

## SENATE—Thursday, June 23, 1994

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

## PRAYER

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

Let us pray:

In a moment of silence, let us pray for Leila Dais, who works in the dining room, serves in the dining room, on the loss of her father on Father's Day; and for Frank Smonskey, and his loved ones—he is an official reporter—in the tragic death of his great niece and her husband.

*How are the mighty fallen \* \* \*.*—II Samuel 1:25.

Eternal God, as David joined the nation, Israel, in mourning the fall of King Saul, so our Nation has been traumatized by the fall of a great hero. We pray for O.J. Simpson. Whether he is innocent or guilty rests with our system of justice. But our hearts go out to him in his profound loss. Whatever the circumstances, he has got to be hurting deeply. As the wheels of justice slowly grind, may he be comforted by the sense of the presence of the God who loves him.

Give consolation, gracious Lord, to the unnumbered who have been disillusioned by the fall of their idol. We realize that leaders have much farther to fall than followers, and we ask for a special dispensation of grace for this American hero, his loved ones and all who are hurting irreparably by this event.

We ask, too, for Your comfort and consolation to the victims and their families and all those who loved them.

We pray in the name of Him who loved us and gave Himself for us. Amen.

The PRESIDENT pro tempore. The Senate will be in order.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 9:40 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. INOUE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Hawaii.

## ORDER OF PROCEDURE

Mr. INOUE. Mr. President, may Senator MCCAIN and I control 20 minutes?

The PRESIDENT pro tempore. Is there objection to the request? Hearing no objection, it is so ordered.

The Senator from Hawaii will control 10 minutes. Is that the Senator's wish? And the Senator from Arizona will control 10 minutes.

Mr. INOUE. I thank the President.

(The remarks of Mr. INOUE, Mr. MCCAIN, and Mr. WELLSTONE pertaining to the introduction of S. 2230 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. WELLSTONE] is recognized for not to exceed 5 minutes.

Mr. WELLSTONE. Mr. President, it is my understanding I have a bit more time to speak by prior agreement.

The PRESIDENT pro tempore. The Senator is correct.

The Senator from Minnesota, under the previous order, has control of up to 15 minutes.

Mr. WELLSTONE. I thank the President.

## HEALTH CARE

Mr. WELLSTONE. Mr. President, I was going to propose an amendment to the Department of Defense bill which reads as follows:

Congress should enact health care reform that guarantees everyone health care as good as the health care that will be available to Members of Congress under that reform.

Mr. President, it is very rare, at least in my 3½ years in the Senate—I have not quite had the long, distinguished career that the President pro tempore has had—that I have proposed a non-germane amendment. I really do not like to do that.

But I wanted to propose this amendment for a couple of reasons.

One, I am impressed with the strength of the President and the First Lady and what they have been saying, especially this last week, about the importance of universal coverage, decent coverage for people.

I have been listening to my colleagues on both sides of the aisle on

the floor, and in reading reports back in their communities. It seemed to me that there was a consensus here that really, in the final reform bill that we pass—and I believe we will pass a health care reform bill that will be historic, and I am optimistic it will be a step forward for people in our Nation—that however our plan in the Federal employees benefit package is configured or reconfigured, basically, we want to use that as a yardstick and make sure the people we represent have the same quality plan in terms of what is covered, and in terms of making sure it is affordable and that the copayments are not too high.

So I thought this amendment, given the intensity of the debate and where we are in the debate, would be a real contribution with Senators really going on record saying: Yes, we agree with this principle, absolutely. When we look at our plan, we want to say to the people we represent that in the final reform bill, you should have the same, comparable quality plan.

Now, Mr. President, this is treading on sensitive ground. I do not want people who are listening to believe that our coverage right now, for example, is by any means great or perfect. It is not. It is not good on dental or vision care. Long-term care is not covered, at least institutional long-term care. It is by no means 100-percent comprehensive coverage for benefits.

On the other hand, when you look at inpatient and outpatient benefits, and look at well-child care, offering delivery at birth centers, coverage of care by nurses and midwives, prescription drugs, pap screening, home health care, and mammograms, and other such features, we have very good coverage, better, probably, than most people in the country.

So actually, Mr. President, I did not think this would be controversial.

I hear some of my colleagues talking about how we need to water down the benefits, saying that we really should not make decisions exactly what the coverage will be; we really cannot have universal coverage, it should be 91 percent. And I have to ask: Who is not covered? People with a disability? The poor? People who live in rural communities? Older people?—I worry about those kinds of comments.

So I thought what a positive statement for the Senate to make, just to go on record.

Mr. President, my colleagues on the other side of the aisle said that they would second degree this amendment, I

think probably with a very specific amendment that would get us right into the specifics of the legislation that is now moving through committees.

I do not want for us to have that kind of long debate right now on the floor of the Senate when we are dealing with the Department of Defense bill. That, to my mind, just simply crosses the boundary, and I think it probably is not the direction we should go.

So with the understanding, Mr. President, that basically we are all going to operate within this framework of not really zeroing in on the health care right now, that that debate will take place in July—the majority leader has made it clear to all of us that bill will be on the floor in July—I am not going to put this amendment forward at this time. I think if I do so and then there is this second-degree amendment, we are going to get into a long, long debate about all sorts of specifics in health care, and at this point in time that would be a mistake.

The Finance Committee, I believe, is going to report out a bill and a bill will come to the floor.

So with the understanding that that is our framework and that these health care amendments are not going to be part of DOD, with that understanding, then, I am not going to put this amendment forward. Although I must say there will be a time to do so, certainly between now and July or maybe when the bill comes to the floor in July or maybe before, because this is such a—no pun intended—healthy statement for us to make.

I think we should, again, avoid all the sort of temptation to say, "Well, everybody in Congress has everything perfect." That is not true. There are places where our coverage should improve and could improve for ourselves and our family and loved ones.

But the real point, in the final reform bill, is let us just make sure, as all of this is reconfigured, whatever plan we have, that the people we represent have as good a plan.

So what do we have in general by way of summary? We have universal coverage. All of us are covered. Our employer, the Federal Government, contributes a significant percentage and we contribute. That seems to me to be fair. So you have, if you will, an employer mandate. All of us can afford the health care coverage that's available. There is no preexisting condition exclusion, which I think is extremely important. That is one of the things that outrages people in Minnesota—and I am sure in West Virginia—most, that because of a prior illness or condition of sickness you cannot even receive coverage and, if you can, the premium rate is so high you cannot afford it. And the final thing we have is a very good package of benefits.

