMITH xxx-xx-x...
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EDDIE L.SMOOT xxx-xx-x...
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JAMES M. SNOWDEN xxx-xx-x...
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ALLEN E. SOSDIAN xxx-xx-x...
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JAMES R. SPACEK xxx-xx-xx...
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JIMMY L. STACY xxx-xx-x...
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JAMES H. STANCER, JR xxx-xx-xx...
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CHARLES STEELMAN xxx-xx-x...

DAVID S. STEIN xxx-xx-x...
MARK E. STENGEL xxx-xx-x...
JAY E. STEPHENS xxx-xx-xx...
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MARK A. STROBEL xxx-xx-x...
ALAN R. STROBRIDGE xxx-xx-x...
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JAMES C. STUBBS xxx-xx-xx...
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JAMES J. WITHERS xxx-xx-xx...
CHRISTOPHER WOGAN xxx-xx-x...
PAUL K. WOHL xxx-xx-x...
WAYNE G. WOJDA xxx-xx-x...
ERNEST L. WOLTERS xxx-xx-xx...
LAURENCE A. WOMACK xxx-xx-x...
KATHY S. WOOD xxx-xx-x...
BARRY W. WOODRUFF xxx-xx-x...
JOSEPH A. WOODRUFF xxx-xx-xx...
EARL R., WOODS, JR. xxx-xx-xx...
KIRK A. WOOLERY xxx-xx-x...
FAIRON L. WOOTTEN xxx-xx-x...
CHARLES L. WRIGHT xxx-xx-x...
EDWARD S. WRIGHT xxx-xx-x...
JULIUS P. WRIGHT xxx-xx-xx...
ROBERT E. WRIGHT xxx-xx-x...
SALLY A. WRIGHT xxx-xx-x...
WAYNE S. WRIGHT xxx-xx-x...
RONALD WRIGHTSIL xxx-xx-x...
DAVID L. WRIKEMAN xxx-xx-x...
WALTHE WROBLEWSKI xxx-xx-x...
PAUL W. WYNN xxx-xx-x...
OKSANA S. XENOS xxx-xx-x...
MARK YANCEY xxx-xx-x...
RONALD L. YANCEY xxx-xx-x...
DAVID J. YANIK xxx-xx-x...
JACK R. YANNI xxx-xx-x...
GEORGE A. YANTHIS xxx-xx-x...
THOMAS YARBOROUGH xxx-xx-x...
DAVID A. YATES xxx-xx-x...
KAREN A. YAWN xxx-xx-x...
JAMES D. YOUNG xxx-xx-x...
PETER YOUNGBLOOD xxx-xx-x...
WILLIAM ZACHARIAS xxx-xx-x...
DUANE L. ZEZULA xxx-xx-x...
STEPHEN ZIMMERMAN xxx-xx-x...
RONALD F. ZINK xxx-xx-x...
RICHARD L. ZIRKLE xxx-xx-x...

CONFIRMATION

Executive nomination confirmed by the Senate February 3, 1994:

DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE.

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.

EXTENSIONS OF REMARKS

THE QUESTION OF A COVENANT BETWEEN THE CONGRESSIONAL BLACK CAUCUS AND THE NATION OF ISLAM

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. OWENS. Mr. Speaker, over the last 2 weeks, much has been said about a so-called covenant between the Congressional Black Caucus and the Nation of Islam. This controversy has arisen as a direct result of hateful remarks made by Khallid Abdual Muhammad, the national assistant to Nation of Islam leader Louis Farrakhan. This week, I issued a public statement about the controversy, which I ask to be included in the CONGRESSIONAL RECORD.

STATEMENT OF CONGRESSMAN MAJOR OWENS ON THE QUESTION OF THE COVENANT BETWEEN THE CONGRESSIONAL BLACK CAUCUS AND THE NATION OF ISLAM: A CALL TO AGGRESSIVELY REAFFIRM AND REBUILD THE COALITION OF THE CARING MAJORITY WITH AFRICAN-AMERICANS AND JEWS AS THE NUCLEUS OF THE COALITION

There is a dangerous poison in the political atmosphere of America which must be confronted aggressively. A Coalition which could contribute greatly to the salvation of our nation is being bombarded and must be defended not with mere denunciations, but by a comprehensive and overwhelming counterattack.

A recent, unprecedented vile, anti-semitic, anti-human and obscene speech by a Nation of Islam spokesman, Khalid Mohammed, has triggered a chain reaction which if not halted, will sabotage our vital Coalition beyond reconstruction. No rational, decent human being can defend Mr. Mohammed's speech; however, since his immediate superior, Minister Louis Farrakhan has refused to denounce the New Jersey speech of his follower, the spotlight is appropriately focused on Minister Farrakhan. And in the chain reaction of political logic all of those who appear to be presently allied with Farrakhan have become the object of scrutiny. As a result of an announcement by its Chairman that there now existed a "Covenant" between the Congressional Black Caucus (CBC) and the Nation of Islam, the CBC's position is now under scrutiny. Since it is a highly visible and very powerful national entity, the CBC's "Covenant" with Farrakhan understandably arouses widespread concern.

As a member of the CBC with a ninety-five per cent meeting attendance record I can state factually that the CBC has never adopted a position establishing a relationship with the Nation of Islam.

In the eleven years that I have been a member of Congress, at his request, the CBC has met with Minister Farrakhan three times. On each occasion the majority of the CBC members have insisted that the meetings be unpublicized and closed to outsiders. Great concern about the possibility of distorted statements and misguided messages have been expressed by the members. Prior to meeting with Mr. Farrakhan there were lengthy discussions. Always the argument that "it does not hurt for reasonable persons to participate in a dialogue" prevailed.

The CBC last met with Farrakhan in the Summer of 1993. He came with a message emphasizing his desire to be accepted in the mainstream world as a legitimate agent for positive social change. He cited impressive examples to make his case. His followers had driven out drug dealers and transformed the environments of certain neighborhoods and public housing projects. He claimed that no one had a better record of rehabilitating addicts and criminals than the Nation of Islam. He asked the CBC to help him advance a proposal to have his group take responsibility for a large percentage of the African Americans now in prisons. Not only did he want help in reaching officials responsible for the prison systems; he also wanted assistance in meeting representatives of African countries who might make land available for the establishment of rehabilitation settlements where alcohol and drug addicts could be totally removed from the corrupting home environments.

Mr. Farrakhan also proposed that the CBC serve as an intermediary between himself and the Jewish community. He did not indicate what he wanted to tell the Jewish community, but he did insist that he wanted peace, that he had been seeking a dialogue, that the CBC might be able to facilitate what had not been possible up to that time.

Farrakhan's proposals and Farrakhan the man were both impressive at that meeting. Most of the time was consumed with Farrakhan's presentation. There were few questions and very little dialogue. He did not expect an immediate response from the CBC.

The fact is that the CBC to this date has never met to discuss a response to proposals made by Minister Farrakhan at that dinner meeting. There has certainly never been a discussion of any "Covenant" with the Nation of Islam. While one can understand Chairman Mfume's personal response to the Farrakhan overtures requesting dialogue and cooperation which seemed to be reasonable and sincere, it must be emphasized that the Chairman's response was an individual one.

For the record it is important to clarify the procedure for inviting guests to appear on panels and forums during the CBC Legislative Weekend. Guests who speak at public forums other than those directly under the jurisdiction of a particular CBC member are invited by either the Chairman of the CBC Foundation, the Chairman of the Legislative Weekend or the Chairman of the CBC. These are individual and personal decisions made without consultation with the CBC members. To date, these are not even decisions made by a Committee because there have been no committees charged with this responsibility. Certainly no votes are taken by the membership to decide these matters.

The decision to invite Minister Farrakhan was an individual decision made by Chairman Mfume who certainly had the right to make such a decision. But CBC members have a right to question the judgment involved in such an action. In view of the fact that the CBC had always insisted on holding unpublicized meetings with Minister Farrakhan, everyone was aware of the high degree of sensitivity within the CBC with respect to public identification with Minister Farrakhan. His appearance at the most highly visible and widely publicized forum of the 1993 Legislative Weekend did raise serious questions in the minds of many CBC members.

This CBC member must confess, however, that he was not in attendance at the Forum and did not learn until more than a month later that Chairman Mfume had announced a "Covenant." Uneasiness about the guest appearance of Minister Farrakhan is a matter at a different level from the involuntary inclusion in a "Covenant." But even after concern had become bewilderment and indignation it was difficult to arrange a discussion of the matter within a CBC meeting. From mid-October to the November 22nd adjournment of Congress the CBC weekly meeting agendas were cluttered. At no meetings were the agendas completed and there were no opportunities to add new business and expect a full and civil discussion.

Because of my very intense feelings about the dangerous poison presently choking the political atmosphere, I feel it is important to provide this explanation of my delayed reaction. The mad ravings of Khalid Mohammed have served to illuminate a crisis that has been escalating for some time. Presently there is an urgent need to move far beyond the denunciation of Mr. Mohammed's speech. We must openly and honestly discuss ways to combat the poison which is destroying a fragile but vitally necessary Coalition. The question must be asked: Why is the CBC constantly being baited? The answer is that the CBC is a victim of its legitimate quest for unity. A strong desire within the Black community for total unity is being exploited by a frustrated, misguided and unproductive fringe crowd. Usually strong and loud in its lunacy, this unrepresentative small percentage of the Black population commands media attention far out of proportion to its numbers and/or its capacity to deliver results.

Responsible African American leadership should cease the pursuit of total unity within the Black community. We must leave the

ten percent who advocate hatred and violence and let them march off to their own destruction. These are copycats mouthing imitations of ancient European biases against Jews. We must also leave the five percent of Blacks who are educated, manipulative, self-serving opportunists openly toadying to racist benefactors on the right. Eighty-five percent of African Americans is enough to maintain the core of a Coalition of the Caring Majority.

This dangerous poison in the political atmosphere threatens to destroy our Coalition of the Caring Majority which could greatly expand the parameters of opportunity and justice in America. This Coalition which is presently an unorganized one is made up of people whose solidifying philosophy is the belief that while they are not their brother's keeper, they will support public policies which guarantee survival and promote opportunity for all people. Members of this Coalition do not have to pretend to love everybody but they must subscribe to the principle that every human life is sacred.

This Coalition of the Caring Majority is open to all; however, it definitely begins with a racial and ethnic mix composed of African Americans, Latinos, Whites and Asians. African Americans are pivotal in this Coalition because, in America, they have suffered the worst abuses over the longest period of time. They have suffered official abuses sanctioned by the government. They have been the victims of crimes perpetrated by local, state and federal officials. We are the only Americans who are the descendants of slaves. Among the exploited groups African Americans presently also have the largest critical mass with an escalating sense of political awareness. African American consciousness is the beneficiary of the still glowing activist heritage of Malcolm X, Martin Luther King and Nelson Mandela. African Americans are at the core of the Coalition but all of the other partners are also crucial components. Among the whites in the Coalition Jews are the overwhelming majority.

When we jettison the saboteurs and end their opportunities to confuse issues, agendas and possible solutions, we greatly improve the capacity of the African American leadership to serve as the glue, the cohesive center for this Coalition of the Caring Majority. No more time should be wasted on negotiations with hatemongers and rank opportunists. Reject Mohammed and Farrakhan at one extreme. Reject Clarence Thomas, Roy Innis and their more subtle followers who strangle human and economic rights at the other extreme.

All African American energy, brainpower and organization skills must be focused toward the building of a greater Coalition of the Caring Majority.

We have a clear criteria for identifying the enemy: Regardless of the race, creed or color whoever preaches hatred, violence, and exploitation—that is the enemy.

We must denounce the enemy. We must isolate the enemy. We must ignore any future devious overtures from the enemy. All of this and more we must do to draw a line, to build a solid wall between the Coalition of the Caring Majority and the exploiters and hatemongers. And far beyond these defensive actions our Coalition must accentuate the positive. We must aggressively mount a campaign for the respect, loyalty and dedicated energy of our youth. The world can easily dismiss the obscene ravings of Khalid Mohammed at Keane College but we cannot ignore the cheers and applause of the students who listened to him. Only the most disaffected and the most alienated; only students who feel that they have been deserted by all others would cheer such a heinous speech.

The challenge our Coalition faces is the challenge of offering a more reasonable but inspiring program of alternatives to bitter, frustrated and frightened youth. No student should have to anticipate a graduation followed by unemployment. At the center of a Coalition platform there must be a national program for full employment now. We must demand not only jobs to get people off welfare, but job opportunities for all who want to work. The Coalition of the Caring Majority must demonstrate to the Youth of America that it is willing to confront the present stagnation in Washington and mount an aggressive campaign for full employment.

At the state and local levels, as alternatives to group hatred and infatuation with violence, Coalitions must mount more aggressive campaigns for jobs, justice, and community rebuilding. In the big cities we have concrete evidence of the workability of our Coalition. In Chicago with Harold Washington; in Philadelphia with Wilson Goode; and in New York (1989) with David Dinkins; in all three showdowns at the ballot box, the Coalition of the Caring Majority prevailed. We won repeatedly with thirty to thirty-five percent of the white vote as part of the Coalition. And among these white voters, the overwhelming majority were Jewish voters. Jews are a vital and steadfast part of the Coalition of the Caring Majority.

There is a dangerous divisive poison in the political atmosphere currently manifested in the form of anti-semitic attacks on Jews by an African American hatemongering fringe group. The only potent antidote to this poison is to amputate the fringe limb and focus more intensely on the healthy body that remains. We must move to aggressively reaffirm and rebuild our Coalition of the Caring Majority. The nucleus at the core of this Coalition is the long-standing alliance between African and Americans and Jews.

PROVIDING FOR CONSIDERATION OF H.R. 3425, DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

SPEECH OF

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1994

Mr. MICA. Mr. Speaker and my colleagues in the House, I said in a special order to the House last night that I came here a little over a year ago with some hopes and dreams, aspirations that I brought from a campaign for Congress and from the people that I represent, to have a small opportunity in the House of Representatives to make our Government a little bit more responsive. Here we are today debating this question on the rule, and really, when we get down to the very basics of this rule in consideration, there is a very basic question. That is, does this Congress want to address the question of regulatory reform?

Now, my colleagues, we are all intelligent human beings and we can all read the legislation that is before us. If you read this legislation, H.R. 3425, you will see indeed it does create new offices and agencies, that it is not just a simple elevation bill.

Section 109 creates information resources management office; section 12 creates an office of environmental justice. Even section 113 creates an office of environmental risk. But why, why is it that we cannot address the question of regulatory reform? Why can we not address the question of risk assessment? What is the cost? What is the risk? What is the benefit to the public?

We rarely get an opportunity to elevate a department to Cabinet-level status in this body, and the stars in the constellation do not come together so that we have this rare opportunity to say that this agency has a responsibility to the public, to business, to industry, to the inner cities, to agriculture, to jobs in this country. We rarely get that opportunity. We have that opportunity at this one moment.

Now, this is not going to change all regulations, but it is going to take one agency that we are elevating—I sit on its oversight committee, and I tell you I cannot describe the horror, the tales that I've heard of mismanagement, waste, fraud, and abuse, misdirection.

I consider myself an environmentalist. But you would be shocked if you saw the way the limited resources of our Nation and this Congress are wasted by that agency. The inspector general came before our subcommittee and he came to my office and he told me, he said they will not listen, they need focus, they need direction.

Only the Congress can provide that direction because the Congress passed these dozens and dozens of laws. It is not going to be an Executive order, it is not going to be a tiny little effort by this Congress; it is going to take a law. That is why this Committee on Rules needs to pay attention to this matter. Again, we are not going to change the world. I am not going to change the world. I am just saying—maybe I am wrong, maybe all of these organizations, dozens of organizations, even

inner-city organizations where the poor, the poorest of our citizens live, are saying their resources are squandered. Billions of dollars are wasted by this Agency. They do not have the legislative direction only this Congress can provide.

If we do not stand up here now and be heard, when will we be heard? If not today, when?

I think we have a rare opportunity to address this issue today. We know what the issue is here. The issue is fairness. It is not a partisan issue. Do not make it a partisan issue. This was introduced in the other body by Senator BENNETT JOHNSTON, a Democrat. I stood with my colleagues in committee when we had the votes to pass this, and both times the effort was led by people from the other side. So here we have the question: Are we going to make a change in this body? Are we going to make a change in the way this Congress does business? Or is this business as usual?

I urge you to defeat the rule.

A UNIQUE RESPONSE TO TREATING INDUSTRIAL ACCIDENT VICTIMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. MILLER of California. Mr. Speaker, every now and then the silver lining appears. This week it showed up in my district, in the form of increased access to health care for some of my constituents.

I rise today to congratulate a number of local officials in my home of Contra Costa County, CA, along with representatives of General Chemical Corp. and local community activities, for coming up with a creative and unique solution to a long-standing environmental and health-related problem.

Last July, a chemical tank car began leaking at the General Chemical plant in Richmond, CA, creating a harmful cloud of sulfuric acid. Thousands of people sought treatment in local hospitals. Unfortunately, it was only the most recent of numerous serious industrial accidents in the bay area.

After months of negotiations among officials from the county health department, the district attorney's office, the Bay Area Air Quality Management District, General Chemical, and local activists, an agreement was reached just this week that satisfies everyone—and which, most importantly, will have a very real and constructive impact in the Richmond community.