That, I think, is a commitment we made to the people, that in the reform bill that is what we will include.

Mr. President, just on two other subjects, very briefly.

I do want to submit as a part of this statement a letter from many different health care consumer and provider organizations around the country to President Clinton, making it very clear to the President that we support universal coverage; we do not see how you can do it unless you have employers making a contribution, some kind of mandate; we want to make sure it is affordable; we want to make sure it is out in the communities; and, Mr. President, we want to make sure—and this is really, I think, a part of the consensus here, as I understand it—that States in our grassroots political culture will have the option to implement a single payer plan.

I ask unanimous consent to have this printed in the RECORD.

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

U.S. SENATE,

Washington, DC, June 23, 1994.

DEAR BILL: Last week several senators and I sent you a letter urging continuing firm support for universal coverage as a key feature of health care reform.

Several organizations of health care consumers and providers expressed their interest in communicating the same message to you.

I am pleased to present you with a list of the groups that offered to sign the letter. I'm certain we are both encouraged that this impressive list of groups support 100% universal coverage, employer mandates, affordable care, cost containment, and the option for states to implement a state single payer system.

Even more encouraging to me was the signal that so many groups and individuals are ready to respond to requests from Washington to show their support for these key issues.

Many of us in Congress, and millions of Americans around the country, are ready to stand up and make sure that health care reform will not be hijacked by big ticket special interests.

We know that we need health care reform, and we need it this year.

All of us appreciate the most recent comments you and Mrs. Clinton have made on the importance of passing a bill that is unequivocal on the issue of universal coverage. I know that I speak for us all in offering any help we can provide in assuring that we accomplish that goal in the 103rd Congress.

Sincerely,

PAUL DAVID WELLSTONE,  
U.S. Senator.

JUNE 23, 1994.

President BILL CLINTON,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: Our organizations have always shared with you a commitment that universal coverage must be the cornerstone of health care reform. That commitment cannot waver as we continue our progress in Congress to enact comprehensive health care reform legislation.

We are troubled by comments from the press and some Members of Congress that universal coverage is not a realistic goal.

Universal coverage is impossible unless it meets several critical tests. First, it must include meaningful, employer-based financing. Unworkable proposals that would put the burden on individuals to pay most of the costs of their care, or project employer contributions into some distant future, cannot achieve the health care reform that Americans are counting on.

Second, all Americans must be covered. Suggestions that universal coverage should be defined as something less than total coverage, such as 90 percent or 95 percent, would continue to leave millions of Americans vulnerable to the double plagues of illness and impoverishment. Anyone could lose the lottery: people who work and those at risk of losing their jobs, the elderly and people with disabilities and their families, people with cancer and people with AIDS, people in rural areas, women, men, children.

Third, coverage must be affordable. Meaningful cost containment must be included to protect businesses, individuals, and government entities contributing to the system.

Finally, states must have the ability to adopt a single-payer system if they determine through their own legislative processes that would be a fairer or more cost-effective approach to universal coverage.

Universal coverage is not only a humane goal, one which most industrialized countries have attained. It is also key to making health care affordable because it would end wasteful and inflationary cost-shifting, encourage preventive care, and allow more appropriate use of resources. Suggestions that we waste more years and more lives tinkering around the edges of almost covering everyone, trying to make health care almost affordable, are a diversion from the fair and workable framework you have presented. In addition, it would send an unwelcome signal to the country that its elected leaders are unwilling to take the long overdue step of guaranteeing that every American enjoys health security.

We ask that you remain strong in your commitment to universal coverage, affordable for all and fairly financed. While there will be areas for compromise during the legislative process, assuring universal and affordable coverage must not be among them. We will assist efforts toward the goal of true universal coverage for health care in any way that we can.

Sincerely,

Actors' Equity, Ron Silver, President.

ACTUP Washington.

AIDS Action Council.

American Association of Children's Residential Centers.

American Association for Marriage and Family Therapy.

American Association of Pastoral Counsellors.

American Association of Physicians for Human Rights.

American Association of University Women.

American College of Physicians.

American Counselling Association.

Americans for Democratic Action.

American Federation of State, County and Municipal Employees.

American Medical Students Association, Terrence Steyer, National President.

American Psychological Association.

American Public Health Association, Eugene Feingold, President.

Association of Maternal and Child Health Programs.

Association of Mental Health Administrators.

Judge David L. Bazelon Center for Mental Health Law.

California Society for Clinical Social Work.

Campaign for Women's Health.

Children's Defense Fund.

Churchwomen United.

Citizen Action.

Consumers Union.

Creative Coalition, Blair Brown, Co-President.

Family Service America.

Gray Panthers.

Health Care for the Homeless.

InterHealth, St. Paul, Minnesota.

International Association of Psychosocial Rehabilitation.

International Brotherhood of Teamsters.

International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers (IUE), William H. Bywater, International President.

Legal Action Center.

Lutheran Medical Center, Brooklyn, N.Y., Jim Stiles, Executive Vice President.

National Association of Community Health Centers.

National Association of Homes and Services for Children.

National Association of Protection and Advocacy Systems.

National Association of Public Hospitals.

National Association of Social Workers.

National Association of State Alcohol and Drug Abuse Directors.

National Community Mental Health Care Council.

National Council of Churches of Christ in the U.S.A.

National Council of La Raza.

National Education Association.

National Federation of Societies for Clinical Social Work.

National Mental Health Association, Mike Saenza, Chief Executive Officer.

National Rainbow Coalition.

National Women's Health Network.

New York StateWide Senior Action Council, Inc., Ruby Sills Miller, Member of the Board.

Oil, Chemical and Atomic Workers International Union.

Older Women's League.

Protestant Health Alliance.

Screen Actors Guild, Barry Gordon, National President.

Service Employees International Union.

Sigerist Circle of Medical Historians, Elizabeth Fee, President.

Unitarian Universalist Association of Congregations.

United Automobile, Aerospace & Agricultural Implement Workers of America International Union.

(Mr. KOHL assumed the chair.)

#### FAMILY VIOLENCE

Mr. WELLSTONE. Finally, Mr. President, let me on the floor of the Senate express not my self-righteousness but nevertheless keen disappointment at the direction of at least part of the deliberations of the conference committee on crime.

I know people in the conference committee are very committed, and I appreciate their work. But, as I said yesterday on the floor of the Senate, there is this focus on family violence in our country, and there are some important initiatives right now that are in that crime bill.

Senator BIDEN's Violence Against Women Act is so important, and other fine works.

There are two amendments that are extremely important. One deals with setting up safe visitation centers for children and for women that I talked about yesterday. I believe that would be part of the crime bill.

But, Mr. President, I do not understand for a moment the hesitancy or, for that matter, I would say, the efforts to block one other amendment. We had an amendment that we passed on the floor of the Senate that went into this crime bill. That amendment said—I introduced that amendment—if you have committed an act of violence against a spouse or a child, you will not be able to own or obtain a firearm; or if there is a restraining order against you, you will not be able to do so.

The problem, Mr. President, is that all too often and in all too many States if a man, if that was the situation, was to batter his neighbor's wife, it would be a felony; but if he battered his own wife, it would be a misdemeanor.

We say in our country, if you committed a felony, you should not be able to own a gun, but we do not consider battering to be a felony.

My understanding about what is going on in the conference committee is that some people in the conference committee are making the proposal that, yes, you cannot own a gun if, in fact, you have committed a felony and acts of violence that is considered a felony, but the problem is it is not considered a felony in so many States.

Mr. President, I have talked to many people in Minnesota who say, "Don't ever take our sporting rifles away from us." I agree. "Don't you go overboard on gun control."

You and I, Mr. President, both feel strongly about some of these measures. But I agree with people who say that.

Those same people say to me, "Yea, Paul, this is reasonable."

So many women murdered, I think about a third, because of a gun. The difference between being a battered woman and a dead woman is a gun.

"Yea, Paul, we agree. If someone has committed an act of violence against a spouse or child, he should not be able to"—or in some cases, rare cases, she should not be able to—"own a firearm."

And certainly, with a court order, that should be the case.

I do not understand the hesitancy about this. I do not know whether this amendment that I will bring to the floor of the Senate today or tomorrow will really get some national focus on this, or exactly what we do, but I think now is the time to pass this. And I believe it must be a part of the crime bill.

I think we have reached a conclusion in our country, as a people, that: First, for all too many women and their chil-

dren, the home is a very dangerous place; second, family violence knows no boundaries; it happens everywhere in all communities; and, third, it is a crime, and people must be held accountable.

If it is a crime, then it strikes me this is a very reasonable proposal to take guns and firearms out of the hands of those who have perpetuated this violence.

So I hope that in the conference committee we will get a favorable result. But I have a feeling we are going to have to fight very hard for it; maybe I will have to fight on the floor of the Senate to create some of that national pressure.

I yield back the remainder of my time.

#### JACQUELINE KENNEDY ONASSIS

Mr. LIEBERMAN. Mr. President, "Many women do noble things, but you surpass them all," writes the author of Proverbs, chapter 31. The life of Jacqueline Kennedy Onassis was a life of nobility, in the finest sense of the word. She elevated a nation, especially so during a time of great crisis, and now that she is gone, we keenly feel the loss, as if a member of our family had passed away.

What is especially poignant about her life is that she never sought the kind of fame she attained. Rather, it was thrust upon her, first through marriage to a Senator with a growing national reputation. Then as First Lady, when Senator John F. Kennedy became president. But Jacqueline Kennedy was not content to simply suffer the limelight she never wanted. She went to work, in public ways and private, to the benefit of all the American people. She transformed the White House from a place to a national treasure; from an address to a destination. Its beauty today and through the ages to come are due in no small measure to Jackie Kennedy's sense of history, art and style.

Perhaps most important, Jacqueline Kennedy held a nation together at a time when the tragedy of John Kennedy's assassination threatened to pull us apart. Minutes after holding her dying husband in her lap, she stood by the side of the new President, as he was sworn into office, symbolizing the peaceful continuity of democracy that is at the heart of America's greatness. And in the difficult days that followed, the First Lady not only bore herself with grace and strength, she directed the funeral that will be remembered throughout history for its power, emotion, and meaning.

In the years since the triumph and tragedy of the presidency of John Kennedy, Jacqueline Kennedy Onassis dedicated her life to what she would probably consider her greatest accomplishment: loving and raising two wonderful

children, whose own lives carry on the legacy of service exemplified by John and Jackie Kennedy.

The life of Jacqueline Kennedy Onassis is in itself a profile in courage, and a grateful nation will never forget her courage and all that she meant to us. "Give her the reward she has earned," it says in Proverbs 31, "and let her works bring her praise at the city gate."

#### WELCOMING RUSSIAN MEMBERSHIP IN PARTNERSHIP FOR PEACE

Mr. PELL. Mr. President, yesterday in Brussels, Russia became the newest member of NATO's Partnership for Peace, bringing to 21 the number of countries that have joined in this constructive and creative partnership. Yesterdays even was another significant milestone in the dismantlement of the Iron Curtain that divided Europe for a half a century.

The Partnership for Peace seeks to avoid drawing new lines in Europe; it is, in fact, specifically designed to create an undivided Europe; it also leaves open the possibility of NATO's eventual expansion. In coming in under the tent, Russia has signaled its willingness to work as an equal not only with its former enemies in NATO, but with the countries that were former victims of Soviet repression.

Russia, and each of the countries that have joined the partnership, have unique and important contributions to make. But perhaps more important than the joint exercises and consultations that membership in the partnership offers is the change in attitude that it represents. As an aside, I would note when I met with Russian Prime Minister Chernomyrdin yesterday, this new spirit of cooperation was extremely evident.

Secretary of State Christopher and Russian Foreign Minister Kozyrev, who signed the framework document, both took note of the historical nature of yesterday's signing. Secretary Christopher made an excellent statement in Brussels, and I would ask unanimous consent that at the end of my remarks, his speech be printed in the RECORD.

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

(See exhibit 1.)