For its fault in the toxic release, General Chemical has agreed to pay $1.18 million, with most of that money going to build a health clinic in North Richmond and create a separate, mobile health van to provide services to people who can't make it to the clinic. This will help fill a medical gap—the closest medical care now available to north Richmond residents is more than 3 miles away at the Richmond Health Care Center, where facilities and staff labor to meet the large increase in patient volume in the past 5 years.

Last year, after the spill, my Oversight and Investigations Subcommittee of the Natural Resources Committee investigated this toxic chemical release and one of the steps we recommended was creation of this clinic.

The investigation also concluded that too often, minority communities suffer disproportionately from exposure to toxic chemicals. And in the case of last summer's leak, many of the people who sought medical help came from the largely minority, low-income neighborhood around the plant.

Mr. Speaker, I tell this story this morning because the problems of communities living with the risk of industrial accidents is not unique to my district. We all share this problem. But the creation of the health clinic is a unique response. The agreement to build the clinic is a true victory born out of tragedy. It represents a direct benefit that north Richmond needs. Simply paying a fine to a public agency wasn't going to help the community. It's not enough simply to send money to the Treasury or to a local government. People want to see their daily lives made better and this will help do that.

THE INAUGURAL SPEECH OF CHRISTINE TODD WHITMAN, THE WAR MEMORIAL, TRENTON, NJ

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. SAXTON. Mr. Speaker, I insert the following speech for the RECORD:

Mr. Chief Justice, Governor Florio, Mr. President, Mr. Speaker, Distinguished Guests, Ladies and Gentlemen:

It is with an eagerness to tackle the challenges ahead that I take office as New Jersey's 50th chief executive—and its first woman governor.

On behalf of the people of New Jersey, I would like to thank Governor Florio for his years of public service. We agreed on some issues, disagreed on others, but no one ever doubted that you cared deeply.

Some say it is a proud moment to be sworn into such a high office as governor. For me, however, this is also a humbling moment.

No one reaches this position alone. Certainly I didn't, and I want to thank all of you who made it possible.

I especially want to thank my husband John and my two children, Kate and Taylor, for standing by me during a long tough campaign.

Today's inauguration marks not a victory of partisanship, but a test of our democracy, of our ability to govern ourselves.

As a people, we face a crisis of confidence.

Many have lost faith in the ability of government to deliver services efficiently, to lend a helping hand when it is needed and to get out of the way when it is not.

We worry about the ability of our economy to generate jobs and restore prosperity.

We question the ability of our schools to deliver the quality education our children deserve at a price their parents can afford.

And we question the ability of our criminal justice system to prevent crime, and to deliver justice and safety.

Americans have lost faith in the institutions that are the foundations of our democracy. They question those they have elected to serve them.

Wherever I go, whether I'm in a shopping mall, attending a Devils or Nets game, or taking questions on a call-in show, I hear the same implicit question:

"After the oaths, after the speeches, after all the parties and festivities, will you remember your promises and will you keep them?

As the first statement of my governorship, to every voter in New Jersey, let me answer that question: "I have just taken the oath of this office you have entrusted to me. To me, this oath means one thing: I will not hedge, I will not backtrack, I will keep my promises to you, my friends, to the best of my ability, so help me God."

But I can't do it alone.

I need your help, your wisdom and your support.

If government is to be "for the people," it must be "of" and "by the people."

For democracy to work, as Abraham Lincoln said in his first inaugural speech, we in government must have "a patient confidence in the ultimate justice of the people."

Government must trust and listen to the people, or it is not a democracy.

That is why I have spent the last four years listening to you.

And it is why I will keep listening for as long as I am your governor.

I believe in the people of this state. I believe in open government. I believe that the best decisions are based on consensus. And, like you, I believe deeply in the need for fundamental change.

To those who question whether I am serious about bucking the special interests who hold so much quiet power in the city, let me be clear: I did not run for governor to conduct "business as usual."

I'm not one of the boys. It is going to be different around here.

The only way government can win back your trust is to earn it.

Our principal problems are not the product of great global economic shifts or other vast,

unseen forces. They are the creation of government.

Of government that puts special interests ahead of the people's interests.

Of government that refuses to change.

You know it. I know it. And this time, together, we're going to fix it.

New Jersey should lead the nation.

In a world driven by ideas and technology, we boast some of the world's leading telecommunications, pharmaceutical, chemical and other high-tech firms.

We have first-class universities, great ports, and a prime location between America's financial and political seats of power. We have great natural resources, from the Highlands to the Shore.

New Jersey should be the engine of economic growth that leads this nation into the 21st Century. It should be a powerful engine of prosperity that gives our children the same opportunity that our parents worked so hard to give us—the chance for a better life.

Together, we will unshackle that economic engine from the restraining chains of high taxes.

Four months ago, I said I would put 1.4 billion of your tax dollars back into your pocket by cutting taxes over the next three years, with the first cut coming in July.

The skeptics groaned * * *

But here we are.

And I say, why wait until the next fiscal year starts in July?

Between now and then, families have car payments and credit card bills that will come due. Senior citizens on fixed incomes will be struggling to make ends meet.

And businesses have payrolls to make. Their plans to create new jobs are sitting on shelves, waiting for a stronger economy.

Let's not keep economic growth waiting another minute.

If President Clinton and his Congress can reach backward into time and raise your taxes retroactively, your governor and your Legislature can cut them retroactively.

That is why I am asking my partners in the Legislature, Senate President Donald DiFrancesco and Assembly Speaker Chuck Haytaian, to enact a 5 percent income tax cut for every family in New Jersey effective January 1, 1994—17 days ago.

Second, I am asking the Legislature to eliminate all income taxes on those earning less than $7,500, again retroactively to January 1 this year. Those who are struggling the hardest need a tax cut the most.

Third, I am asking the Legislature to cut the corporate business tax to 9 percent, again effective January 1 this year.

We will be competitive. No more losing our employers to job raids by low-tax states!

New Jersey is open for business.

Crafting a budget that covers not only the cost of these tax cuts, but also makes up for more than $1 billion in previous "one shot" revenues will not be easy.

We must do so without gutting the state services on which so many of us depend. And we must do so without driving up property taxes.

The "shell game" of raising one tax to cut another is over.

My budget task force and the 350 citizens who served on my transition teams have been poring over every department's budget. My cabinet officials take office with a mandate to find ways to provide the same or better service for less. Hundreds of citizens have been writing in with their ideas on how we can save 5 cents on every tax dollar we spend.

Let me tell you: Once we all put our minds to it, it's amazing all the ways we can find to save money.

Take just three areas: A vast amount of uncollected "bad driver" surcharges are owed to the state, yet no attempt has been made to collect them. We're owed unclaimed federal Medicaid funds for health care services provided to poor children by their schools.

And even an inmate from Rahway state prison wrote in to the "Our Tax Dollars" program to point out that more than $160 million in fines owed by criminals have never been collected.

Together, these three areas alone offer the potential for closing the budget gap by several hundred million dollars.

What's more, almost $200 million has been left unspent in each of the last two budgets because programs were overfunded. I am directing my cabinet to try to save at least that much from current-year accounts.

Budget cuts are just part of the equation.

To cut taxes in each of the next three fiscal years will require sustained economic growth.

Economic growth doesn't just happen. We have to plan for it, encourage it, and court it.

That's why I have directed my secretary of state to serve as an advocate for business. And it's why the first executive order of my administration—which I am signing in front of you today—creates a New Jersey Economic Master Plan Commission to develop the long term strategy we need to make New Jersey the economic powerhouse it deserves to be.

(Peter Verniero brings the executive order to the podium. The governor signs it.)

Done!

(Governor hands executive order to Verniero, who returns to his seat.)

Make no mistake about it: We are in a battle for jobs with Pennsylvania, the Carolinas, and the Sunbelt every day. One of the main reasons we've been losing that battle is state government.

We must cut through the needless overregulation that drives businesses out of New Jersey and discourages new firms from locating here. We can protect the environment without taking years to process a permit.

Our businesses deserve better and you deserve better.

It isn't just a question of money being wasted. It's a question of duplication, inept planning, and inadequate service.

We have 68 Department of Labor field offices, yet in some counties we require unemployed workers to sign up for unemployment benefits in one office, then drive 10 miles to another office to find out what jobs are available.

Look at how the state regulates cemeteries: If you are buried with members of your own religion, your corpse is regulated by the Attorney General's office. But if you are buried in a non-sectarian cemetery, the Department of Banking has jurisdiction over your remains. That's right * * * Banking. Do we really need two different state agencies to regulate the dead?

From cradle to grave, our state government needs reform.

We must reinvent government the way American corporations have been reinventing themselves to survive in the 1990's.

You elected me as the chief executive officer of a $15 billion service corporation with 60,000 employees. And that's what we're going to provide: Service, Efficient, cost-effective service.

After all, we work for you.

And of all the tasks we are entrusted to perform as your state government, nothing is more sacred than our responsibility to educate your children.

The school system we have today was developed in the 19th Century to prepare children of farmers and new immigrants for an Industrial Revolution that wanted bodies to do repetitive factory work.

The world has changed and our education system must change with it.

Employers today require a highly educated work force that knows how to think and how to be creative. The state that can provide the best-educated workers is the state that will be the economic powerhouse of the 21st Century.

The states that fail will fall behind.

We must make New Jersey number one.

We—parents, teachers, students, administrators, government leaders and business executives—must work together to reinvent education.

We must make it our top priority to teach our children—all our children—to read in kindergarten, first grade and second grade when they are enthusiastic about learning. That way, we will not have to spend tens of millions of dollars in junior high school, high school and college trying to rectify the failures of the past.

We are going to inject competition and encourage innovation in our schools by developing alternatives like magnet schools and charter schools within our public school systems to give parents a choice of where to send their children.

Schools should compete for the chance to teach our children. They are our greatest treasurers.

If we are going to teach democracy in our schools, we should practice democracy in our school system.

In Jersey City, five long years of state control have not fixed schools that continue to do far too little. We should give Mayor Bret

Schundler the green light to test school vouchers and invite the top school experts in the nation to measure the results.

We will get politics out of the Department of Education by giving the education commissioner an independent five-year term.

We will push authority down to the local level, because I trust parents who love their children to get involved in school boards and PTA's. The state can give you better schools, but you must be responsible for raising your children.

We will develop a strong core curriculum that teaches every student the basics of reading, writing, arithmetic, and a respect for our nation's heritage.

We will make our schools safe, and we will demand discipline in our classrooms. The last thing children should learn about in school is violence and fear.

Personal safety is a sacred right in America. Our children, our parents, all of us, deserve to live in peace.

Yet far too many of us are imprisoned by fear of crime.

Some say we should turn our heads, give up, and just accept a violent crime-ridden society.

Some say crime is too tough a problem to solve. My answer to them? We're tougher.

We know that a small percentage of hardened criminals commit most of the violent crime. It's time to make every criminal know that he or she will serve 70 percent of the court's sentence. And for three-time violent offenders—those who make a career out of crime—it should be "three strikes and you're in" * * for life.

We also need to set up boot camps and other alternatives to teach young people who are toying with the criminal life that they want to go straight instead. Everybody deserves a second chance. But not a third.

Criminals are not the victims of society. Society is the victim of criminals. The way to make our streets safe again is to make sure criminals know they will pay dearly—and perhaps permanently—for their crimes. We will.

Our blueprint to make New Jersey first is an agenda of economic growth, good schools and safe streets. An agenda of hope, optimism and determination. Of government that is "for the people" because it is "of" and "by the people."

The hope, the vision, the strength of our people is our guarantee of success.

And what remarkable people make up this state! In the factories of Paterson and the research laboratories of Princeton, in the ethnic neighborhoods of Perth Amboy and senior citizen villages of Lakewood, in the towns of the Shore and the Pinelands, and in cities like Camden and Newark—all across our state, I have come to know so many of New Jersey's people.

We are one Family. One community. One state.

There is a phrase in Spanish that means all that: "Somos un solo pueblo."

When one of us is out of work, homeless, cannot read, or is a victim of violent crime, we all suffer. And when we help one another succeed, we all succeed.

I remember a young writer who, I think, must have learned about America as a student in New Jersey. Over six decades ago, he wrote of "a sense of overwhelming gratitude and gladness that America was there . . . that in the heart of the . . . people the old generosities and devotions fought on . . . indomitable and undefeated."

"The best of America," F. Scott Fitzgerald concluded, is "the best of the world." And I can tell you that the best of New Jersey is the best of America.

In the people, we will place our faith. On trust in the people, we will build our agenda of opportunity and growth.

This is our state.

This is our time.

Last week, I met the children from Mrs. Reilly's second grade class at the Gables School in Neptune. Each child brought along a letter.

"We should all learn to share and be nice to each other," Claudia Grier wrote. "I know that you have a demanding job ahead of you and I will be there to help you." Claudia's here today, and Claudia, thank you for offering to help.

It will take everyone's help to meet the challenge ahead.

It won't always be easy and we won't always agree. But we must not fear change.

In 1776, this state was at the forefront of a revolution. We are there again today. Let's show the world what New Jersey can do.

Together, we will make New Jersey first.

DEFERRAL OF CONSERVATION COMPLIANCE DEADLINE

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. ROBERTS. Mr. Speaker, today, I and 11 of my colleagues are introducing legislation that would extend for 1 year the deadline for conservation compliance under the highly-erodible land [HEL] provisions of the 1985 Food Security Act [FSA] as amended.

The reason for this legislation is simple. Many producers farming in upland areas, especially across the Midwest and Plains States, are facing the rehabilitation of weather-damaged lands and conservation practices following last summer's torrential rains. In many instances, the impact of these conditions will make it difficult for producers to meet the environmental compliance mandates established in the FSA.

The law requires farmers who cultivate HEL to be actively phasing in provisions of a conservation compliance plan—approved by USDA's Soil Conservation Service [SCS]—to substantially reduce soil erosion on HEL. The FSA also imposes a January 1, 1995, deadline for full implementation of these plans. If SCS and the Agricultural Stabilization and Conservation Service [ASCS] find that a producer is not in compliance—that is, is not actively applying the plan, or is unable to meet the statutory deadline—he or she will face either a substantial reduction or a total loss of farm program benefits.

Most reports indicate that agricultural producers are working diligently to comply with the law. Unfortunately, the onslaught of this year's catastrophic weather has inhibited the ability of many farmers to keep pace with their plans' implementation schedules. SCS officials have acknowledged the situation caused by last summer's weather problems and have stated their policy is to be lenient and give producers more time to comply. It is crucial that Congress, through this legislation, ensure that SCS has the clear and necessary authority to meet their stated policy goal.

According to SCS officials here in Washington, damage to conservation structures and erosion on untreated lands are extensive. Farmers with HEL must repair and maintain their structures, clean sediment and debris from existing terraces, waterways and drainage ditches and build new erosion control practices as scheduled in their plans. Of course, the SCS workload associated with all this unexpected weather-related damage has been increased considerably. Technical assistance must be provided on the 40 million acres of HEL that SCS says has been affected by last summer's weather, which represents more than 50 percent of the workload associated with land treatments under the FSA is in those States hit hardest by the rains.

In addition, concerns have been raised regarding the availability, or in some areas the shortage, of qualified contractors to do the work necessary for farmers to complete those plans requiring construction of terraces, waterways, etc. Relative to SCS's workload relative to the FSA requirements, their responsibilities in the aftermath of last summer's catastrophe also include a massive amount of engineering and contracting work to be completed under the Emergency Watershed Program [EWP].

Thus, the definitive legal nature of the statutory deadline makes it important for Congress to amend the statute to provide SCS clear guidance and the authority to enable them to work with farmers, as well as clarifying for farmers the ground rules for such extensions.

The legislation would extend for one year, to January 1, 1996, the HEL conservation plan compliance deadline under the FSA for producers who can provide evidence of the damage to their conservation practices caused by damaging weather or who will have received Federal disaster assistance in 3 of the last 5 years ending in calendar year 1994.

The Secretary also is given discretionary authority to provide other relief in certain circumstances, including the granting of temporary variances. By recognizing the problems

producers are facing in complying with conservation plans and by providing the Secretary the clear authority to extend the HEL compliance deadline, SCS's overworked staff will not be placed in a battle between farmers and environmentalists over who should receive an extension.

This legislation has been endorsed by the Illinois Farm Bureau, the National Farmers Organization, the National Association of State Departments of Agriculture, as well as the many individual farmers who have contacted our offices.

Thank you, Mr. Speaker, I urge my colleagues' support of this legislation.

H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR 1994

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. COSTELLO. Mr. Speaker, I rise today to urge my colleagues to support H.R. 3759, the emergency supplemental appropriations bill for fiscal year 1994.

This legislation, which provides immediate, critical relief to victims of last month's California earthquake, also provides much-needed relief to the victims of last year's flood in the Midwest.

H.R. 3759 includes funding for two key programs to help my constituents: $340.5 million to help repair waterways and watersheds damaged by the floods; and $25 million for the Agricultural Stabilization and Conservation Service, to help eligible producers repair damaged farmland.

The first set of funding will allow the ASCS to make needed levee repairs and will allow for additional enrollments of croplands inundated by the 1993 floods in the Wetlands Reserve Program from willing landlords.

Mr. Speaker, these funds will continue the job Congress started 8 months ago when we passed the last emergency supplemental legislation for 1993. My only regret with this bill is that it does not include funds needed by my State—$25 million—to complete buyouts for flooded communities. I will continue to work with my colleagues to see that these buyout funds are pursued by the Congress.