Mr. PELL. In that statement, Secretary Christopher notes that:

Russia's accession to the Partnership for Peace is a reflection of the Policy of extending to the East the institutions that have allowed the West to achieve unparalleled security and prosperity. Two weeks ago in Paris, Russia signed a cooperation agreement with the OECD. In two days in Corfu, President Yeltsin will sign an agreement with the EU that will open European markets to many Russian products. And next month in Naples, the G-7 will welcome President Yeltsin for broad political consultations.

As one who 3 years ago joined in a successful congressional effort to en-

courage the Bush administration to urge that former Soviet President Gorbachev be invited to meet with G-7 leaders during the London summit, I am particularly pleased that our relationship with Russia has evolved to the point where President Yeltsin will sit at the table with his colleagues during the summit's political meetings. The G-7 summit will demonstrate that Russia is assuming its rightful place among the world's most important economic and political process.

Mr. President, in closing, I would like to commend the administration for designing and putting forth the Partnership for Peace proposal. The Russians, as well as our other friends in Eastern and Central Europe deserve praise for seizing the opportunity to join in this cooperative effort.

#### EXHIBIT 1

REMARKS BEFORE THE NORTH ATLANTIC COUNCIL BY SECRETARY OF STATE WARREN CHRISTOPHER, JUNE 22, 1994

Mr. Deputy Secretary General, it is a great pleasure to join our NATO colleagues and Foreign Minister Kozyrev to mark this historic occasion, and to welcome Russia as the newest member of the Partnership for Peace.

Our meeting today is a powerful expression of Europe's remarkable transformation. Who could have imagined even a few short years ago that after forty years of bitter confrontation across the Iron Curtain, a newly democratic Russia and this alliance would join in a partnership of cooperation. Within our grasp lies the historic opportunity to build an undivided peaceful and democratic Europe. That is the dream that has animated this alliance and my country for more than four decades. That is the vision that President Clinton set forth when he proposed the Partnership for Peace. And that is the goal that the United States remains fully committed to achieving.

Today, as Russia joins the partnership, we take a major step toward building the bonds of cooperation that can secure the peace of a broader Europe. As an alliance, we are reaching out to Russia's Government and its military to establish a new, more constructive relationship. But no less important—as the alliance has done with other European neighbors—we are extending a hand of friendship to the Russian people.

Russia is and will remain a country of immense importance to the rest of Europe and the world. Its efforts to build democratic institutions and a market economy have profound implications for European security. A broad and constructive NATO-Russia relationship will serve the interests of this alliance. It will serve Russia's interests. And it will serve the interests of all the nations of Europe—particularly those that so recently won their freedom from Communist rule.

The Partnership for Peace is central to NATO's relationship with Russia. We also look forward to constructive dialogue and cooperation to supplement the partnership in areas where Russia has unique and important contributions to make. At the same time, President Clinton will continue to work closely with President Yeltsin to build a strong and cooperative U.S.-Russian bilateral relationship in the interests of both our peoples and the world.

Other European states may also have interests or capabilities that would warrant "sixteen plus one" consultations outside the

partnership. We should welcome these possibilities. As NATO promotes security and stability in Central and Eastern Europe, that too will benefit all European nations—including Russia.

Russia's accession to the Partnership for Peace is a reflection of the policy of extending to the East the institutions that have allowed the West to achieve unparalleled security and prosperity. Two weeks ago in Paris, Russia signed a cooperation agreement with the OECD. In two days in Corfu, President Yeltsin will sign an agreement with the EU that will open European markets to many Russian products. And next month in Naples, the G-7 will welcome President Yeltsin for broad political consultations.

By widening the reach of the great post-war security and economic institutions, we can help ensure that war, poverty and oppression never again engulf this continent. We are committed to working for an integrated Europe where sovereign and independent states need not fear their neighbors.

Today we are taking another decisive step toward banishing Europe's historic divisions. We are building a security partnership that has the potential to encompass all the nations of the continent. With Russia's action, 21 countries have now joined the Partnership for Peace. Several have already entered close consultations with NATO to develop individual partnership programs, tailored to their unique capabilities and interests. By this fall, joint exercises will commence, with Poland hosting the first exercise on the soil of a partner country. In this way, the partnership will build the habits of cooperation that are the lifeblood of the alliance. It can thus pave the way for NATO's eventual expansion.

We cannot build the Europe we seek without a strong NATO alliance. We cannot build it without a democratic Russia. We cannot build it without the nations of Central and Eastern Europe. The "best possible future for Europe," which President Clinton invoked at the January summit, depends on all our nations working together in pursuit of common security interests and democratic ideals. That is the purpose of the partnership, and it is the spirit in which we welcome Russia as a partner today.

#### INDIAN GAMING AMENDMENTS MOVE TO RESOLVE PROBLEMS

Mr. PELL. Mr. President, I would like to join in commending my colleague, the senior Senator from Hawaii [Mr. INOUE] for his work as chairman of the Senate Indian Affairs Committee. That work is partially reflected in the legislation he introduced today to amend the Indian Gaming Regulatory Act of 1988.

Senator INOUE and his fellow committee members have worked hard to set a course through difficult issues raised by competing interests and the arguments of different advocates. It is clear that amendments are needed because many inequities and ambiguities have arisen since enactment 6 years ago.

Although I am impressed with his work and many of the amendments, I must also add I am disappointed that the legislation does not include any language addressing either the difficulties of settlement States, nor the specific dispute facing the State of Rhode Island.

I worked long and hard with the members of the Narragansett Indian Tribe to help hammer out the details of S. 3153, the Rhode Island Indian claims settlement in 1978. This agreement was not easy to reach, since it involved the Narragansett Indian Tribe, the town of Charlestown, the State of Rhode Island, and the U.S. Government.

In exchange for extinguishing its aboriginal land claims, the Narragansett Indian Tribe received 1,800 acres of land—half from the State of Rhode Island and half from the U.S. Government. The land was held in trust for the tribe, a trust later transferred to the U.S. Government.

As part of its purely voluntary agreement, the tribe specifically agreed that the settlement lands "shall be subject to the civil and criminal laws and jurisdiction of the State of Rhode Island." This was stated clearly in both the Settlement Act and in the 1978 report of the Select Committee on Indian Affairs that accompanied it.

I am proud of the agreement. It helped settle disputes and it advanced the cause of the Narragansetts, giving them a pristine land-base to which they had historic links. It also served as a tremendous help to me in paving the way for subsequent Federal recognition of the tribe.