TRIBUTE TO A MODEL CITIZEN

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. KOPETSKI. Mr. Speaker, I rise today to honor Salem's First Citizen of the Year for 1993, Mr. Larry Epping. Larry moved to Oregon in 1937 from Hope, ND, when his family lost their farm due to the Depression. Over the years he has become one of Salem's most prominent land developers, although his lifestyle remains unassuming. Larry's attorney, Dave Hilgemann, summed it up with the following words:

I think the award is richly deserved. Here is a man who gives as much or more to the community as he does to his private enterprise. I have personally watched him quietly help kids at the Boys and Girls Club here in Salem, kids who will probably never know his name or know of the substantial good he's done. Above all, he contributes his time in addition to his money for the good of the community.

Mr. Epping's impressive biography shows he graduated from college with honors, during World War II he survived a sinking aircraft carrier spending roughly 2 days on a raft in the Pacific Ocean, and in 1949 Larry married Jeanette Hoffer. Together they raised five children—Tracy, Randy, Dan, Shawn, and Gary. In addition, Larry is extremely active in the community, serving on over 35 boards, commissions, and volunteer agencies. Activities involve both career and family, from president of the Salem Home Builders Association to a founder of the Salem Catholic Schools Foundation. With all the time Larry has donated to the community, it is hard to believe he found time to develop a thriving business. Perhaps that is why his signs say, "Call Larry Epping—Anytime."

Much of Salem's development over the past 37 years can be attributed to Larry Epping. His philosophy, a home for every family, allowed for a diversified, well-balanced community. Larry built affordable homes and made them available by offering buyers personal loans when the banks would not.

On the rare opportunity when he is not working, Larry heads for the great outdoors. He travels the world searching for the ultimate challenge, and just as at home, his trips usually include a contribution to charity and a local museum.

I would like to conclude with a statement from Larry's son Gary, who said, "The best thing about this award is that dad never does anything for recognition, he just does what he thinks is right." That is why Larry Epping, as well as his family, is the epitome of a community leader. I am very proud to represent Salem's 1993 First Citizen of the Year.

THE VISIT OF IRA LEADER GERRY ADAMS: WHAT ARE THE FOREIGN POLICY IMPLICATIONS?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. BEREUTER. Mr. Speaker, the recent visit of Gerry Adams, leader of the political wing of the Irish Republican Army, breaks a longstanding policy with regard to the issuance of visas to admitted members of the IRA. While the merits of the granting of the visa can be debated, Members of this body should be aware that this marks a fundamental change in United States foreign policy, particularly with respect to the Irish Republic and the United Kingdom. With this thought in mind, this Member would call to the attention of his colleagues the following editorial from the February 3, 1994, edition of the Omaha-World Herald, entitled "Fallout From Irish Terrorist's Visit a Costly Foreign Policy Lesson."

[From the Omaha World-Herald, Feb. 3, 1994]

FALLOUT FROM IRISH TERRORIST'S VISIT A COSTLY FOREIGN POLICY LESSON

The British government is furious with President Clinton. And with good reason. Clinton provided a U.S. forum to Gerry Adams, the top spokesman for the Irish Republican Army, by allowing Adams to enter the United States for 48 hours to participate in a conference in New York City.

Adams is the leader of Sinn Fein, the political arm of the IRA. The State Department classifies him as a terrorist who, as such, is not eligible to enter the United States for any reason.

The IRA has killed more than 1,400 people in England and Northern Ireland, including 900 British troops. Adams, who condemns only the deaths of people he calls innocent civilians, implicitly endorses IRA terrorism. He denies that he has ever been an IRA member—a claim that is disputed by the British, who imprisoned him for IRA membership, and by the CIA.

The State Department urged Clinton not to let him enter the country for the conference. The American Embassy in London seconded the motion. The CIA was against it. A staff member of the National Security Council told The New York Times that "my heart is in my throat when I think about how it could all go wrong." Secretary of State Warren Christopher personally appealed to the president not to issue a visa.

But Clinton overruled them all. The White House admitted that Sens. Edward Kennedy and Daniel Patrick Moynihan, as well as other Irish members of Congress, had lobbied heavily in Adams' behalf. "The president obviously gets a political dividend by accommodating Pat and Teddy on this," a White House official said. The official said Clinton believed the gesture could help the peace process in Northern Ireland.

Here's how Bill Clinton, that irrepressible wizard of foreign policy, is helping the peace process in Northern Ireland:

People on both sides of the undeclared war said they saw Clinton's recognition as a personal victory for Adams. Some said it was a victory for terrorism. A British newspaper said Clinton's decision signified the end of the special relationship between London and Washington. Adams had more television time in two days, including an appearance on the talk show of Clinton's friend, Larry King, than he received in years of agitating in Northern Ireland, where terrorists are banned from the airwaves.

Adams finally pushed too far. He used his forum to try to steer the United States into exerting pressure on London to cave in. The pressure became so ridiculous that even Clinton was forced to distance himself.

"The people who have to settle this are the Irish and the British," Clinton said.

Clinton seemed to move back toward the hands-off position of his predecessors, who had much more foreign policy savvy. Thus proceeded another lesson in the education of a foreign-policy neophyte. One only hopes that this neophyte will be up to speed before he does too much more to alienate America's long-term friends and allies.

COACHBUILDER'S EXEMPTION ACT OF 1994

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. JEFFERSON. Mr. Speaker, today I am introducing the Coachbuilder's Exemption Act of 1994, legislation to redress an inequity in the Tax Code relating to the so-called gas guzzler tax exemption for small companies who lengthen automobiles into limousines.

Under section 4064 of the code, a tax is imposed if an automobile's fuel economy performance falls below the Environmental Protection Agency's [EPA] fuel economy ratings for that automobile's model type. The tax, which is imposed upon the sale or initial lease of the vehicle by a manufacturer, ranges from $1,000 to $7,000.

The gas guzzler tax was enacted as part of the Energy Tax Act of 1978 as a conservation measure and to encourage greater automobile fuel economy, a policy goal that I strongly support. However, this policy should not be pursued without consideration for special circumstances. In this regard, Congress has recognized that certain exceptions to the tax are reasonable and necessary to prevent unfairness. For example, in 1986 Congress amended the gas guzzler tax to exempt small manufacturers, generally manufacturers of fewer than 10,000 vehicles annually, who lengthen existing automobiles into limousines. Clearly, imposition of the tax on such small producers was inappropriate and did not generally enhance energy conservation. Regrettably, and with little explanation, the coachbuilder's exemption was repealed with the enactment of the luxury tax on automobiles in the Revenue Reconciliation Act of 1990, although the Reconciliation Act excluded limousines operated for commercial purposes from the new luxury tax.

The repeal of the coachbuilder's exemption in 1990 has had a devastating effect on coachbuilders and operators. Jobs have been lost and costs to operators have increased dramatically. During 1988 and 1989, prior to the repeal of the exemption, there were approximately 35 coachbuilders who lengthened 8,000 to 9,000 cars annually. Today, only 12 coachbuilders remain and less than 1,400 vehicles annually are lengthened. These vehicles bear an average tax of $2,000 per automobile—the economic burden of which is directly borne by the operator. By and large, the limousine industry is comprised of small businesses. The typical operator owns 5 vehicles and must replace one vehicle about every 18 to 24 months.

Mr. Speaker, the legislation I am introducing would reinstate the coachbuilder's exemption, and, thereby, eliminate a significant economic burden on industry and on limousine operators. Reinstatement would have a negligible revenue impact, increase jobs, and redress the inequity of imposing a tax that has essentially crippled these small businesses.

The gas guzzler tax, as it applies to coachbuilders and limousine operators does little, if anything, to further overall fuel economy. Essentially, the tax is a penalty on weddings, school proms, business gatherings, and other occasions requiring special transportation services. In addition, tax is especially burdensome for operators located in tourist centers like my city of New Orleans where limousine services are required for vacationers and conventioneers.

The parallels between this matter and the automobile luxury tax are striking. In that case, as with the coachbuilders' and the gas guzzler tax, business owners and workers are the victims rather than the consumers of the service or product. It is time to fix this problem just as we did so just last year with the repeal of the automobile luxury tax.

I urge my colleagues to join me in redressing this situation by cosponsoring this bill.

ST. PAUL'S ANNIVERSARY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. SUNDQUIST. Mr. Speaker, while this House stood in recess, St. Paul Church and School in my hometown of Memphis, TN, proudly observed its 50th anniversary, and I wanted to take a moment to share that milestone with my colleagues and to urge them to join me in offering the congratulations of this body.

In November 1944 Whitehaven became a mission of St. Thomas Parish in south Memphis—10 acres of land were purchased on Shelby Drive and the Catholic families of the area were organized. Special permission was granted for Mass to be celebrated in the Gillia Home. Father Angelo Lenzi was named the first pastor in March 1945, and began an enormous building program. A crypt and then an upper church were completed over the next few years and served as the place of worship.

Construction began on the school in 1949 while students met daily in the crypt. Over the next 15 years the school expanded to some 22 classrooms and a beautiful gymnasium. This adequately met the growing enrollment that reached into the 800 range.

While the school and student body grew, so too did the Whitehaven and Catholic population. The need for a new church was a longtime dream that began to be realized when ground was broken in 1961. The present beautiful church, seating over 1,100 people, was dedicated on November 20, 1964. The pastors of St. Paul have been: Father Angelo Lenzi, 1945–53; Father Edward Cleary, 1954–68; Father Walter Bush, 1968–70; Monsignor Theron Walker, 1970–81; Father Leonard Oglesby, 1981–87; Father John McArthur, 1987–present.

St. Paul has been a stable, ongoing Catholic presence in Memphis and Whitehaven for 50 years, growing and expanding with the community. Nurtured by the commitment and energy of the Catholic community in Memphis, St. Paul has built and sustained a school of exemplary academic reputation. I am proud to join in saluting its first 50 years and in looking forward to the continuation of its proud tradition.

HAPPY 90TH BIRTHDAY, CELY MIGUEL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to wish one of my constituents, a very special woman, Celerina T. Miguel, a happy birthday. Today, February 3, 1994, "Cely" celebrates her 90th birthday. Cely has accomplished so much to modernize nursing practices in her native Philippines and as a citizen of the United States. More importantly, she has been a devoted wife, mother, and grandmother.

In 1904, Cely was born to Leocadio Trinos, a carpenter, and Benigna Tanyag, a housewife. She lived with her brother Domingo and father in a one floor, one room, bamboo "nipa" hut in Cabuyao, Laguna. Her mother died of complications in pregnancy when Cely was only 3 years old.

As a young adolescent, Cely was a tomboy, climbing trees and following her brother Domingo around town. In fact, she was once caught smoking a cigar. Cely was sent to study at a school in Manila. There she lived with an uncle who took care of her in exchange for a little housework after school. She took care of her cousins at a very young age. She washed their clothes and helped around the kitchen. Despite her menial chores, she excelled in school and continued on to high school.

Cely went on to graduate as the valedictorian at the Mary Johnston School of Nursing. She was encouraged to go to the United States for further studies. Cely received a prestigious scholarship from the Daughters of the American Revolution and sadly left her dear brother and father in the Philippines for a new life in the United States.

Upon her arrival to the United States, Cely was met by a representative of the D.A.R. Together they went to Chicago and Cely enrolled in the Northwestern University. After 2 months she transferred to Columbia University in New York where she received her B.A. and masters degrees in nursing. It is a little known fact that Cely invented the recipe for banana bread. In fact, she wrote her thesis for her masters on the role of nutrition and nursing. She cited many foods that were highly nutritious and included a recipe for a bread that was both high in protein, potassium, and carbohydrates that would become popular around the country. After graduation, Cely was employed by New York Hospital.

It was during the Great Depression that Cely met her husband Mauro "Mike" Miguel. She and her roommates, Maring Cortes and Luid Palting, and Mike would often go to church dinners for meals that cost between 2 and 5 cents. These friends were all fortunate to have good jobs to support them through a difficult depression.

In 1934, Mike and Cely were married in Rockville Center, NY. In 1935 she gave birth to her first child, Bob. Once Mike finished his studies in civil engineering the young couple decided to go back to the Philippines.

For the next 10 years, the Miguels lived in the Philippines. In 1938, another son, Art was born. At this time they were sent to Takloban, Leyte, where Mike was working in the engineering corp of the Philippine army. The following year, the family went back to Manila where Cely took over as the chief nurse and principal of the School of Nursing for Chinese General Hospital. She introduced the hospital to new nursing practices, modernizing the nursing care of the hospital.

During the second World War at the time of the Japanese occupation of the Philippines, times were difficult for the Miguels. Cely persevered, caring for the many casualties—both civilian and Japanese soldiers. In 1940, her only daughter, Cecilia, was born. After the war, the Japanese surrendered and the victorious United States helped to heal the wounds of the Philippines. In 1945, Candido and Luid Palting suggested that the Miguels repatriate to the United States. Since Bob was born in New York, he was their passport to the United States. In 1945, Cely, Mike, and Bob set sail once again, this time on the U.S.S. *Noordam*. Art and Ces, both very young, were left in the care of Cely's brother, Ingo, until the family was settled in the United States. In San Francisco, the young family was met this time by the Red Cross. They were offered a little pocket money and clothing and tickets for a train to New York City.

In New York, Cely and Mike stayed with their friends, the Ligots, until they could find jobs and place to live. Fortunately, Cely was able to get her job as a nursing supervisor at New York Hospital. In 1948, Art and Ces were finally able to join their family in New York.

For the next several years, Cely remained active in the New York area. She organized and became the president of the Filipino Nurses Association and the Filipino Women's Club. In 1950, the family moved to St. Albans, Queens. In 1956, Cely became a member of the Eastern Star, becoming a matron of the club. In 1969, Cely retired from New York Hospital and in 1971 moved to Stony Brook on Long Island.

Today, Cely is still an active member of the Eastern Star and the Women's Guild of her church, the Orchid Society, and the Senior Citizens of Stony Brook. Cely is a renaissance woman who has accomplished much in the past 90 years. On behalf of her children, Bob, Art, Glo, Ces, and Clem and her grandchildren, Rina, Arthuro, Fernando, Christiaan, Erik, and Philip, I wish Cely Miguel a very happy birthday. Together with my wife Carol Ann, I am honored to join her family in the celebration of her 90th year. We wish for her continued health and great happiness.

SALUTE TO RAY GONZALES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. GALLEGLY. Mr. Speaker, I am pleased to rise today to honor a brave man who risked his life to save an innocent victim last December during the worst mass murder in Ventura County's history.

Ray Gonzales, an insurance and financial services specialist in Oxnard, CA was truly in the right place at the right time, and I believe his exploits deserve our recognition.

Mr. Gonzales was leaving his office on December 2, 1993, when he noticed a disturbance at the nearby office of the California Employment Development Department. As he is experienced at giving CPR, he made a U-turn and headed to the EDD office. When he pulled up, he saw Irma Lopez—an EDD employee and the wife of Oxnard Mayor Manuel Lopez—under fire by a deranged gunman.

Mindless of his own safety, Mr. Gonzales jumped out of his vehicle, dragged Mrs. Lopez into it, and sped off to a nearby hospital. Although seriously wounded, I am pleased to report that Mrs. Lopez is expected to make a full recovery. Tragically, three of her coworkers were murdered in the attack.

Modestly, Mr. Gonzales later said he was not a hero for his actions. He said, and I quote,

> A hero is one that goes above and beyond the line of duty, as Officer O'Brien did by giving his life. I just did what any ordinary citizen is obligated to do.

Officer Jim O'Brien, the Oxnard police officer killed by the gunman, was indeed a hero, but Mr. Speaker, so was Ray Gonzales. Next Wednesday, the Oxnard Chamber of Commerce and the Oxnard Press Courier will honor him for his heroism at the 47th annual Community Awards Night, and I ask my colleagues to join in saluting him as well.

H.R. 3790, THE RURAL CONSUMER PROTECTION ACT OF 1994

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Ms. LONG. Mr. Speaker, today Congressman SKELTON, Congressman GUNDERSON and I introduced legislation—the Rural Consumer Protection Act of 1994—to ensure affordable electric rates for rural consumers who are members of electric cooperatives.

Specifically, this bill would prohibit a municipal utility from forcing a cooperative to stop serving its existing territory if the municipal decides to annex that territory into its own boundaries. I must emphasize that this legislation does not prevent municipal annexation. It simply prevents a municipal system from condemning, in a hostile manner, the service territory of a rural electric cooperative, thereby depriving the rural electric system of the chance to serve a few densely settled areas in order to balance the higher cost of serving more sparsely settled rural areas.

This legislation picks up where the Congress left off last session. As my colleagues may recall, House and Senate conferees agreed to include this legislative language in the 1993 Omnibus Budget Reconciliation Act. However, the provision was deleted, like many other provisions, by the "Byrd Rule."

The language contained in the bill we have introduced today mirrors the language of last

year with one important change. This legislation will allow a municipal electric the option of having an independent third party determine which electric distributor would best serve the public interest.

Just like the language from last year, nothing in this legislation will prevent a State from implementing its own provision concerning the curtailment or limitation of electric service and will not apply to any action by an electric utility taken prior to enactment of this legislation. Just as last year, this bill would afford rural electric cooperatives the same treatment as rural water systems with regard to providing electric service to an area annexed by a city.

I understand that additional changes may need to be made to this or similar legislation. Certain accommodations may need to be made to move forward on this issue. In that regard, we need to undertake official hearings. In fact, some organizations impacted by last year's language were concerned about the lack of hearings on this issue. They had a good point. Hearings must be held on this issue. All parties impacted by this legislation must be heard. In this regard, I have officially requested a subcommittee hearing on this legislation.

Mr. Speaker, the introduction of the Rural Consumer Protection Act of 1994 marks a starting point. I look forward to working with my colleagues and all interested parties on this important matter.

LEGISLATIVE REORGANIZATION ACT OF 1994

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. HAMILTON. Mr. Speaker, it is my pleasure to introduce the Legislative Reorganization Act of 1994, which contains the recommendations of the House members of the Joint Committee on the Organization of Congress.

I. IN-DEPTH STUDY

Created by Congress in August of 1992, the joint committee's mandate was to conduct an in-depth examination of the internal operations of the House and Senate and provide recommendations for reform by the end of 1993. This was only the third time in the history of Congress that a joint committee was established to conduct a comprehensive review of legislative operations.

The joint committee was created for three main reasons:

First, a concern that Congress might not be adequately organized to meet the challenges of the 21st century;

Second, a general sense that it simply was time for Congress to take stock of its internal operations—the last major overhaul of this institution took place more than two decades ago; and

Third, the widespread public concern about the effectiveness and institutional integrity of Congress.

According to the resolution that created the joint committee, the membership of the panel was equally divided between the chambers and between the two political parties. I served as co-chairman for the House, while my Senate counterpart was Senator DAVID BOREN. The House vice-chairman was first Representative Bill Gradison and then Representative DAVID DREIER, and the Senate vice-chairman was Senator PETE DOMENICI.

The joint committee's study of Congress was careful and far-reaching. As part of our year-long effort, members of the panel conducted 36 hearings, receiving a total of 144 hours of testimony from over 240 witnesses. Members of Congress and congressional staff were surveyed to get additional input about reform options. Symposiums were conducted with former Members, current and former staff, academics, and other outside experts. The joint committee was assisted by independent studies conducted by the Renewing Congress project of the Brookings Institution and the American Enterprise Institute, and by the Carnegie Commission on Science, Technology, and Government. The committee benefited from regular and sustained input from private citizens across the country.

II. PROPOSALS FOR MAJOR CHANGE

Due to time constraints and the difficult nature of many reform issues, the House and Senate sides of the joint committee proceeded along separate, but parallel, tracks in finalizing specific reform recommendations. However, House and Senate Members of the panel worked in careful collaboration during most of the joint committee's deliberations. As a result, the House and Senate reform packages are very similar, providing both chambers with a common core of proposals for reforming Congress. My hope is that the bicameral nature of the reform effort will continue as our recommendations move through the legislative process.

The recommendations I am introducing today were reported by the House members of the joint committee in November of 1993. I believe that these proposals are a significant step toward comprehensive congressional reform. Included are proposals to:

Apply laws to Congress in a manner consistent with the separation of powers.

Include private citizens in the House ethics process in a meaningful way.

Fundamentally alter the Federal budget process by putting it on a 2-year, rather than an annual, cycle.

Cut congressional staff by as much as 12 percent.

Streamline the committee system by reducing assignments and cutting the number of subcommittees.

Open up Congress to more public scrutiny by, for example, publicizing special interest projects in committee reports—a reform that will provide a major disincentive to wasteful spending.

Guarantee to the Minority the right to offer a full policy alternative on all legislation considered on the House floor.

There are dozens of other worthwhile proposals included in this package.

III. IMPORTANT FIRST STEP

The recommendations of the joint committee will now move to other forums. Many issues must be resolved in the committees of jurisdiction and on the floor of the House, as well as by the party caucuses. My hope is that in the weeks and months ahead we can make a strong package even stronger. Even without further refinements, however, the reform package reported by House members of the joint committee would constitute the most sweeping reform of the House in decades.

In closing I would like to express my appreciation to DAVID DREIER, the House vice-chairman of the joint committee, and to DAVID BOREN and PETE DOMENICI, our Senate counterparts. I also thank the other members of the joint committee for their effort and their contribution, as well as the many other Members of Congress who testified at our hearings, spoke with us informally, or otherwise contributed to the important work of congressional reform. It has been a pleasure to work with all of these individuals.

WAYMON HICKMAN TRIBUTE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. SUNDQUIST. Mr. Speaker, while this House stood in recess a constituent of mine, Waymon Hickman, was presented with the 1993 Lucille Queener Courtney Community Service Award by the Maury County, TN Historical Benefit Ball.

As one who counts Waymon Hickman as a friend and as one who has witnessed firsthand his many good works in Columbia and Maury County, I am pleased to congratulate him on this honor and to call it to the attention of my colleagues.

At a time when we can use more examples of principled public service, there are few whose active efforts and far-reaching civic involvement fit the bill better than Waymon.

I ask my colleagues to join me in saluting his achievement, and I ask that the following account, from the pages of the Columbia Daily Herald be reprinted in its entirety in the CONGRESSIONAL RECORD.

[From the Columbia Daily Herald, Jan. 23, 1994]

WAYMON HICKMAN RECIPIENT OF 1993 LUCILLE QUEENER COURTNEY COMMUNITY SERVICE AWARD

(By Marvine Sugg)

If you want something done, just ask a busy person.

This is an old cliche, but one that characterizes the 1993 recipient of the Lucille Queener Courtney Community Service Award—Waymon Logan Hickman.

Hickman is president and chief executive officer of First Farmers and Merchants National Bank.

"Waymon Logan Hickman has served countless hours providing many benefits for our community and its citizens," said Randy Stevens, executive vice president of First Farmers, who nominated Hickman for the award. "He has worked extremely hard over the years to benefit or county on a local, state, and national level."

Hickman was valedictorian of his graduating class at Dixie High School in Union City. He received his B.S. degree from the University of Tennessee at Knoxville. He is also a graduate of the School of Banking of the South at Louisiana State University and Kennedy Sinclair Trust School and New York City.

He has served as chairman of the United Givers Fund, president of Mt. Pleasant Rotary and Columbia Kiwanis clubs, the Maury County Chamber of Commerce, the UT Maury County Alumni Association and has held offices in the UT National Alumni Association.

Over the years, he has been active and held several offices in Boy Scouts of America, and was the recipient of the Long Rifle Award and Silver Beaver Award. Presently, he serves on the executive board of the Middle Tennessee Chapter and the Southern Regional Board of Boy Scouts of America.

Hickman served as chairman of the board at Columbia Military Academy and Columbia Area Mental Health Clinic and member of the board of directors of King's Daughters' School. He is currently a member of the board of trustees at Maury Regional Hospital.

He was the recipient of the Jaycees Distinguished Service Award and was named a Paul Harris Fellow by the Rotary Foundation. He served as Maury County coordinator for the Saturn Task Force and was named Tennessee Industrial Development Volunteer of the Year.

At the present, he is vice chairman of the Columbia State Foundation Board and is a member of the board of trustees at Martin Methodist College.

Currently president of the Tennessee Bankers Association, Hickman said, "this job has kept me busy this year."

He is also a member of several boards and committees affiliated with the banking profession.

Hickman is a member of First United Methodist Church where he is a former Sunday School teacher. He has also served as chairman of the finance committee, and chairman of the board.

He is married to the former Carey Busby and they are the parents of four children, Major Waymon Logan Hickman Jr. of Leavenworth, Kan., Captain William Busby Hickman of Columbus, Ga., Nancy Anne Hickman McNulty of Brentwood; and John Lee Hickman of Franklin. They have two grandchildren—Margaret Carey McNulty and Miles Logan McNulty.

His mother, 91-year-old Mrs. Lee Hickman, a retired school teacher, lives in Mt. Pleasant.

"I enjoy golf if I ever have the time," Hickman said when asked how he spent his leisure time.

He walks three miles every night which is not only good exercise but also provides an outlet from the stress of his profession.

"Both Nell (Woodard) and I feel honored to be named recipients of this award," said Hickman. "Lucille Courtney was so special to both of us."

Mrs. Woodard was the 1992 recipient of the award.

Applications for the 1994 Lucille Courtney Community Service Award, sponsored by the Maury County Historical Benefit Ball, must be received by Feb. 5. Those placing a nomination should include their name along with a resume of the nominee's civic activities. Nominees must be Maury County residents.

Mail applications to: Maury County Historical Benefit Ball, P.O. Box 1214, Columbia, TN 38402.

The recipient will be honored during the Benefit Ball, scheduled for Saturday, March 5, at the Memorial Building.

This year's beneficiaries are the APTA, Maury County Public Education Foundation, and the Maury County Animal Shelter.

TRIBUTE TO JUDGE B.K. ROBERTS

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. PETERSON of Florida. Mr. Speaker, today, the State of Florida is honoring one of its most prestigious public servants, as only the third individual to ever receive the Distinguished Floridian Award. When the Honorable Judge B.K. Roberts stands before the Economic Club of Florida to receive this award, he will join former Governor LeRoy Collins and former clerk of the Florida House, Allen Morris as one of the most accomplished and respected public servants in the history of the Sunshine State.

One cannot help being overwhelmed by Judge Roberts' professional record. At the age of 21, he graduated from the University of Florida with a degree in law and quickly established himself as one of the finest lawyers in the State capital. For the next 20 years he ran one of the most successful law firms that the Second Congressional District of Florida has ever seen. Despite being blind in one eye as a result of a boyhood accident, Judge Roberts interrupted his law practice during World War II to serve as an officer in the U.S. Coast Guard. After returning from his service in the military, Judge Roberts reestablished his practice and was soon appointed by then Governor Fuller Warren to the Florida Supreme Court, where he served for the next 27 years.

It was during this time that Judge Roberts provided his most notable contributions to the public sector. Under his guidance, the Florida Supreme Court created the judicial council to facilitate court reforms and improve the judicial system of the State on every level. Judge Roberts also spearheaded the creation of a district court of appeals system for the State and implemented a public defender system that became the model for the rest of the Nation. These accomplishments combined with Judge Roberts' 17 years of service as the chairman of the judicial council led to the complete reorganization of the State's courts system and earned him the title "The Father of Florida's Modern Court System."

Even more important than his contributions to our system of justice, is the fact Judge Roberts' provides us with living proof that the human spirit can overcome any obstacle. This native of Sopchoppy, FL, is an example to every American that through hard work, courage, and determination a person can accomplish anything he or she desires. As a virtually penniless 16-year-old freshman in college, Judge Roberts was determined to earn a degree in law despite being told by student leaders that because of his worn clothing that he was a source of embarrassment to the university and should go back to the farm. Little did those students know that they were addressing a young man who would eventually become one of the finest lawyers in the land and one of the most famous justices ever to serve on the Florida Supreme Court.

Mr. Speaker, it is an honor to pay this tribute to Judge Roberts. I consider him a true friend and a mentor who has served as a source of inspiration for me as well as for all those whose lives he has touched through the years. Once again, I congratulate him on this prestigious honor and I wish him and his dear wife, Mary, the very best.

SALUTE TO CHIEF PAUL MILLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. GALLEGLY. Mr. Speaker, as many of my colleagues know, I served for 6 years as the mayor of my hometown of Simi Valley,

CA, before my neighbors elected me as their Representative. During my tenure as mayor, I am perhaps the proudest of the way we rebuilt our police department, and in so doing helped make Simi Valley one of the safest cities in America.

Perhaps the biggest part of that turnaround was the city council's decision in 1992 to hire Paul Miller as our city's police chief. Within months, he had reformed several poorly designed policies and begun bringing the professionalism the department was in need of. The turnaround was so impressive that the Ventura County Grand Jury—an organization notoriously difficult to impress—went out of its way to praise Paul.

Now, after 12 years of serving the people of Simi Valley—and 32 years in law enforcement, Paul has decided to retire. He can look back on a remarkably successful career.

Paul began his law enforcement career with the Los Angeles County Sheriff's Department, starting out patrolling a beat in East Los Angeles. After a variety of assignments, he eventually rose to lieutenant, where among other things he wrote a career development manual and a 5-year plan to automate the department's recordkeeping system.

In 1982, he joined the Simi Valley police as a captain, and as problems in the department came to a boil, quickly became acting chief, and in October of that year, was named permanent chief.

He has been an innovative leader, establishing antidrug and antigang programs, establishing special weapons and hostage negotiations units, and buffed the department's professionalism to a fine gloss. He and his department showed their abilities to the world during the dedication of the Ronald Reagan Presidential Library in 1981—the only time in our history that five living presidents were together in one location—and during potentially explosive white supremacist rallies following the verdict in the Rodney King beating trial. In both these situations, Paul and the men and women of the Simi Valley Police Department showed their training and dedication to duty.

Mr. Speaker, Paul Miller will be honored for his accomplishments next Thursday at a retirement dinner in Simi Valley. I ask my colleagues to join me in saluting him as well, and in wishing Paul and his wife, Connie, well in the years to come.

UNITED STATES POLICY TOWARD ZAIRE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence with the State Department concerning United States policy toward Zaire. On December 1, 1993, I wrote to Secretary Christopher urging a more active United States policy toward Zaire. On January 28, I received a reply from Assistant Secretary Wendy Sherman, on behalf of the Department. The text of the correspondence is as follows:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, December 1, 1993.

Hon. WARREN CHRISTOPHER,

Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write this letter to urge a more active United States policy toward Zaire.

The U.S. continues to have significant interests at stake in Zaire because of its forty million people, vast mineral wealth, and strategic location in the center of Africa. The U.S. also has a humanitarian interest in relieving the suffering of Zaire's people. Finally, the U.S. has some responsibility for events in Zaire because of long-standing U.S. ties to Mobutu.

Since I wrote to you on this issue last February, the situation in Zaire has continued to deteriorate. Coordinated efforts by the U.S., France, and Belgium to pressure Mobutu to accept reform do not appear to have had much impact.

I believe the United States should now undertake a two-track strategy in Zaire. On a first track, the U.S. should move more aggressively to promote negotiations between Mobutu and the political opposition. Pressure should be exerted on both sides to facilitate these negotiations.

I urge you to:

First, notify Mobutu that if he blocks the current negotiations, the U.S. will increase his international isolation by: calling upon Mobutu to step down from power; downgrading diplomatic relations with Zaire; and freezing assets—however modest—held in the U.S. by Mobutu, his family and his close associates.

Second, notify Mobutu that the U.S. will act alone, if necessary, on these steps. While the U.S. should work closely wherever possible with France and Belgium on policy toward Zaire, the U.S. should not let French and Belgian domestic concerns drive U.S. policy.

Third, make clear to the opponents of the current regime, including Prime Minister Tsishekedi, that they must accept responsibility for negotiating seriously with Mobutu about Zaire's future.

A second track should explore creative ways to respond to the humanitarian, developmental and governance crises that confront Zaire. The U.S. should take a more activist approach to disaster assistance for Zaire, and develop a program in support of reconstruction in Zaire.

I urge you to:

First, provide more extensive resources to non-governmental organizations (NGOs) to reach affected and threatened people, especially in Shaba and Kivu provinces.

Second, support developmental projects of private voluntary organizations in small enterprise development, agricultural production, and social services in those parts of Zaire that today remain relatively peaceful.

Third, encourage the expansion of civil institutions and the development of new leaders who can replace those figures, both in government and opposition, who have dominated Zairean politics for the past thirty years. AID has developed similar innovative "democracy/governance" programs in other African countries.

Fourth, retain the ability of AID to provide substantial assistance to Zaire through NGOs, whether or not you close the AID mission in Kinshasa. New flexible, and creative AID efforts are needed to respond to the difficult situation in Zaire.

I realize that this approach requires more money being spent on Zaire, and a possible shift in resources from other recipient African countries to Zaire. But I believe that U.S. interests in preventing a further deterioration in Zaire, and the potential costs of such a deterioration to Zaire's neighbors, argue in favor of such a resource allocation.

I look forward to your early reply and to working with you on this issue.

With best regards.

Sincerely yours,

LEE H. HAMILTON,

Chairman.

U.S. DEPARTMENT OF STATE,

Washington, DC, January 28, 1994.

Hon. LEE H. HAMILTON,

Chairman, House Foreign Affairs Committee, House of Representatives.

DEAR MR. CHAIRMAN: I have been asked to reply to your letter of December 1, concerning U.S. policy toward Zaire. Your letter raises a number of important questions and offers some useful and timely recommendations. We are already making progress in some of the areas of your concern. I would like to discuss U.S. policy initiatives in recent months on Zaire, and to outline current thinking on how best to address the serious political, social, economic and humanitarian problems which afflict this important African country. I have attached to this letter an information sheet which reviews recent developments in Zaire.

The political paralysis in Kinshasa poses real and pressing problems for U.S. policy in Zaire. As you know, the political impasse is at the heart of the social, economic, and humanitarian crises that afflict the country. Against the background of crisis and decline in Zaire, the Administration's position has been clear: consistent pressure on President Mobutu—through bilateral measures and working within the Trilateral framework with France and Belgium—to permit the peaceful transition to democracy to proceed. At the same time, we have attempted to ameliorate the urgent humanitarian crisis by providing emergency relief through international NGO's.