Tribal representatives characterized the agreement, during Senate hearings in June 1978, as "the result of a course of fair and honorable dealings between Indians and non-Indians, which is rare in the history of this country."

When the Indian Gaming Regulatory Act came before us in the Senate, it was made clear to us by Senator INOUE "that the protections of the Rhode Islands Indian Claims Settlement Act (Public Law 95-395) will remain in effect and that the Narragansett Indian Tribe clearly will remain subject to the civil, criminal, and regulatory laws of the State of Rhode Island."

In addition, in report language, the committee made its intention clear that nothing in the Indian Gaming Regulatory Act "will supersede any specific restriction or specific grant of Federal authority or jurisdiction to a State, which may be encompassed in another Federal statute, including the Rhode Island Indian Claims Settlement Act."

Mr. President, we thought that what we wrote—and said—spelled out congressional intent in clear, declarative language. We received formal assurances and the committee spelled out its intent in its report. Unfortunately, the courts are making a hash of our understanding.

One judge, however, noted that if Congress believed that an injustice had been done "it could provide a remedy through supplemental legislation." That is exactly what we hope will happen during further consideration of the

amendments proposed today. An injustice has been done and years of good faith have been negated.

I have already suggested two legislative remedies, either of which would do the job simply and quickly by codifying our expressed intent.

The first remedy would be a general cure: "Nothing in this act shall be construed to affect the applicability of any settlement act."

The second would be a specific cure, merely restate: "The Narragansett Indian Tribe will remain subject to the civil, criminal and regulatory laws of the State of Rhode Island."

Either remedy would cure the plague of misunderstanding, litigation and bad faith that has grown in Rhode Island as a direct result of the well-intentioned—but subsequently misinterpreted—Indian Gaming Regulatory Act. I am extremely disappointed that neither remedy was included in the legislation introduced today and would hope that one of them might be acceptable to Senator INOUE and be included in the final bill.

I am convinced that these remedies are the only ones adequate for Rhode Island. I will continue to work with Senator INOUE and I will press for a legislative remedy both in committee and in the Senate. Although I am disappointed, I will continue to pursue all options.

#### BRINGING US BACK FROM THE BRINK: PRESIDENT CARTER'S BREAKTHROUGH IN NORTH KOREA

Mr. PELL. Mr. President, President Clinton's announcement yesterday confirming the breakthrough agreement with North Korea achieved by former President Jimmy Carter should be applauded by all Americans.

At tremendous risk to his prestige, President Carter undertook on his own to go to North Korea to confront a country that for almost five decades has been one of America's greatest enemies. Rather than shouting and brandishing a stick, he offered the opportunity for dialog. He listened to North Korean views, and he presented the views of President Clinton and of the United States Government.

His personal diplomacy created an extraordinary opportunity to resolve the issue now dividing the Korean Peninsula. The North Koreans agreed to freeze their current nuclear program. They agreed to resume discussions with South Korea. And they agreed to joint teams with the United States to search for the remains of Americans still missing from the Korean war.

There has been much criticism of President Carter for his mission. Naysayers and nitpickers have been a dime a dozen. Many also criticized President Clinton for allowing this amazing journey to take place. Presi-

dent Carter and President Clinton took an enormous risk in attempting this delicate diplomatic maneuver. But that risk has paid enormous dividends in bringing America—and the world—back from the brink of nuclear war.

I was struck, too, by President Carter's observation that the most important lesson to be drawn from his efforts was to stress the importance, the necessity, of engaging in direct dialog between the two leading antagonists.

President Clinton last night warned of the pervasive cynicism that is permeating America today. Cynicism, masked as cold pragmatism, is eroding the idealism that once made it possible to recognize the accomplishments of one American as the accomplishments of all Americans. We should not forget that we all strive, even if by different paths, for the goal of peaceful conflict resolution.

What was started by President Carter is not the end of the crisis, but a new opening for peace and security on the Korean Peninsula. It took 2 years of difficult, often intense, negotiations to complete the Korean armistice signed on July 27, 1953. The negotiations now may be equally difficult and extended. President Clinton deserves the support of the American people and the Congress if those negotiations are to be successful.

The time has come for the critics and cynics to hold their tongues, and to give the peacemakers a chance to go forward.

#### A TRIBUTE TO PHILLIP STOLLMAN

Mr. LEVIN. Mr. President, Bar-Ilan University in Ramat Gan, Israel, will begin its 40th academic year in October of this year. At the same time, Phillip Stollman, one of the founders of the university, will be entering his 90th year. This will be a time of great celebration, as the Detroit Friends of Bar-Ilan University gather to honor this exceptional man.

Phil Stollman was approached in 1950 to discuss the establishment of a university in Israel that would combine religious studies with secular education, where science and religion would be taught together. By 1952, enough funds had been raised privately to begin construction, and in 1954 the university opened with 70 students. This was a remarkable achievement involving the participation of the entire Stollman family. Phil dreamed of a student enrollment that would eventually reach 1,000; today 17,000 students participate in all levels of study and research at Bar-Ilan.

It is not difficult to praise this man—but it is difficult to get him to accept this praise. He is a modest person who has quietly, but effectively, worked in countless charitable and communal organizations in Detroit, throughout the United States, and indeed, around the world.

Phil's closest friends and partners in all endeavors were his late brother and his sister-in-law, Max and Frieda Stollman. All three received honorary doctorates from Bar-Ilan, and Phil was the longtime chairman of Bar-Ilan's Global Board of Trustees and is now its honorary chairman for life. In Detroit, the names Stollman and Bar-Ilan University are synonymous.

Mr. President, I wish to congratulate Phil Stollman and simply note that the greatest tribute to the fulfillment of his dreams is the continuation of involvement with Bar-Ilan University by a second generation of Stollmans.

#### TRIBUTE TO ITALIAN AID SOCIETY ON ITS 100TH ANNIVERSARY

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Italian Aid Society, of my home town of Rutland, which celebrates its 100th anniversary this Saturday. It is a great day for Rutland and the State of Vermont, as we pay tribute to the wondrous Italian heritage that has long been such an enriching presence in our community.