In your letter, you urged the United States to increase President Mobutu's international isolation. We have already taken steps in

this direction. We have made clear to President Mobutu that we will not send a new ambassador to Zaire until he stops blocking progress toward democratic change. Downgrading relations further could involve closing our Embassy in Kinshasa. Although we have not excluded this option, such an action would deprive us of the invaluable insight of American diplomatic personnel on the ground in Zaire. It would also hinder our ability to provide consular assistance to American citizens still resident in the country. An assets freeze directed against Mobutu raises a number of complex issues, but the Administration has not excluded such an action from our discussions on U.S. policy toward Zaire. We have called on President Mobutu on many occasions to share meaningful power with his democratic opponents. He is, however, recognized as chief of state by all political entities in Zaire, including the Sovereign National Conference and its successor institution, the High Council of the Republic.

In recent meetings with the French and Belgians we have also made clear to our European partners that while the United States prefers to act in concert with Paris and Brussels, we do not rule out the possibility of unilateral actions in Zaire. We agree that U.S. policy toward Zaire should not be driven or constrained by French and Belgian domestic concerns.

President Mobutu bears overwhelming responsibility for the disastrous condition of Zaire, but the opposition has at times demonstrated considerable political immaturity and even greater political ineptitude. The December 10 Trilateral demarche to Prime Minister Tshisekedi was, in part, an effort to convey the message that the opposition must accept responsibility for negotiating seriously with President Mobutu about Zaire's future. The situation in Kinshasa remains fluid, but we hope that recent events will result in a coalition government of national unity which can begin to address the grave problems which confront Zaire. If the talks flounder once again, it may be wise to reinforce the message which the three western envoys delivered in December.

The Administration shares your view that further deterioration in the situation in Zaire could have serious consequences for the region, and we are taking all practical measures to stem the humanitarian crisis. In 1993 the U.S. provided 6.5 million dollars in emergency relief to NGO's; in 1994 our humanitarian assistance will likely approach 10 million dollars. The United States will continue to expand its work with international and appropriate local NGO's in Zaire, especially in Shaba, North Kivu, Kinshasa, and the Kasai provinces.

As appropriate within our budget and a more conducive political environment in Zaire, USAID may consider working with NGO's on development assistance programs aimed at strengthening Zaire's civil society. We are also looking for ways to obtain congressional approval for small-scale Democracy and Human Rights projects in Zaire under section 116(e) of the Foreign Assistance Act. We believe that such projects could lay a groundwork for future USAID democracy and governance programs in Zaire. Traditional non-humanitarian development assistance to Zaire has been prohibited under Brooke Amendment sanctions since 1991. Despite the announced closure of the USAID mission in Kinshasa, USAID remains committed to retaining a presence in Zaire. USAID's Office of Foreign Disaster Assistance will place a long-term contractor in Kinshasa to monitor and report on the status of United States Government-funded humanitarian programs in the displaced population, to monitor the humanitarian situation in Zaire, and to report on emergencies requiring a response from the United States. Additionally, a joint USAID Africa Bureau-Bureau of Humanitarian Response (BHR) Assessment team will travel to Zaire in the near future to review current humanitarian programs and identify local NGO's which might be suitable for channeling USG emergency relief funding.

I would like to thank you for your interest in the grave political, social, economic, and humanitarian problems which afflict Zaire. This Administration intends to remain engaged in Zaire. We look forward to working with you on finding creative solutions to support the establishment of democracy in Zaire, restore economic stability, and confront the humanitarian crisis.

I hope this information is helpful in responding to your concerns. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

Enclosure.

INFORMATION SHEET ON ZAIRE

The transition to democracy in Zaire remains at an impasse. The work of Zaire's Sovereign National Conference (convened in August 1991) and its successor institution, the High Council of the Republic (HCR), has not yet led to the establishment of a democratic government in Zaire. President Mobutu exercises firm control of the country's finances and the military, and the government of Transition Prime Minister Etienne Tshisekedi remains without effective power.

In April 1993, Mobutu named a new government, led by former opposition leader Faustin Birindwa. In an effort to resolve the chaos of this "doubling" of institutions, and to move the Transition forward, the Archbishop of Kisangani (and President of the HCR) Laurent Monsengwo Pasinya began a mediation effort to break the political impasse. In response to urging from the United States and other countries, the UN Secretary General also sent a Special Representative to Zaire to mediate between Mobutu and the opposition. Monsengwo and the UNSYG Special Representative, Lakhdar Brahimi (former Algerian Foreign Minister), brought the opposing parties to the brink of an accord on the institutional framework of the transition. When Brahimi left Zaire in October, however, the agreement remained unsigned, and a "final" meeting of the two camps was scheduled, postponed, and then rescheduled.

In early December, the opposition Holy Union and Allies (USORAL) in Kinshasa announced a unilateral suspension of participation in the negotiations. On December 10, the U.S. Charge d'Affaires in Kinshasa, accompanied by the Ambassadors of France and Belgium, made a demarche to both Mobutu and Tshisekedi. The three western envoys urged the parties to resume negotiations on the transition, sign the accord, and then put in place an effective coalition government (without exclusions) as soon as possible. Reports indicate that Mobutu responded favorably to the demarche, but that Tshisekedi rejected it as "capitulation" to Mobutu.

On January 4, in a major address to the nation, President Mobutu called on the opposing sides to resume negotiations and to conclude an agreement by January 12. Mobutu cynically placed the blame for the chaos in Zaire on the "political class" (including his own close allies), and said that he would take unspecified unilateral action should an agreement not be reached by his deadline. Observers in Kinshasa and here in Washington are not sanguine that an agreement can be reached in this timeframe, nor that it will result in a coalition government headed by Prime Minister Tshisekedi.

While the political situation on the ground in Zaire remains confused, the economy continues its downward spiral. The Birindwa regime announced in October a "monetary reform" which included introduction of a new currency. This reform fueled hyperinflation and caused artificial shortages throughout the capital as merchants refused to accept the "new Zaire". In response, the Birindwa government instituted price controls, enforcing the measure with price police who intimidated merchants (especially expatriate businesses) into selling their stores below cost. Birindwa demonetized the old Zaire effective December 10, 1993 while hyperinflation (125 percent in November 1993, and over 8300 percent annualized) continues.

There continue to be widespread shortages in the markets of Kinshasa, and in a reminder of military pillages in September 1991 and January 1993, in November 1993 soldiers rioted in Kananga (Western Kasai) over pay issues. There are reports that an airline warehouse was looted, and the storage depot of a local Catholic PVO (filled with supplies for displaced persons from Shaba) was hit by marauding soldiers. At least three civilians, including a Zairian Catholic priest were reported killed. There have also been reports of military pillaging in Mbuji-Mayi (Eastern Kasai), where soldiers have been attempting to force recalcitrant Kasaian merchants to accept the Mobutu government's new currency.

The humanitarian situation remains bleak, although USAID's Bureau for Food and Humanitarian Assistance and Bureau for Africa has developed a strategy to meet the urgent needs on the ground in Zaire. USAID estimates that there are more than 3 million persons in Zaire at risk from malnutrition (2 million in the Kinshasa region alone). As a result of inter-ethnic violence, principally in North Kivu, the Kasais, and Shaba, more than 750,000 people have been driven from their homes and businesses.

We have had disturbing reports from Shaba that local and provincial authorities have ordered the forced removal of already displaced Kasaians living in squalid transit camps near the town of Likasi. The Deputy Chief of Mission from our Embassy in Kinshasa traveled in late December to the area to investigate

the reports, and to lodge a strong protest with the Shaban authorities. Similarly, our Charge has made a demarche to a senior Shaban political figure in Kinshasa, and to President Mobutu's security advisor, condemning the action.

At present, the United States provides only emergency humanitarian assistance in Zaire, working exclusively with international NGO's (Catholic Relief Services, World Vision, Doctors without Borders/Belgium). The bulk of these resources are being used to assist the displaced populations in Shaba and Kasai provinces. In the 1993 fiscal year, the U.S. provided approximately 7 million dollars in humanitarian assistance. It is likely that U.S. humanitarian assistance in Zaire will approach 10 million dollars this fiscal year.

The United States suspended development assistance to Zaire in 1991 due to Brooke Amendment sanctions, and the USAID mission in Kinshasa will close in early 1994. After the closure, however, humanitarian programs in Zaire will be monitored by a USAID-funded personal services contractor. USAID relief activities should not be constrained by this transition since funding is channeled primarily through NGO's.

TRIBUTE TO MARINE VICTOR C. FISHER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. WALSH. Mr. Speaker, I rise today to honor a fellow central New Yorker, Victor C. Fisher, who has been selected as the 1992 Marine of the Year by the National Marine Corps League.

Marine Victor Fisher has proven himself capable and dedicated to the Corps League since he began service in 1963. Throughout his career he has been an inspiration locally, to his fellow workers, and to his community as a whole.

He initiated the Star Spangled Banner project, which educates the public on proper care and display procedures for our Nation's flag. He is a constant helper with the Marine Corps Reserves annual Toys for Tots campaign, and State Children's Hospital's doll collecting drive and the American Cancer Society's annual fundraiser.

Marine Fisher has been awarded the Chapel of Four Chaplains Bronze Medallion for exemplary individual commitment to religious, cultural, and racial understanding and to the cause of world service and world peace.

He is a remarkable human being who has served his community, and our great Nation, very well indeed.

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. SMITH of New Jersey. Mr. Speaker, I would venture to say that there is no person, man or woman, on this Earth, more admired by more people than Mother Teresa of Calcutta. Inspired by God to found the Missionaries of Charity, her sisters are known for their acts of kindness, their service, and their profound love for the poorest of the poor in 105 countries throughout the world. Thousands of compassionate women have been inspired by Mother Teresa to give their lives over to serving the sick and dying.

I doubt if even Joycelyn Elders could face Mother Teresa and tell her to get over her "love affair with the fetus" and accuse her of being a "non-Christian Christian" who only cares about children before birth.

Today we were blessed to have Mother Teresa present in our Nation's Capital speaking at the National Prayer Breakfast. No one could listen to her and not feel that—in this small, frail, humble woman—there stood a powerful messenger sent from God to speak to a Nation gone astray. In particular, her remarks to Mr. Clinton hearkened back an Old Testament prophet admonishing the king, or John the Baptist before Herod. She challenged Mr. Clinton to rethink his current position in support of abortion—the destruction of unborn children—and reclaim his former position of opposition to abortion.

We can only hope and pray that, while his lips were repeating the words of Scripture, his heart had been enkindled with the love that is the essence of the Word of God, the love for the unborn about which Mother Teresa spoke.

I ask that her remarks be reprinted at this point in the RECORD.

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME—MOTHER TERESA OF CALCUTTA

On the last day, Jesus will say to those on His right hand, "Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me." Then Jesus will turn to those on His left hand and say, "Depart from me because I was hungry and you did not feed me, I was thirsty and you did not give me to drink, I was sick and you did not visit me." These will ask Him, "When did we see You hungry, or thirsty or sick and did not come to Your help?" And Jesus will answer them, "Whatever you neglected to do unto one of the least of these, you neglected to do unto me!"

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and His life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether 800 years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace—so we will pray it together.

Let us thank God for the opportunity He has given us today to have come here to pray together. We have come here especially to pray for peace, joy and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what is that good news when He said: "My peace I leave with you, My peace I give unto you." He came not to give the peace of the world which is only that we don't bother each other. He came to give the peace of heart which comes from loving—from doing good to others.

And God loved the world so much that He gave His son—it was a giving. God gave His son to the Virgin Mary, and what did she do with Him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary—Jesus brought peace to John the Baptist who leapt for joy in the womb of Elizabeth.

And as if that were not enough, as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the Cross to show that greater love. He died for you and for me, and for that leper and for that man dying of hunger and that naked person lying in the street, not only of Calcutta, but of Africa, and everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as He loves each one of us. Jesus gave His life to love us and He tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly: "Love as I have loved you."

Jesus died on the Cross because that is what it took for Him to do good to us—to save us from our selfishness in sin. He gave up everything to do the Father's will—to show us that we too must be willing to give up everything to do God's will—to love one another as He loves each of us. If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we too must give to each other until it hurts.

It is not enough for us to say: "I love God," but I also have to love my neighbor. St. John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no true love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in His image for greater things, to love

and to be loved. We must "put on Christ" as Scripture tells us. And so, we have been created to love as He loves us. Jesus makes himself the hungry one, the naked one, the homeless one, the unwanted one, and He says, "You did it to Me." On the last day He will say to those on His right, "whatever you did to the least of these you did to Me, and He will also say to those on His left, whatever you neglected to do for the least of these, you neglected to do it for Me."

When He was dying on the Cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the thirst of everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them—maybe. I saw that in that home these old people had everything—good food, comfortable place, television, everything, but everyone was looking toward the door. And I did not see a single one with a smile on the face. I turned to Sister and I asked: "Why do these people who have every comfort here, why are they all looking toward the door? Why are they not smiling?"

I am so used to seeing the smiles on our people, even the dying ones smile. And Sister said: "This is the way it is nearly every day. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten." And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our families, or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home and we must also remember that 'the future of humanity passes through the family.'

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was: 'Because there is no one in the family to receive them.' Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So the children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin. These are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even His life to love us. So, the mother who is thinking of abortion, should be helped to love, that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts.

By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And, by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today—abortion which brings people to such blindness.

And for this I appeal in India and I appeal everywhere—"Let us bring the child back." The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this year of the family we must bring the child back to the center of our care and concern. This is the only way that our world can survive because our children are the only hope for the future. As older people are called to God, only their children can take their places.

But what does God say to us? He says: "Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand." We are carved in the palm of His hand; that unborn child has been carved in the hand of God from conception and is called by God to love and to be loved, not only now in this life, but forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals and police stations: "Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble: "Come, we will take care of you, we will get a home for your child." And we have a tremendous demand from couples who cannot have a child—but I never give a child to a couple who have done something not to have a child. Jesus said, "Anyone who receives a child in my name, receives me." By adopting a child, these couples receive Jesus but, by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child. From our children's home in Calcutta alone, we have saved over 3000 children from abortion. These children have brought such love and joy to their adopting parents and have grown up so full of love and joy.

I know that couples have to plan their family and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self and so it destroys the gift of love in him or her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. And this is what happens when we tell people to practice contraception and abortion.

The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching her natural family planning and said: "You people who have practiced chastity, you are the best people to teach us natural family planning because it is nothing more than self-control out of love for each other." And what this poor person said is very true. These poor people may have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich.

When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society—that spiritual poverty is much harder to overcome. And abortion, which often follows from contraception, brings a people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.

Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: "You take care of the other three; I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: "thank you"—and she died.

I could not help but examine my conscience before her. And I asked: "What would I say if I were in her place?" And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: "I am dying, I am cold, I am in pain," or something. But she gave me much more—she gave me her grateful love. And she died with a smile on her face. Then there was the man we picked up from the drain, half eaten by worms and, after we had brought him to the home, he only said, "I have lived like an animal in the street, but I am going to die as an angel, loved and cared for." Then, after we had removed all the worms from his body, all he said, with a big smile, was: "Sister, I am going home to God"—and he died. It was

so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in Scripture. "Even if a mother could foreget the child in her womb—something impossible, but even if she could forget—I will never forget you.

And so here I am talking with you. I want you to find the poor here, right in your own home first. And begin love there. Begin that good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said: "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger. I don't know if you have every seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her. "Where did you go? What did you do?" And she gave me a very simple answer: "They are hungry also." What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point—that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts—with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me: "Are you married?" And I said: "Yes, and I find it sometimes very difficult to smile at my spouse, Jesus, because He can be very demanding—sometimes." This is really something true. And there is where love comes in—when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is travelling everywhere—and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the travelling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven.

If we remember that God loves us, and that we can love others as He loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you!

TRIBUTE TO THE LIMA-ALLEN COUNTY NAACP

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. OXLEY. Mr. Speaker, today, my best wishes and support go to the Lima-Allen County, OH, branch of the NAACP, as its members are making their final preparations for a radiothon, planned for February 12. The Lima-Allen County branch will on that day join with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment. In Lima, the broadcast will take place from 10 a.m. to 5 p.m.

As part of the effort, NAACP membership Sunday will be held in 26 area churches this coming Sunday. The group has received sponsorship from a number of prominent companies and organizations, including Bank One, Value City, and the Troy-Lima CAP Council.

Alice M. Turner is president of the branch, and my friend Malcolm McCoy, deserves recognition for his work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on young people in Lima and Allen County.

OLD BOSTON THEATER

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. KENNEDY. Mr. Speaker, it has been said, "All the world's a stage." This can certainly be said of the Federal Street Theater, known as Old Boston, which made Boston a permanent home for theatrical performances.

Prior to 1793, much of New England was encompassed by Federal and State acts prohibiting stage-play and their attendance. Attempts to have the Massachusetts ban of 1750 repealed were met with stiff opposition, including that of Samuel Adams. In 1792, a makeshift exhibition room, later called the board alley was opened for several weeks despite the ban. However, it was not until after the ban was lifted in 1793 that many consider the beginning of Boston's dramatic history to have properly begun with the opening productions of "Gustavus Vasa" and "Modern Antiques" on February 3, 1794, at the theater on Federal Street, later called Old Boston, this country's first playhouse designed by a native born professional architect.

The trustees selected Charles Stuart Powell as the sole manager of the theater and contracted with a young aspiring professional architect named Charles Bulfinch to design the playhouse at the corner of Federal and Franklin Streets.

Mr. Speaker, it is at this time that I would like to recognize the contribution of Charles Bulfinch, not only for the Old Boston and its reconstruction after the fire of 1798, but also because this is the 175th anniversary of his being appointed by President James Monroe as the 3d Architect of the Capitol. It was Charles Bulfinch who was responsible for constructing the wooden and lower walls of the Capitol which we now know as the Rotunda.

Mr. Bulfinch, in his plans for the Old Boston introduced an important feature not found even in English playhouses of that time. He used the cantilever principle, which made it possible for those in the pit to see the stage instead of the columns which would otherwise obstruct their view.

To encourage attendance the trustees set a high standard for music by selecting the respected Alexander Reingale as musical director. Col. John S. Tyler, brother of Royall Tyler, served as master of ceremonies and personally escorted patrons to their seats.

An early chronicler of the Boston stage wrote:

> Over the columns a cornice and a balustrade were carried across the opening; above was painted a flow of crimson drapery and the arms blended with emblems tragic and comic. A ribbon decending from the arms bore the motto "All the world's a stage."

Mr. Speaker, it is this likeness with the arms, blended images and motto that the Committee for National Theater Week has had approved by the U.S. Postal Service in Boston to use as a pictorial cancellation in recognition of the bicentennial of this historic theater.

INTRODUCTION OF H.R. 3785, THE VIDEO GAME RATING ACT OF 1994

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. LANTOS. Mr. Speaker, I rise today to introduce the Video Game Rating Act of 1994, which would establish a video game rating system to help parents differentiate between simple action oriented video games and gratuitously violent and sexually explicit games. This legislation would set up an independent agency to work with the video game industry to create a system for providing parents and other purchasers with information about graphic violence or sexually explicit material contained in some video games. After 1 year, if the video manufacturers refuse to establish a ratings system, or act inadequately, the Commission will set up its own rating system or warning label and require video games to carry the information.

In the wake of strong congressional criticism and the American public's anger over increasingly violent and sexually explicit video games, the video game industry is trying to develop its own rating system. This legislation is being introduced in case the industry fails to act in a quick and credible way by providing important consumer information to help parents monitor their children's games.

Video games can be more violent than television or film because they can make players feel as if they are actually participating in the action. Experts can debate whether violence in entertainment causes brutality in society or merely reflects it. But there is a no dispute that graphic images of mayhem, mutilation, and murder encourage children to view violent activity as a normal part of life, and that interactive video violence desensitizes children to the real thing.

Games such as "Mortal Kombat," which allows a victor to kill the loser by tearing out his heart, by electrocuting him, by pulling his spine out or by decapitating him, and "Night Trap," where three men in black masks burst into the bedroom of a woman in a flimsy negligee, then drag her off and hold her down while a fourth attacker plunges an electric drill in her neck, are not appropriate for young children. The Video Game Rating Act would require video games to carry an informative and easily read rating or warning label so that parents can immediately tell whether a game is appropriate for their children. Consumers can send manufacturers a strong message about violent video game content through their buying choices, but parents need to know what they're buying. Prominent warning labels will help them get that information.

This legislation is not a substitute for other important efforts to reduce the epidemic levels of violence in society. There are many complex factors that contribute to violence. But violence in the entertainment industry is part of the problem—and it can be part of the solution. Just this week, the broadcast and cable industries took steps to curb violence on television and provide viewers with warning ratings. The bill I am introducing today—the Video Game Ratings Act for 1994—will ensure that the video game industry will also act to provide parents with more consumer information.

Other steps are needed, however. For instance, a voluntary ratings system is not a complete solution if retailers continue to sell games meant for an older audience to a younger child. And parents must use the information provided in warning labels to set their own standards and pay closer attention to what games children are playing.

Mr. Speaker, I urge swift consideration and enactment of this important legislation so that parents wil be able to easily determine whether video games they buy are appropriate for their young children. Mr. Speaker, I respectfully request that the text of this bill be introduced into the RECORD in its entirety.

H.R. 3785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Video Game Rating Act of 1994".

(b) PURPOSE.—The purpose of this Act is to provide parents with information about the nature of video games which are used in homes or public areas, including arcades or family entertainment centers.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the terms "video games" and "video devices" mean any interactive computer game, including all software, framework and hardware necessary to operate a game, placed in interstate commerce; and

(2) the term "video game industry" means all manufacturers of video games and related products.

SEC. 3. THE INTERACTIVE ENTERTAINMENT RATING COMMISSION.

(a) ESTABLISHMENT.—There is established the Interactive Entertainment Rating Commission (hereafter in this Act referred to as the "Commission") which shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) MEMBERS OF THE COMMISSION.—(1)(A) The Commission shall be composed of 5 members. No more than 3 members shall be affiliated with any 1 political party.

(B) The members shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate 1 member as the Chairman of the Commission.

(2) All members shall be appointed within 60 days after the date of the enactment of this Act.

(c) TERMS.—Each member shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) COMPENSATION OF MEMBERS.—(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Chairman, Interactive Entertainment Rating Commission.".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Members, Interactive Entertainment Rating Commission.".

(3) The amendments made by this subsection are repealed effective on the date of termination of the Commission.

(f) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(h) FUNDING.—There are authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act, such sums to remain available until December 31, 1996.

(i) TERMINATION.—The Commission shall terminate on the earlier of—

(1) December 31, 1996; or

(2) 90 days after the Commission submits a written determination to the President that voluntary standards are established that are adequate to warn purchasers of the violent or sexually explicitly content of video games.

SEC. 4. AUTHORITY AND FUNCTIONS OF THE COMMISSION.

(a) VOLUNTARY STANDARDS.—(1) The Commission shall—

(A) during the 1-year period beginning on the date of the enactment of this Act, and to the greatest extent practicable, coordinate with the video game industry in the development of a voluntary system for providing information concerning the contents of video games to purchasers and users; and

(B) 1 year after the date of enactment of this Act—

(i) evaluate whether any voluntary standards proposed by the video game industry are adequate to warn purchasers and users about the violence or sexually explicit content of video games; and

(ii) determine whether the voluntary industry response is sufficient to adequately warn parents and users of the violence or sex content of video games.

(2) If before the end of the 1-year period beginning on the date of enactment of this Act, the Commission makes a determination of adequate industry response under paragraph (1)(B)(ii) and a determination that sufficient voluntary standards are established, the Commission shall—

(A) submit a report of such determinations and the reasons therefor to the President and the Congress; and

(B) terminate in accordance with section 3(i)(2).

(b) REGULATORY AUTHORITY.—Effective on and after the date occurring 1 year after the date of the enactment to this Act the Commission may promulgate regulations requiring manufacturers and sellers of video games to provide adequate information relating to violence or sexually explicit content of such video games to purchasers and users.

SEC. 5. ANTITRUST EXEMPTION.

The antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 45) and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the video game industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to provide appropriate information regarding the sex or violence content of video games to purchasers of video games at the point of sale or initial use or other users of such video games. The exemption provided for in this subsection shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

TRIBUTE TO JOSEPH O. MORRISSEY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. CLAY. Mr. Speaker, on Nov. 17, 1993, my dear friend Joseph (Joe) O. Morrissey, Jr., completed his life's journey. Although my heart was deeply saddened by his death, I felt fortunate to have had the opportunity to know him because he was a great humanitarian and teacher.

Joe Morrissey believed in academic excellence and was committed to helping those less fortunate than himself. He was dedicated to scholarship and service and constantly brainstormed for new and better ways to open the doors of opportunity for the future leaders of America. One of the products of this dedication was his commitment to the William L. Clay Scholarship and Research Fund.

I can remember the day when Joe and I were discussing the problems many academically promising students face when confronted with the costs of higher education. I shared with him some of my experiences as a member of the Education and Labor Committee and he told me stories about young people that he had met during his many years as president of the Broadmoor Group in St. Louis. The William L. Clay Scholarship and Research Fund was born that day. Joe's leadership as chairman of the board of directors and his generous financial support assisted 56 students in securing access to higher education.

Many people including myself, were touched by Joe Morrissey's worldly experiences and his brilliant mind. One of my treasured collections contains the many notes of wisdom he frequently sent to me and the wonderful anecdotes he shared with me during our visits.

Joe Morrissey indeed lived a wonderful life. He was a successful businessman and community activists. However, as he stated numerous times, his greatest success was his family. I would like to share with my colleagues the love he had for his family as recounted by his son, John F. Morrissey.

EULOGY

I knew my father for 36 years, having been born on his 27th birthday. He was not only my father, but also my mentor, my boss and my friend. Like all good fathers, he loved his family and was always there when we needed him. He loved us all—my mother, my brothers, Joe & Jordan and myself, my sisters, Mickey and Becky, and the grandchildren, John, Katie, Julie, Joseph, Christopher and Jamie. He was like the Rock of Gibraltar—big, strong, dependable, and we will miss him.

Many people envisioned him as some sort of gun-blazing maverick who rode in from the Wild West shooting first and asking questions later. But the people who thought that didn't really know him. In truth, he was an optimist, a visionary with a dream and the confidence and diligence to achieve his dream. He always knew that somehow, someway, no matter what the obstacles, he would succeed. But he was also a man of high morals, always striving to do the right thing.

Having been around him all these years, I must say that he was a tremendous salesman—without peer. He was well read and well traveled. He had the ability to go into a room of strangers to talk about a real estate deal and expound on a wide range of topics, from the Pacific Rim to Russian art to black opals in the Australian Outback. Somehow he managed to tie it together, somehow he managed to seal the deal. Certainly, one would have to say he had a good track record.

One particular story he liked to tell was in the early days, 30 plus years ago, when he decided to get into the business of importing Haitian artwork, convinced that he was going to make a fortune. He brought over a whole boatload of "unusual" art and, to his dismay, couldn't give it away. He ended up storing it in my grandparent's basement. Months went by. Finally, my grandfather, who was a very patient man, said he was going on vacation and if that "junk" wasn't gone by the time he returned, he was going to burn it. That meant my father had two weeks to move it. So, as soon as my grandparents left town, he ran an ad in the paper: "Liquidation Sale. Griesedieck Estate. Everything Must Go." The next day, there was a mob scene at 71 Lake Forest. People wanted to buy the furniture, the chandeliers, you name it. "Oh, well that sale is next week" said my father, "this week, we're selling their rare art collection downstairs". Sure enough, he sold every piece.

One of the most endearing qualities of my father was his generosity—to his friends, to family, to schools, to charity and, yes, to politicians. He was generous to a fault. He was always wanting to share his good fortune with others; always willing to lend a helping hand; always giving back to the community.

He had his share of eccentricities. He was the type of person who would don a $1,000 tailored suit, wear exotic rings with stones measured by the pound rather than the carat, and top it off with—a Superfly Hat! But that was he. He was his own man. He did it his way.

He felt very comfortable with people from all walks of life. I remember in 1982, when the Cardinals won the World Series and we were tailgating out of the trunk of the limousine in front of Busch Stadium with Stan-The-Man and friends, drinking beer, whooping it up, having a good time. Out of the blue, some guy wanders up who looked like he'd been dealt a tough hand in life, probably homeless, and asked if he could join our party. To my surprise, my Dad put his arm around him, shook his hand and said, "Sure friend, have a beer".

In his lifetime, my father touched many people. It's hard to imagine this world without him; but his spirit, I believe, lives on.

A LETTER FROM AMYMAE FOSSER

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. OLVER. Mr. Speaker, we all receive scores of letters a week from our constituents. Although every one of them is important, every once and awhile a letter comes across my desk that I find to be especially moving. I recently received a letter from a young constituent of mine, AmyMae Fosser, regarding her older brother in Somalia. AmyMae's letter symbolizes the frustration that so many people feel when a loved one is called away to duty. I would like to share it with my colleagues in

the hope that it will serve as a reminder to all of us of the demands not only on each American service man or woman overseas, but on their families as well. With the permission of AmyMae, this exceptional letter follows:

DEAR CONGRESSMAN OLVER: Hello. My name is AmyMae Fosser of Pittsfield, MA. Can I come to Washington, D.C.? I recently wrote a letter to you from my state senator Jane M. Swift concerning my only older brother SPE Cobra Crew Chief Aaron C. Fosser who is stationed in Somalia and hasn't returned since August. He missed Thanksgiving and Christmas. As a member of the Fort Drumme blah-blah-blah infantry, who had several troops return, he was not among those several. I can't deal with this much longer. I'm so afraid and very worried. I hate feeling this way. I'm happy for Clinton's plan of all troops returning for January of the 2nd week or so but sadly to say my brother won't be among them either.

They want to send him to Korea afterwards. It isn't right, he wants to come home. He's so upset that we went over there and got killed in the first place. We all feel this way. Please understand the awareness I have towards the time and certain rules to follow about all of the safe returns, but not too long ago Aaron was working at hi station (an airforce base) and he'd just stepped off the base when it was shelled. God has been with him and I thank him everyday for that, but you wouldn't believe my mom's reaction. She almost threw a fit. I just wanted to scream at the world, but who's out there to listen? Clinton? Gore?

Just the other day I had this kid say to me, "What's the big deal about Somalia? You could get killed just walking across the street and getting hit by a bus." I turned around and said to him, "No. You can get hit by a bus but that would be tragedy. But when you go to a foreign country and get shot at that is an intentional risk." It didn't make me feel better when I said that—I left and cried. School is getting worse. Half the students don't know why we're in Somalia. Imagine that! I feel like no one's listening. Did you ever get this bad cold where you couldn't talk loud enough but you needed to say something of importance and feel no one can hear you? That's the way I feel.

I just want to make everyone aware of my situation as a junior at Taconic High School in Pittsfield, Massachusetts, having a brother in battles in a foreign country and to explain the extra pressure I receive from this part of my life. I just want people to live up to their name: Americans. And to support our military forces for saving our behinds and risking their own! Please help me and my family.

With much gratitude,

AMYMAE FOSSER.

Mr. Speaker, I am pleased to be able to report that AmyMae's brother has now come home safely from Somalia, but that he is scheduled for a tour of duty in Korea. I know my colleagues join me in expressing gratitude to Aaron Fosser and to all Americans in uniform for their service. And I would like to thank AmyMae Fosser for reminding us again of the importance of supporting our military forces and their families.

REMEMBERING DR. BARKLEY MOORE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. ROGERS. Mr. Speaker, the people of Kentucky and the Nation lost one of its most revered educators and servants when Dr. Barkley Moore, of Clay County, passed away on Tuesday, January 25.

For nearly 22 years, Dr. Barkley earned numerous accolades for his leadership of the Oneida Baptist Institute, where he served as president and chief booster. Dr. Barkley's roots at Oneida go back many, many years, to the days of Barkley Moore the student, a Michigan native whose love for our mountain community led him to make it his home, and to many years of dedicated service. Upon becoming its president some 14 years later, Dr. Moore worked tirelessly to make the Oneida Baptist Institute a model school, with unquestioned success.

I first knew Barkley Moore while we both attended the University of Kentucky School of Law. It was shortly after that period when Barkley embarked to provide many years of inspirational service in the U.S. Peace Corps. His 8 years in the Peace Corps is the longest of any other volunteer. Clearly, Barkley Moore's strength and humanity extended well beyond the boundaries of eastern Kentucky.

But Barkley Moore's greatest contributions have been to our children. Teaching by example, Dr. Moore has shown generations of young people that hard work, devotion to community, and service to God are the most honorable and everlasting pursuits.

Those of us who knew Barkley, and marveled at his work, can be thankful for his fellowship, intellectual strength, and faithful leadership. For all these reasons, he will be sorely missed.

INTRODUCTION OF CONGRESSIONAL REFORM BILL

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. DREIER. Mr. Speaker, today the House chairman of the Joint Committee on the Organization of Congress introduced legislation incorporating our panel's reform recommendations. Regrettably, for two reasons, I cannot join Mr. HAMILTON as a sponsor of the bill at this time.

First, the bill falls far short of what can reasonably be considered comprehensive reform. Second, there is every indication that the Democrat leadership is planning to deny every member an opportunity to vote on comprehensive reform.

Given these circumstances, it is important that the Democrat leadership provide assurances that the bill will be considered under a bipartisan process that, at a minimum, allows amendments on all of the major reform areas. Should such an assurance be forthcoming, I will happily join as a cosponsor of the legislation. It is essential that we move the reform process forward in a bipartisan fashion.

Despite the partisan turn-of-events by House Democrat leaders, LEE HAMILTON has my admiration for the exceptional job he did in bringing the Joint Committee's work to completion under difficult circumstances. From beginning to end, Chairman HAMILTON has been steadfastly committed to the reform process, and it has been a pleasure working with him.

I particularly appreciate the assurances he gave last year that he would push for a generous rule so that all of the major reform proposals can be fully debated in the House. If successful, these efforts will lead to the approval of the first major restructuring of Congress in nearly 50 years. I look forward to working with Chairman HAMILTON to achieve that goal.

At this time, the bill does not reflect the consensus of the House of Representatives. In testimony and in surveys, the demand for comprehensive reform among Democrats and Republicans has been overwhelming. Every Member has the right to vote on each of the reform questions left unanswered by this legislation.

The following is my evaluation of the positive and negative aspects of the reform plan. As the legislation moves through the Rules Committee and on to the House floor in the coming months, I look forward to working with my colleagues on amendments to make the plan bipartisan and comprehensive.