The society was founded in 1894 to lend support to Italian immigrants in Rutland and help them become part of the Vermont's larger community. They were drawn to Vermont to labor against the solid marbles and granite lodged beneath Vermont's scenic mountain landscapes. The society coordinated social services for many of the newcomers long before the enactment of such programs as social security, workmans' compensation, and civil rights protection.

Perhaps labor against is inaccurate—for to view the master artistry crafted by these mortal hands is to know the presence of a labor of love; an intimate respect by man of nature. Today, the works of art, along with the thousands of tons of marble and granite assembled into some of our most revered monuments, stand as a testimony to our immigrant forefathers.

There are numerous structures here in Washington that have benefited from the crafts of the members of the Italian Aid Society. The list includes the tomb of the Unknown Soldier, the Lincoln Memorial, the U.S. Supreme Court, the Jefferson Memorial, and the Andrew Mellon Library. In Vermont, certain cemeteries are sought out by tourists interested in viewing headstones uniquely crafted by the individual whose name it bears. Our towns are sprinkled with stout homes, libraries, and public buildings built of stone drawn from quarries carved by the Italian workers.

These items and more are the work of Italian craftsmen, Vermont residents; American citizens. As we can see, the entire Nation has benefited from the influences of the Vermont Italian Aid Society.

Today the society, 150 members strong, has weekly dinners and is a

gathering point for families and friends to continue that legacy. Society members are our doctors, contractors, civil servants, shop keepers, neighbors, and friends. As a force of labor, the interests are now much more diverse. But as a thread in the fabric of our society, the Italian heritage in many ways binds our community. You cannot live in or visit Rutland without being touched by the heirs of those who founded the Italian Aid society. A familiar local greeting is simply "Been busy?," implying that any response in the negative runs contrary to the deeply ingrained work ethic of the community.

My congratulations on a wonderful century to the Italian Aid Society. May its members enjoy a happy and most meaningful birthday.

Buona fortuna to the Italian Aid Society.

#### IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Wednesday, June 22, the federal debt stood at \$4,597,074,632,951.03. This means that on a per capita basis, every man, woman, and child in America owes \$17,632.84 as his or her share of that debt.

#### THE INDIAN GAMING REGULATORY ACT AMENDMENTS OF 1994

Mr. CHAFEE. Mr. President, earlier today, the distinguished chairman and ranking member of the Senate Indian Affairs Committee, Senators INOUE and MCCAIN, introduced comprehensive legislation to amend the Indian Gaming Regulatory Act of 1988 [IGRA].

I want to join my colleague from Rhode Island, Senator PELL, in congratulating them for attempting to tackle this extremely complicated and thorny issue. As they said in their introductory statements this morning, literally hundreds of hours of difficult negotiations have gone into the crafting of this legislation.

I am compelled, however, to let the Senate know how very disappointed I am that the bill, as introduced, does not contain language to remedy the terrible—and unanticipated—controversy that the IGRA has created in Rhode Island.

A little background for the benefit of my colleagues: Rhode Island has one federally recognized Indian tribe, the Narragansetts. In the late 1970's the Narragansetts asserted claims to several thousand acres of land in Charlestown, RI. When the State resisted, the tribe sued in Federal court. Fortunately, the tribe, State, and town of Charlestown were able to reach a settlement: roughly 1,800 acres of land in Charlestown were transferred to the tribe. At the same time, the tribe

agreed that those lands would remain under the civil and criminal jurisdiction of the State. Subsequently, Congress enacted the 1978 Rhode Island Indian Claims Settlement Act, which codified the settlement in Federal law.

Under Rhode Island law, if an entity wants to conduct casino gambling, it first has to receive approval through both a local and statewide voter referendum. As my colleagues know, this is quite different from what the IGRA says. Therefore, when the Senate was debating the IGRA 6 years ago, Senator PELL and I wanted to make sure that the 1978 act would continue to be the controlling statute with respect to the rules that the Narragansetts would have to follow if they wanted to enter the casino business.

During debate on the IGRA, Senator PELL and I discussed this matter with Chairman INOUE on the Senate floor. He provided assurances that, even after the enactment of the IGRA, "the protections of the Rhode Island Indian Claims Settlement Act (Public Law 95-395) will remain in effect and that the Narragansett Indian Tribe clearly will remain subject to the civil, criminal, and regulatory laws of the State of Rhode Island." In addition, language was included in the committee's report on the measure to make it clear that the IGRA was not intended to supersede the 1978 settlement Act.

Nevertheless, 2 years ago, the Narragansetts announced their plans to build and operate a full-scale gambling casino on their land, under the auspices of the IGRA. The State then petitioned a Federal court to declare that the IGRA was not meant to apply to the Narragansetts. To our dismay, however, both a district court judge and, most recently, the First Circuit Court of Appeals have ruled that since the statute itself is clear on its face, their interpretation of the law cannot be swayed by legislative history. Thus, they have ordered the State of Rhode Island to begin compact negotiations with the Narragansetts.

The State still has the option of appealing its case to the Supreme Court, but, given the decisions of the two lower courts, I am optimistic about the prospects for resolving this matter through the judicial process.

The only way to redress this problem, in my view, is to amend the IGRA to make it absolutely clear that that law does not supersede the 1978 Rhode Island Settlement Act. And it seems to me that if ever there were an appropriate vehicle for such an amendment, it is the bill that was introduced earlier today. So, as I said at the outset, I am disappointed that for the time being, the chairman and ranking member have opted not to deal with this matter in their legislation.

I recognize, however, that the introduction of this bill is only the beginning of a long process. In the coming

weeks, I will continue to press the Indian Affairs Committee on this issue. I also look forward to working with Senators from the three other Settlement Act States, as I understand that a lack of consensus among our States on this matter was a deciding factor in the decision to leave the Settlement Act question unaddressed. In sum, this issue is of profound importance to Rhode Islanders, and I intend to do all I can to ensure that their voices are heard.

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

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

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair. (The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2231 and S. 2232 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Will the Chair be good enough to advise the Senator from Nebraska as to the present status of the measure before the Senate?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2182, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER], is recognized.

Mr. SPECTER. Mr. President, last evening the chairman, Senator NUNN, and I had discussed this morning's proceedings and we had agreed that my amendment would be the first one, which we had hoped would be reached at 9:30.