TALKING POINTS ON HOUSE RECOMMENDATIONS JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

A. POSITIVE REFORMS

1. Committee and Subcommittee Assignments

Member assignments would be limited to no more than two standing committees and four subcommittees. Waivers would require approval of the House upon the recommendation of the respective party caucus. This addresses the concern that too many assignments undermine the ability of Members to fully deliberate issues in committee.

2. Subcommittee Restrictions

Except the Appropriations Committee, all exclusive and major committees shall have no more than five subcommittees, and all minor committees shall have no more than four subcommittees. This will reduce scheduling conflicts, policy fragmentation, and decentralization of authority.

3. Ethics Committee Fact-Finders

The Ethics Committee would have discretionary authority to use a panel of private

citizens to investigate charges of ethics violations and report recommendations to the full Committee. This will enhance public confidence and alleviate Committee members of the time burdens and conflicts that occur in a self-disciplinary system.

4. Committee Attendance and Voting Records

Each committee would be required to: publish in committee reports rollcall votes on reporting a matter and, in the case of a voice vote, the names of those Members present; and publish in the Record its attendance and voting records at least twice a year. This will create an incentive for Members to attend meetings and formal mark-ups, and will improve deliberation.

5. Biennial Budget

The budget process would be on a two-year cycle, beginning with the 104th Congress. The budget resolution and appropriations bills would be considered in the first session, and authorization bills would be considered in the second session. This will improve committee oversight and planning, and reduce the amount of time devoted to budgeting.

6. Congressional Compliance With Federal Laws

Congress would have to comply with: the Fair Labor Standards Act; Title VII of the Civil Rights Act; Sections 102 through 104 of the Americans with Disabilities Act; Section 15 of the Age Discrimination in Employment Act; and the Family and Medical Leave Act. A House-Senate Office of compliance would study whether additional laws should apply, and issue regulations, subject to House and Senate approval, for enforcement. This provision is different than H.R. 349, the Swett-Shays Congressional Accountability Act, primarily in that it excludes mandatory compliance with OSHA. It is *a step in the right direction*. However, it excludes de novo review by courts and punitive damages.

B. ILLUSORY "REFORMS"

1. Multiple Referrals

The committee report does not require the Speaker to take any action to eliminate multiple referrals. The Speaker is simply urged, "if Speaker is simply urged, "if practicable," to initially designate a primary committee whenever a matter is referred to two or more committees, and subsequently place time limits on other committees after the primary committee reports. This does little to end ambiguous and confusing jurisdictional problems, and is little different than current Rule X.

2. Elimination of Committees

The report does not establish a process to eliminate committees. It requires the Rules Committee to reconsider a resolution to eliminate a committee if its membership falls below 50 percent of the number of members serving on that committee at the end of the 103rd Congress. The Rules Committee should be required to report such a resolution for consideration.

3. Earmarks in Committee Reports

The current requirement (Clause 3 of Rule XXI) that specific earmarks contained in appropriations legislation be listed in the appropriate committee report in extended to authorization and tax bills. This would cover provisions that distribute funds below the appropriations account level, authorization expenditures for items below the appropriations account level, and tax expenditures which reduce the tax burden on particular businesses or individuals. By not identifying earmarks in the bill, this is merely an informational tool, and does not reduce the ability to use earmarks or reduce the obstacles to removing them from a bill.

4. Motion to Recommit

The Minority would be guaranteed the right to offer a motion to recommit with amendatory instructions if offered by the minority or his designee. While many Democrats contend that this is a major expansion of Minority rights, it is not. The change simply reaffirms the original intent of the rule as adopted in 1909 to guarantee the minority a final amendment to a bill prior to passage.

5. Staff Reductions

The report does not mandate *any* legislative branch staff reductions. Instead a task force would be created to recommend legislative branch streamlining and restructuring from a base of the total number of full-time equivalent positions in the legislative branch on September 30, 1993, a base-line which, according to the Legislative Appropriations Subcommittee, would require no additional cuts in any case.

6. Entitlement Spending Control

Nothing in the report involves any meaningful entitlement spending reform. There is a provision similar to the toothless entitlement spending target provision included in the original House-passed Omnibus Budget Reconciliation Act of 1993 (subsequently deleted in conference), which the President eventually issued as an executive order.

7. Miscellaneous Sense of the House Language

The report contains sense of the House language on a 4-day legislative week, exclusive periods for committee meetings and floor proceedings, staff training and salaries, the availability of reports and information, and alternative debate formats. This language is little more than an admittance by the Joint Committee of their inability provide recommendations on important reform issues.

C. KEY MISSING REFORMS

1. Committee Realignment

There is no committee realignment reform at all. Considering that the Joint Committee devoted more of its time and resources to this issue than any other, it is the most noteworthy failure. Problems with the committee structure, such as duplication, too many assignments, micromanagement of the executive branch and the inability to deal with contemporary problems, were also most often cited by committee witnesses and colleagues. As Norm Ornstein of AEI states: *"The committee system is the linchpin of the deliberative process."* Committee reform is Congressional reform, yet the House Subcommittee rejected, on a 6-6 party-line vote, an amendment to address this issue.

2. Ban On Proxy Voting

Three proposals to reform proxy voting were rejected on a 6-6 party-line vote: (1) a complete ban on proxies, (2) a ban only at the full committee, and (3) a ban on the use of proxies when they affect the outcome of a vote. 19 out of 23 committees in the House permit Members to vote without being present. it's not unusual for the chairman to cast 60 percent of the votes on amendments and legislation reported by these committees. This undermines consensus, the integrity of the committee system, accountability and public confidence in Congress.

3. Committee Staff Ratio

The 1970 Legislative Reorganization Act guaranteed the minority in each committee one-third of statutory committee staff. In 1989, the House Administrative Committee agreed to increase the minority's share of investigative staff funds to one-third. The Democratic Caucus rescinded that directive in 1990, insisting that the minority receive no more than 20 percent of investigative funds, arguing that the minority could rely on the Republican staff resources of the executive branch. In the Senate, there is no distinction between statutory and investigative staff, and a committee's staff reflects the relative number of its majority and minority members. Republicans represent 40 percent of the House membership, which is reflected in most committee ratios. The House Subcommittee rejected, on a 6-6 vote, an amendment to address this inequity.

4. Open Meetings

Current House rules permit committees to close House committee meetings for any reason by majority vote, but close committee hearings only for national security or personal privacy reasons. A majority vote is required to open meetings or hearings to photographic or radio and television coverage. A sunshine amendment to bar closing committee meetings except for national defense or privacy reasons, and to guarantee photographic and broadcast media access to any meeting or hearing open to the public was rejected on a 6-6 party-line and broadcast media access to any meeting or hearing open to the public was rejected on a 6-6 party-line vote.

5. Restrictive Rules

On a 6-6 party-line vote, the House Subcommittee rejected an amendment to inhibit procedural abuses by allowing the minority to offer a substitute rule whenever the Rules Committee reports a rule that restricts the offering of amendments. In the first session of the 103rd Congress (1993), 77 percent of the bills that the Rules Committee sent to the House floor were accompanied by a restrictive rule prohibiting the offering of amendments, gagging Republicans and Democrats (the Rules Committee blocked floor consideration of 160 of 286 Democrat amendments brought before the committee last year). As Ornstein and Mann also note in their "Renewing Congress" report: Restrictive rules "constitute a disregard for minority rights, the rights of individual members, and a dismissal of the constructive role the minority and other dissenters can play in offering alternatives and pointing out flaws in a pending measure."

6. Points of Order Waivers

The Rules of the House were, according to Jefferson's manual, created as a means to

"check and control the actions of the majority" and to protect the minority against abuses of power. In 1993, at least one of the rules of the House was waived on 81 out of 97 rules reported by the Rules Committee. All of the rules of the House were waived on 45 of those rules. On a 6-6 party-line vote, the House Subcommittee rejected an amendment to require a three-fifths vote to waive certain points or order. The majority should be permitted to adopt or alter rules and procedures with a simple majority vote. But once the rules are made, they should not be ignored unless extraordinary circumstances warrant otherwise.

7. Legislative Branch Spending

Between 1968 and 1994, federal government expenditures grew 569%. In contrast, legislative branch spending grew 965%, almost twice the rate. When making tough spending decisions to reduce the deficit, Congress should lead by example. However, the House Subcommittee rejected, on a 6-6 vote, an amendment to reduce legislative branch spending by 25 percent over five years.

8. Abolish Legislative Service Organizations (LSOs)

Currently, 26 caucuses are certified by the House Administration Committee as LSOs. Over the past 10 years, LSOs have spent $34 million in funds provided from members' accounts, of which $7.7 million (22 percent) is unaccounted for. Many argue that LSOs maintain dubious relationships with outside organizations where the line between public money and special interest groups become blurred. Unfortunately, an amendment to eliminate LSOs (except the DSG and the Republican Study Committee) but permit them to exist as unofficial organizations was rejected by the House Subcommittee on a 5-7 vote.

THE HEAD START ENHANCED PARENTAL INVOLVEMENT AND FAMILY LITERACY ACT OF 1994

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. GOODLING. Mr. Speaker, today I am pleased to introduce, along with SUSAN MOLINARI and other colleagues, the Head Start Enhanced Parental Involvement and Family Literacy Act of 1994.

This bill is a continuation of our efforts to improve the quality of Head Start services, which recently have been shown to be lacking in many ways. When it comes to Heart Start, I have always been a firm believer in the cliche: Quality over quantity. And I think that this legislation which we are introducing today will go a long ways toward improving the quality of the program, which has suffered as a result of the push to continually increase the numbers of children served.

I am confident that this bill will improve quality, because it is directed at the resource that is limitless with regard to furthering a child's education, and which will continue on once the child has left Head Start. I am talking about parents.

I know the parental involvement component of Head Start is one of the pillars upon which the program was founded, and that parents that take advantage of it are positively affected by it. But we must do more, because for every parent that does get involved there is one who doesn't. And so, this bill will require Head Start programs to take measures to increase the level of parental involvement so that Head Start will become a truly intergenerational program.

Mr. Speaker, I originally wanted to place the requirement to get involved upon the individual parent, instead of on the program. I still feel that this is the way to go, because it is time that we make these parents, who receive the benefit of enrolling their children in Head Start, step-up and take responsibility for rearing and educating their children.

This is, however, a reauthorization year for Head Start, and we are currently negotiating with the administration on the possibility of a bipartisan reauthorization bill and we want to make sure that some provisions regarding enhancing parental involvement are included in that reauthorization bill. Requiring programs to seek parental involvement is the common ground upon which everyone can agree, and so we have incorporated that concept into this bill. I want to make it clear, however, that I, or perhaps one of my colleagues, may attempt to amend the reauthorization package at a later stage to shift the requirement to the parents.

Beyond enhancing parental involvement, this bill also injects the notion of family literacy into the Head Start statute for the first time. As the primary congressional supporter of Even Start, the Federal family literacy program, I am convinced that this type of service would further improve the quality of Head Start programs.

Family literacy is an approach to breaking the pattern of undereducation and poverty in the nation that is passed on within the families from one generation to the next. It integrates adult literacy instruction and early childhood education to address the needs of the entire family, rather than isolated individuals within it. Family literacy is based on the premise that parents and children can learn together and enhance each other's lives. It restores the family as the center for learning.

When parents and children learn together, an attitude of appreciation and respect for education are modeled for the children that paves the way for school success. At the same time, parents acquire new skills for work and home and a new appreciation of their role as the first teacher of their children. The family is strengthened by supporting the parents as the first and most important teachers of their children, and by developing positive and supportive attitudes about schooling, the work and joy of learning, and the connection between education and the quality of life.

One other aspect of this bill that I want to mention is that, in addition to family literacy, Head Start programs would be required to provide parenting skills training and other activities designed to help parents become full partners in the education of their children. Parenting skills training goes hand-in-hand with the concept of enhanced parental involvement. All parents must cope with the stress of everyday life, and often that stress is greater for low-income parents. Parenting skills training would help these parents look past other problems and concentrate on effective techniques for interacting with their children.

Mr. Speaker, in closing, I want to express my appreciation to Representative MOLINARI for working with me on this important piece of legislation, and to Representatives BARRETT, FAWELL, CASTLE, and MILLER for being original cosponsors.

EMILY TAFT DOUGLAS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. DURBIN. Mr. Speaker, my first job in Government was on the staff of Senator Paul H. Douglas of Illinois. This legendary legislator served the people of Illinois and left a grand legacy to our Nation. Those of us who were fortunate to have known and worked for Senator Douglas come to realize that his strength was enhanced by his wife, Emily Taft Douglas.

Mrs. Douglas was an extraordinary public servant in her own right. She identified closely with the problems faced by common people and she was at home in every corner of our diverse State.

I am sorry to report to the House that Emily Taft Douglas passed away last week. It is fitting that we pause and reflect on the great personal contribution which she made to this House of Representatives and our Nation.

Elected Congresswoman-at-Large in 1944, Mrs. Douglas was the first woman to precede a husband in Congress. She served on the Foreign Affairs Committee and was an active proponent of post-war United Nations Relief and Rehabilitation Agency programs. She introduced legislation for library bookmobiles for rural areas, which was ultimately passed as the Hill-Douglas bill following her husband's election to the U.S. Senate in 1948.

Prior to her election to Congress, Mrs. Douglas was active in the fight against international fascism and was a strong opponent of American isolationism. She served as Illinois Secretary for the League of Women Voters, chaired the League's foreign policy department, and later was executive secretary of the International Relations Center in Chicago.

Mrs. Douglas also enjoyed a part-time career as an author. She wrote "Appleseed

Farm," 1948, a children's book, "Remember the Ladies," 1966, an account of the lives of American women, and "Margaret Sanger," 1970, a pioneer in family planning.

The daughter of sculptor, Lorado Taft, and Ada Bartlett Taft, she also had an interest in the arts. After graduating from the University of Chicago, she studied acting and starred in the Broadway and road company productions of "The Cat and the Canary."

Emily Taft Douglas was truly a pioneer in women's rights and an articulate spokesperson for the less fortunate. Her contribution will be long remembered.

COMMENDING MELLON BANK

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. KENNEDY. Mr. Speaker, today I rise to discuss the important issue of the Community Reinvestment Act [CRA]. As chairman of the House Banking Subcommittee on Consumer Credit and Insurance, I am responsible for overseeing compliance with consumer protection laws, including CRA. CRA requires lenders to serve the credit needs of all communities in which they are chartered to do business. This law requires lenders to provide credit and deposit services to local communities, including low- and moderate-income neighborhoods, consistent with safe and sound practices. It imposes this responsibility in recognition that banks enjoy significant benefits from the Federal Government, including deposit insurance and access to the discount window of Federal Reserve System. A number of institutions have taken steps to further meet their obligations to communities. One of these institutions is Mellon Bank. I would like to submit for the RECORD an editorial, which appeared in the January 25, 1994 edition of the Boston Globe, that describes Mellon Bank's recently announced initiative to provide low-income housing loans in Boston, MA. Mellon Bank is to be commended for this action. Such programs should serve as the rule, not the exception, for banks operating in communities across our country. I look forward to working with Mellon Bank and others to assure that community credit needs are being met in a manner that proves profitable to lenders, and helpful to community residents.

[From the Boston Globe, Jan. 25, 1994]

LENDING STRENGTH TO NEIGHBORHOODS

Even harsh critics of urban banking policies should consider the richness of this contrast:

In the 1950s, members of "the Vault"—Boston's corporate elite—met in secrecy in the boardroom of Boston Safe Deposit & Trust Co. to determine how to protect themselves while the city's job base dwindled and neighborhoods crumbled. Yesterday in Jamaica Plain, officials of the Boston Co. and its leading bank affiliate, Boston Safe Deposit & Trust Co., joined with tenants to unveil a $10 million below-market loan agreement to rehabilitate housing in poor urban neighborhoods.

A mixture of external pressures, business sense and social responsibility is behind the dramatic shift, which will create excellent credit opportunities for low-income families and community development corporations. The loans are part of a $74.3 million agreement between the Pittsburgh-based Mellon Bank Corp. and the Massachusetts Housing Partnership Fund.

Under the state's Community Reinvestment Act, Mellon was required to make the sum available based on its recent acquisition of the Boston Co. But it was the bank's commitment to Greater Boston that created the impetus for the $10 million set aside immediately for community-based nonprofit groups at rock-bottom rates.

The Mellon initiative is especially attractive because it targets existing housing for rehabilitation. As many as 5,000 units across the state will be fitted with new windows, updated heating systems, new roofs and other improvements. Benefits will ripple out to nearby commercial districts when dilapidated or foreclosed residential properties, the haunts of drug dealers and prostitutes, are repopulated with stable families.

Mellon is banking on a winner by targeting affordable housing and teaming up with community activists. Cities await similar initiatives by major banks to stimulate small-business development. When that is accomplished, the corporate elephant will have learned not only to dance but to lead.

THE HEAD START ENHANCED PARENTAL INVOLVEMENT AND FAMILY LITERACY ACT OF 1994

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Ms. MOLINARI. Mr. Speaker, "* * * governments don't raise children; parents do."

Mr. Speaker, these words were spoken last week by President Bill Clinton during his State of the Union Address—and I couldn't agree more. In fact, I'd like to give you the full quote:

We can't renew our country until we realize that governments don't raise children; parents do. Parents who know their children's teachers and turn off the television and help with the homework and teach their kids right from wrong—those kind of parents can make all the difference.

These are very profound words, indeed. I think we all agree that there has been a breakdown in the family structure in this country over the past few decades, and that it's the children that are suffering the most from a lack of parental guidance and nurturing. Well, today we are taking the first step toward reversing this alarming trend by introducing the Head Start Enhanced Parental Involvement and Family Literacy Act of 1994.

Head Start is the largest and most popular Federal early childhood program, and parental involvement has always been an integral and valuable part of the program. But more can be done, and more should be done in order to give these children the greatest benefit of all—a parent who is able and wants to be a full partner in the child's education.

Many parents are already involved in Head Start, and they have numerous success stories. That is great, and it should be continued, but for every Head Start parent who is now involved there is one who is not. And that is what we want to change by introducing this legislation.

This bill would require Head Start programs to develop a plan to seek the participation of Head Start parents, or guardians, in such a way that helps the parents become full partners in the education of their children. This is one way to improve the quality of the overall Head Start program, both in the short-term while the children are in Head Start, and in the long-term after the children move on to school, because the parents will continue to provide the necessary support for their children to succeed academically.

This bill would further require Head Start programs to provide an array of activities for parents which are designed to assist the parents in becoming their children's first teacher. Examples of these activities include: family literacy programs, parenting skills training, volunteering as a teacher's aid, social self-sufficiency training, etc.

The bill would require the Department of Health and Human Services to support these enhanced parental involvement efforts by providing the necessary training and technical assistance to the local Head Start programs.

Finally, the bill would make a Head Start program's success, or lack of success, a measure in determining whether to increase or continue funding that program. The high quality programs will be successful at attracting parental involvement, and it's this type of high quality that we are trying to replicate throughout Head Start.

Mr. Speaker, Head Start is up for reauthorization this year, and as the ranking Republican on the subcommittee with jurisdiction over Head Start I will work to include this and other quality improvement measures into the statute, because we must ensure that Head Start provides the highest quality services available, instead of just throwing large sums of money at expanding the program.

In conclusion, I want to thank my colleague, BILL GOODLING, for his dedication and leadership on the issue of Head Start quality. It is an honor to have worked closely with him on this, and other, legislation that will provide better services for our country's low-income families, both the children and the parents.

PROHIBITING HIGHWAY METRIC REQUIREMENTS

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. ROBERTS. Mr. Speaker, in recent weeks my constituents throughout rural Kansas have become increasingly aware and concerned with a minor provision of the previously enacted 1988 Omnibus Trade and Global Competitiveness Act of 1988. This law and the accompanying Presidential Executive Order 12770 are intended to improve the U.S. trade position worldwide by conforming weights and measurements to international standards. However, a certain provision of this act allows the Federal Highway Administration the authority to require State governments to convert highway signs to metric. The FWHA is preparing to enact such requirements that would be implemented on January 1, 1996.

I strongly support efforts to make the United States more competitive in global trade. However, I believe this proposal has little or nothing to do with U.S. trade and should not be pursued. For that reason, I have introduced H.R. 3766, a bill to prevent any Federal agency or department from requiring the conversion of highway signs to metric units.

I do not oppose industrial conversion to metric. I am keenly aware of the importance of global economics and the future of the United States. However, we must ask ourselves, "Are our constituents demanding such a change in highway measurements that would cost millions of dollars?"

In addition, I would call to my colleagues' attention that is this proposal is allowed to be put into effect, the multimillion dollar price tag for conversion would be forced upon their State and local governments—yet another Federal unfunded mandate. Existing Federal law prohibits the use of Federal funds to pay for such sign conversions. If local and State governments wish to implement such a metric program with their revenues, they already have the authority without the proposed FWHA requirement.

I urge my colleagues to support my bill, H.R. 3766, and avoid implementation of this unfunded mandate.

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INTRODUCTION OF THE RECREATIONAL BOATING SAFETY IMPROVEMENT ACT OF 1994

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. TAUZIN. Mr. Speaker, I rise today to introduce H.R. 3786, a bill to improve recreational boating safety. This comprehensive, bipartisan bill is the result of a concerted effort by many organizations involved in boating safety to recommend improved Federal laws and funding. H.R. 3786 combines the most important provisions from two bills that Representative JACK FIELDS of Texas and I introduced last session, H.R. 2812 and H.R. 3168, respectively.

I want to thank the Coast Guard, National Transportation Safety Board, National Association of State Boating Law Administrators, Boat Owners Association of the United States, Marine Retailers Association of America, American League of Anglers and Boaters and the National Marine Manufacturers Association for all of their help and comments during the development of this legislation.

Like the legislation introduced last session, H.R. 3786 will create a Federal requirement for the mandatory wearing of lifejackets for children, encourage States to adopt important boating-while-intoxicated laws, require the Secretary of Transportation to submit a plan to increase reporting of vessel accidents to State law enforcement officials, and require boating safety violators to take a boating safety course.

First, H.R. 3786 establishes a Federal requirement for children 12 years of age and under to wear Coast Guard approved personal floatation devices on recreational vessels under 26 feet on an open deck. Boating is an inherently dangerous activity even for experienced, qualified and mature individuals. Children who are often less-skilled, physically and emotionally immature, and generally unable to care for themselves require protection. In July of 1993 a boating accident occurred in Arkansas which tragically illustrated the problem. Five of the seven victims were children ranging in age from 18 months to 10 years, none of whom were wearing lifejackets. Lifejackets could have saved these innocent lives.

Second, H.R. 3786 encourages States to adopt uniform boating-while-intoxicated [BWI] laws beginning in fiscal year 1998 by providing incentive funding to those States with adequate BWI laws. In 1998, the State boating safety program will receive an additional $10 million dollars of new funding from the Clean Vessel Act of 1992. As introduced, the $10 million would be divided into two pools. The first $5 million would be available to States that have either a blood alcohol concentration [BAC] standard of .10 or less, or have a behavioral standard for evidence of intoxication. The second $5 million would be distributed to States that have enacted implied consent laws.

Third, H.R. 3786 requires the Secretary of Transportation, in consultation with appropriate State agencies, to submit to the Congress a plan to increase reporting of vessel accidents to appropriate State law enforcement officials. Since accident data analysis is incomplete due to a lack of properly submitted accident reports, this legislation establishes a $1,000 Federal civil penalty for failing to submit a vessel accident report to State authorities.

Finally, H.R. 3786 requires that individuals found to be operating a vessel in a negligent manner or under the influence of drugs or alcohol to complete a boating safety course. Additionally, this legislation provides Coast Guard hearing officers with the authority to require boating safety courses in lieu of or in addition to a civil penalty where a person has been found to be in violation of less serious Federal boating safety laws. The Secretary will be given the responsibility to develop regulations that identify approved boating safety courses.

H.R. 3786 will greatly improve the ability of States and the Coast Guard to protect the safety of thousands of Americans who enjoy boating on our Nation's waterways. As a strong supporter of boating safety, I am confident that passage of this new legislation will save countless children's lives, take drunk boaters off the water, provide for better accident reporting, and educate those who violate our boating safety laws.

DONALD M. PAYNE, JR.—A HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pleasure to acknowledge a heroic deed of one of my closest constituents, my son Donald, Jr. On Wednesday, January 19, 1994, Donald prevented what could have been the tragic injury or death of a young child. At about 10 a.m. a woman pulled up to an exact change toll machine on the New Jersey Garden State Parkway. As she tossed her coins toward the machine they bounced and missed the machine. She then got out of the car to retrieve the money and the car began to roll along without a driver—and with a young girl inside. Donald, Jr. saw the car and a woman trotting along after it. It frightened him, but he hit the door of the toll booth where he was stationed, hopped the wall and started running after the car. After sprinting about 250 feet Donald, Jr. hopped inside the car, hit the brake and put the car in park. The woman ran up a moment later and asked her daughter if she was frightened and she said no. It was if

she had been on a ride at an amusement park. She was not hurt at all.

Mr. Speaker, it is every parent's pride and joy to see their child for the first time. When you first glimpse at that face, so many thoughts and emotions flood your very being. You're grateful that the child is healthy, you pray that you do a good job as a parent, you hope that the values you instill in this child will follow him throughout life, and you wish you are there for all of the important times in the life of this being.

I am a fortunate father. I have witnessed time and time again, the caring, compassionate, and unbiased spirit that is embodied in my son. It did not take this recent action for me to realize what a wonderful man Donald M. Payne, Jr. is, but it gives me an opportunity to let others know how important the parent-child relationship is and that the seeds sown early in life will sprout someday.

Mr. Speaker, I hope my colleagues will join me as I congratulate my son, Donald J. Payne, Jr. for being a caring human being.

MARTI, INDEPENDENCE LEADER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, on January 28, Cubans celebrated another anniversary of the birth of Jose Marti, the father of Cuban independence.

Marti fought for the independence of his motherland and for the freedom of his fellow Cubans, giving his life at Dos Rios for both.

A writer and a poet, Marti left a profound impression not only on history but on literature, as he was also one of the leaders of literature's Modernist movement.

For all his great virtues, we pay tribute to Jose Marti in this, the 140th anniversary of his birth.

ADDITIONAL COSPONSORS TO TELECOMMUNICATIONS INFRASTRUCTURE LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. MARKEY. Mr. Speaker, on November 23, 1993, I along with Representative JACK FIELDS, ranking Republican, of the Subcommittee on Telecommunications and Finance, and 13 of my subcommittee colleagues introduced H.R. 3636, the National Communications Competition and Information Infrastructure Act of 1994. Representatives RICK BOUCHER, OXLEY, BRYANT, MOORHEAD, HALL, BARTON, RICHARDSON, HASTERT, LEHMAN, GILLMOR, and SCHENK joined us as original cosponsors—representing a majority of the subcommittee members from both sides of the aisle in support of this landmark communications legislation. This bill also has been endorsed by Vice President GORE and the representatives of the Clinton administration.

Today, I am pleased to announce that Representatives JOSEPH MOAKLEY, BARNEY FRANK of Massachusetts, GERRY STUDDS, DAVID LEVY, GARY FRANKS of Connecticut, RONALD MACHTLEY, JOHN OLVER, MARTY MEEHAN, PETER BLUTE, and JOHN MCHUGH will join us in cosponsoring H.R. 3636. I commend my colleagues for their vision in recognizing the importance this legislation has in bringing home the advanced digital communications age.

The National Communications Competition and Information Infrastructure Act of 1993 helps deliver the promise of the information superhighway, a seamless network of networks capable of transporting vast amounts of information. This promise is quickly becoming a reality, with all segments of society willing to contribute to the building of the information superhighway. In addition, President Clinton set forth this goal in his State of the Union Address, "I call on Congress to pass legislation to establish that information superhighway this year."

This legislation promotes a national communications infrastructure by encouraging the deployment of advanced communications services and technologies through competition, while also safeguarding ratepayers and competitors from anticompetitive abuses. H.R. 3636 will permit the telephone companies into the cable industry thus creating competition in the multichannel video environment. Second, this bill will provide competition in the local telephone market by requiring that the local exchange carriers provide interconnection and equal access to their telephone networks to any competitors, including cable companies, seeking to provide telephone service. Finally, H.R. 3636 preserves and enhances the fundamental principle of universal service which has been the cornerstone of our communications policy since 1934, when the first comprehensive piece of communications policy was crafted. Universal service is the widespread availability of affordable telephone service to all Americans. We need to embrace this principle in the advanced information age in order to ensure that one consumer is not limited to party line phone service while another consumer is enjoying the luxury of video teleconferencing.

It is important to note that this bill delivers more than just the latest Arnold Schwarzenegger movie or the latest U2 video. It promises the construction of seamless digital network, whereby any book in the Library of Congress can be called up on a computer to be read by someone in Albuquerque, NM; and where students in Los Angeles can converse with their peers in Louisiana; and where a doctor at the Massachusetts General Hospital can diagnose a patient living in the Berkshire Mountains, unable to get in town because of another Nor'eastern snow storm.

The Subcommittee on Telecommunications and Finance has begun a marathon of hearings examining the various components of this legislation, as well as H.R. 3626, the Antitrust Reform Act of 1993, introduced by Representatives DINGELL and BROOKS. Last week we welcomed endorsements by representatives of the Clinton administration. This week, in three separate hearings, we examined the issues of interoperability in set-top boxes, telephone entry into cable, and universal service. Next week, we will continue those hearings: on Tuesday, February 8, we will examine Bell Co. entry into the manufacturing and information services markets; on Wednesday, February 9, we will discuss opening the local exchange marketplace to competition; and on Thursday we will examine Bell Co. entry into the long-distance market. Our hope is to have these two pieces of legislation passed favorably out of the full Committee on Energy and Commerce by early March.

I urge my colleagues to join me in sponsoring H.R. 3636, and to bring the information superhighway home to their districts.

INTRODUCTION OF THE TERRITORIAL ADMINISTRATION CESSATION ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1994

Mr. GALLEGLY. Mr. Speaker, in recognition of the significant development of self-governance in the United States' territories, I am introducing the Territorial Administration Cessation Act. It is time to recognize the territories' ability to govern and eliminate an unnecessary Federal office.

There is no longer a need for the bureaucracy which once directly administered the territories and trust territories with appointed Governors for the former and a high commissioner for the latter. The local administrative functions of Government have been assumed by the territories, which now deal directly with Federal agencies and departments like States. The world's last remaining trusteeship is about to end, the United States having met its obligations under the U.N. Charter.

The President of the United States once appointed Governors as heads of territorial governments. These were generally individuals who were not from the islands to be governed.

The appointed Governors worked with the Department of Interior to manage, at varying levels over the years, government operations and the delivery of services. During the past five decades, the territories have assumed the responsibilities of self-governance in the islands. All of the territories now have Governors and legislatures elected by their residents, local court systems, and have developed or have been authorized to develop constitutions. With the exception of the Northern Mariana Islands, the newest member of the American family, each territory is represented in the U.S. Congress by an elected delegate.

The United States has been the administering authority for the U.N. Trust Territory of the Pacific Islands since World War II. For over three decades, the Department of Interior managed the development of infrastructure, the operation of basic services like schools and hospitals, and exercised local government and political control. Slowly these responsibilities were transferred to the peoples of the islands as locally elected constitutional governments emerged. Three-fourths of the Trust Territory was terminated in 1986, relieving the Department of Interior of a substantial portion of their responsibilities.

The last segment of the Trust Territory is Palau in the far Western Pacific. As the people of Palau recently voted to approve the Compact of Free Association with the United States, the trusteeship responsibilities of the United States as administering authority are expected to end.

The Territorial Administration Cessation Act would transfer the remaining residual administrative responsibilities of the Office of Territorial and International Affairs of the Department of the Interior to other Federal agencies. All responsibilities relating to the administration and termination of the Trust Territory of the Pacific Islands and the implementation of the Compact of Free Association would be transferred to the Office of Pacific Island Affairs of the Department of State. Relations with two other former members of the Trust Territory, also governed by Compacts of Free Association with the United States are already within the purview of the Office of Pacific Island Affairs.

All responsibilities of the Office of Territorial and International Affairs relating to technical assistance and operations and management assistance would be transferred to the Economic Development Administration of the Department of Commerce. The EDA has the resources and experience in managing technical assistance and grant programs including assistance to the territories. The current grant level of assistance administered by OTIA is quite small by comparison to that of EDA.

The legislation would reduce the number of Department of Interior Assistant Secretaries authorized by law from six to five. There would no longer be a need for an Assistant Secretary of the Office of Territorial and International Affairs and most other positions associated with that office.

The Territorial Administration Cessation Act would eliminate unnecessary costs, produce savings, and recognize the progressive levels of self-government in the territories. The text of the bill is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Territorial Administrative Cessation Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the people of Palau in the United Nations Trust Territory of the Pacific Islands, known as the Japanese Mandated Islands, have voted to approve the Compact of Free Association with the United States, thereby leading to the end of the trusteeship responsibilities of the United States as administering authority for Palau under the United Nations Charter;

(2) the Secretary of State is responsible for government-to-government relations with the freely associated states of Micronesia and the Marshall Islands;

(3) the United States territories have developed progressively increased local self-government over the past 5 decades;

(4) the territories predominantly deal directly with Federal agencies and departments like a State;

(5) the Department of the Interior's administering responsibilities for the insular areas has declined substantially during the past 5 decades; and

(6) Federal-territorial relations can be enhanced and Federal fiscal conditions improved by the elimination of unnecessary Federal bureaucracy.

SEC. 3. TRANSFER OF RESPONSIBILITIES.

(a) TRUST TERRITORY OF THE PACIFIC ISLANDS.—All responsibilities of the Office of Territorial and International Affairs of the Department of the Interior relating to the administration and termination of the Trust Territory of the Pacific Islands and the implementation of the Compact of Free Association are hereby transferred to the Office of Pacific Island Affairs of the Department of State.

(b) TECHNICAL ASSISTANCE AND OPERATIONS AND MANAGEMENT ASSISTANCE.—All responsibilities of the Office of Territorial and International Affairs of the Department of the Interior relating to technical assistance and operations and management assistance is hereby transferred to the Economic Development Administration of the Department of Commerce.

(c) TERMINATION OF POSITION OF ASSISTANT SECRETARY.—Effective 30 days after the date of enactment of this Act, section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of the Interior (6)" and inserting "Assistant Secretaries of the Interior (5)".