#### AMENDMENT NO. 1839

(Purpose: To amend the Defense Base Closure and Realignment Act of 1990 to provide for judicial review of compliance with disclosure of information requirements established in the act.)

Mr. SPECTER. Mr. President, I therefore 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] proposes an amendment numbered 1839.

The amendment is as follows:

At the appropriate place in title XXVIII of the bill, insert the following:

#### SEC. 28. JUDICIAL REVIEW OF REQUIREMENTS FOR DISCLOSURE OF INFORMATION BY THE SECRETARY.

Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) JUDICIAL REVIEW.—If the Secretary transmits recommendations to the Commission under subsection (c)(1), any person adversely affected thereby or any member of Congress may, upon a prima facie showing of not less than two documentary material acts of fraudulent concealment, bring an action in a district court of the United States for the review of the compliance of the applicable official or entity with the requirement that such official or entity make available to Congress, to the Commission, and to the Comptroller General all information used by or available to the Secretary to prepare the recommendations.

Mr. EXON addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I thank my colleague from Pennsylvania for offering the amendment as was agreed at or near the close of business as of yesterday. The Armed Services Committee has somewhat of a problem today with personnel because long ago, before we knew we would be taking up the defense authorization bill at this time, we had scheduled a very large, very important meeting with many witnesses for 9 o'clock this morning with regard to the difficult situation in Bosnia. Therefore we will be splitting our duties back and forth, members of the Armed Services Committee. We are prepared at this time to go ahead with any debate, whatever debate is necessary on the amendment offered by the Senator from Pennsylvania.

With due respect to the Senator, and fully understanding the position he finds himself in, we will be forced to vigorously oppose the amendment being offered by the Senator from Pennsylvania for the reason that we feel it might overturn, upset the Base Closure Commission proceedings and procedures that basically are very, very difficult—but I think most of the Members of the Senate recognize important decisions had to be made.

Therefore, I am wondering, in an effort to move this along, I will have two questions of the Senator.

About how long would he feel he would wish to debate in support of the amendment that he has just offered? And whether or not he is going to ask for a rollcall vote on that amendment?

A third part is, in consideration of the statements I have just made, to expedite matters could it and would it be possible to enter into a time agreement at this time on the Senator's amendment?

At the end of that time the Senator from Pennsylvania could make the determination, as is rightfully his, as to whether he wishes a rollcall vote on the amendment he has offered.

Mr. SPECTER. Mr. President, I will respond to my colleague from Nebraska, but I have a preparatory comment. I am a little surprised to hear about "vigorous objection" from the committee because when I talked to the chairman, Senator NUNN, yesterday, he had not reached a conclusion, and, in fact, on the floor referred me to Senator WARNER because Senator WARNER has been deeply involved in the base closure issues.

I do not believe as of this moment that there has been a consideration—at least not to my knowledge—of the specifics of this amendment, which is very, very closely circumscribed. It requires documentary evidence. It requires confirmation by at least two sources, on an analogy to the high-level proof required for the conviction of treason under the U.S. Constitution.

So it was my thought, perhaps hope, that there might be some chance that this amendment would be accepted by the managers of the bill in light of its very, very narrow construction.

Until there has been an opportunity to analyze it and consider it, I do not know—as I said, it is a surprise to hear about "vigorous opposition."

With respect to the handling of the amendment if it is not going to be accepted, it certainly would require a rollcall vote. As to the amount of time involved, at this juncture, I am not sure because there may be a number of other Senators who wish to support the amendment.

So it is very much an open question as to how long it would take. I ask the distinguished Senator from Nebraska, if he is going to be managing this, to at least take a look at it. I certainly would want to have Senator WARNER's input and Senator NUNN's input because I think we may well find an area of agreement.

To say why, in a nutshell, the Base Closure Act has in its preamble to establish a fair process, and this Base Closure Act was passed by the Congress in 1990 after many efforts in the past, especially the 1988 legislation. The Congress laid down a specific requirement that all the materials in the hands of the Department of Defense be turned over to the General Accounting Office so there can be an independent review of all the facts.

In the case involving the Philadelphia Navy Yard, there was a concealment of two reports by leading admirals who said the Navy yard should be

kept open. Those reports were concealed from the General Accounting Office and they were concealed from the Members of Congress, so that when we made our presentations to the Base Closure Commission at the hearing, there really was not a hearing because we did not have the evidence.

The matter has been through the courts, which I will discuss later, perhaps at some appropriate length, where the Court of Appeals for the Third Circuit handed down two decisions saying that there should be judicial review of this sort of a matter.

When the case got to the Supreme Court of the United States, they said there was no direct statement by Congress on the issue of judicial review, but they declined to undertake that judicial review.

When this matter was considered after the work of the Base Closure Commission was completed at a hearing of a subcommittee, chaired by then Senator Alan Dixon, Senator Dixon heard the concerns which I have now raised about this documentary evidence and said: "Well, that is a matter for the courts," Senator SPECTER. He said, this subcommittee cannot take up the matter. Of course, I am prepared to document the transcripts as to what Senator Dixon said on that.

When Senator Dixon said the subcommittee could not take the matter up, we followed his suggestion and went to the courts. When the courts said Congress did not give us jurisdiction to consider this matter, now we are back in the Congress.

I think that the Congress certainly would not want to approve of acts by the Department of the Navy which are fraudulent. That is a strong word but that is the fact of the matter, because there were two reports by ranking admirals who knew this subject who said the yard should be kept open.

I can appreciate the comments of the distinguished Senator from Nebraska who expressed concern about opening up the process of the Base Closure Commission, but I do not think this will do that. It is very, very narrow and, to the extent this kind of conduct is undertaken by the Department of Navy, it seems to me a rather clear matter that we would not want to countenance or approve such conduct. We would not at the same time want to open up the whole process, but there is a way of keeping the process restricted and still allowing the narrow opening for remedying this kind of very flagrant misconduct by the Department of the Navy.

Mr. EXON. Mr. President, I appreciate the remarks by my colleague from Pennsylvania. I will say to my colleague from Pennsylvania that with all that has been going on, I had not had a chance to discuss this matter to any extent with Senator NUNN. However, I have worked very closely with

him and other members of the Armed Services Committee all through the painful base closure process.

I will talk to Senator NUNN about this. From what I am advised, there is very little, if any, chance that the committee, including the chairman, is likely to agree to accept the amendment offered by the Senator from Pennsylvania for these briefly stated reasons:

The base closure process, as all know, has been a painful one, and many communities have been upset, justifiably so, by losing the economic benefit of many important military facilities.

However, in the view of this Senator, the amendment offered by the Senator from Pennsylvania would gut the basic premise of the Base Closure Commission that to date, with all of its warts, has served the intent of the Base Closure Commission that originally was proposed by former Secretary of Defense Frank Carlucci to a group of us on the Armed Services Committee several years ago.

Secretary Carlucci's thought was—and I think it was a good one—that there is no way we can make closure and reduction of unnecessary expenditures in a military budget unless we had a base closure commission that would hold hearings on and make determinations of the priorities for closing the bases after consultation, of course, with the Department of Defense.

It seems to me that I believe we can sum up the position of the amendment offered by the Senator from Pennsylvania, that it would gut the key features of the Base Closure Commission legislation which says that the Base Closure Commission will hold hearings and make a study and make a report to the President as to when bases should be closed and during what periods.

The President then has the option of reviewing this, and the President must choose the recommendations of the commission, all or nothing, without changes.

Likewise then, after the President has made that determination, the matter is forwarded to the Congress and the Congress finds themselves, under the law in effect, of doing the same thing that the President has done. They cannot amend, they cannot say this base will remain open and these others will be closed. It is all or nothing, as far as the Congress is also concerned.

Basically, as I understand the amendment, stripping away all of the rhetoric, if it is fair to say, I say to the Senator from Pennsylvania, that his amendment, if it would become law, would, in essence, allow the courts on a petition from any community, any individual, any Senator, to cherry pick, if you will, from the list of recommendations by the commission approved by the President and supposedly approved by the Congress.

Is it not true then that the Specter amendment is another way, with the aggressive effort that the Senator from Pennsylvania has been pursuing it—and I do not fault him for that—through the Supreme Court and other means that to date have failed, basically is it not true, I ask the Senator from Pennsylvania, if his amendment would become law, in essence, would it not allow Pennsylvania or any other entity to bring a petition of some type before an appropriate court and allow the court to cherry pick and make the decisions notwithstanding all of the recommendations of the Commission, the action by the President, and the actions of the Congress?

Mr. SPECTER. Mr. President, I shall be glad to respond to the question of the Senator from Nebraska, but first let me take slight issue with his use of the term "aggressive."

I do not think my conduct has been aggressive at all. I think it has been very modulated in the face of dishonesty by the Department of the Navy when they represent that they have turned over all the information and in fact they have committed fraud, have concealed information; in the face of that charge, they duck and evade.

It is a very modest response to say to the Secretary of Defense and the Secretary of the Navy, how can you undertake that sort of dishonest conduct? And when there is not an appropriate response, to take it to the Armed Services Committee, chaired by then Senator Dixon, and raise the issue. It is on the record. He said, "We can't handle this; it has to go to court." Then it is very modulated to go to court and say, in America, we do not tolerate dishonesty by anyone, especially the Government. So I would say that what I have done so far certainly is not aggressive at all.

Mr. EXON. If the Senator will yield for a minute, I did not intend to make the Senator from Pennsylvania an aggressor. I complimented the Senator from Pennsylvania on his actions thus far. If I were similarly situated to him, I might be doing exactly the same thing.

So if the Senator took from my comments any criticism of the actions that he has taken as being overly aggressive, I think I did not say that. And if I did, I apologize and take back the words. It may be that the Senator did not hear exactly what I said. I was simply saying that I recognize the position that the Senator is in. But I do not believe there is any real chance that the committee at least, or the committee leadership of the Armed Services Committee would agree to this amendment.

Then I went on to ask the question as to what was the basic thrust of the Senator's amendment. I hope he can answer that question. But I would simply say that I have not indicated, nor do I feel, any inappropriate action

whatsoever by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague for those remarks. I thought I heard the word "aggressive." Perhaps I was wrong. But I think if the Department of the Air Force sought to close Offutt Air Force Base and concealed from Senator EXON documents from Air Force generals who said the Air Force base should be kept open—I have known Senator EXON now 14 years—if they concealed documentary evidence Offutt Air Force Base should be kept open, I would expect at least some response from my distinguished colleague.

But to answer his question: Would this amendment allow the Federal courts to "cherry pick," the answer is no. And the reason that it would not allow the courts to cherry pick is that it sets a very high standard to permit judicial review. It requires documentary evidence which has been concealed, and it requires at least two instances of documentary evidence, of material fraudulent concealment.

There have been some 310 base closures and realignments so far, and I know of only three cases which have gone to court. I do not believe that either of the other two cases has the kind of documentary evidence which is involved with the Philadelphia Navy Yard. But I would say this to my colleague from Nebraska and to all those listening, my colleagues who I hope will follow this debate, because it is a very important question, that this is a level of conduct which we simply cannot countenance.

I have been very distressed as I have seen what has happened with the Navy, and I am just going to talk about the Navy—there is a lot more in the rest of the Government—what happened with the battleship *Iowa*, on turret 2—47 sailors killed, and false reports as to the cause of that blast—I am very much concerned, as well, about the cheating incident at the Naval Academy and the coverup, very much concerned about the recent disclosures about favoritism for the son of the Secretary of the Navy. We had a contested case about Admiral Kelso and his four stars. The admiral prevailed on a relatively close vote, more than 40 Senators, I think 43, voted no in a context where a military judge had filed a 49-page, single-spaced report with evidence implicating Admiral Kelso in what went on in Tailhook, and the inspector general said that there was no credible evidence when the record was full of credible evidence.

We have in the U.S. Congress, constitutionally, very, very serious oversight responsibilities. I think my colleague from Nebraska will agree that it is not possible for us to do the kind of oversight we would like to do because we have so many responsibilities. But there are some items which the Con-

gress simply cannot take up, as Senator Dixon could not take up the question about this concealment when I brought it to his attention sitting in a subcommittee of the Armed Services Committee. He said to me take it to the courts, which is what I did.

So I would say, I would have a question for my colleague from Nebraska. Actually, I have two questions. Let me pose them one at a time. The first question is—and I do not expect the Senator to have evidence as to how many cases there would be of fraudulent concealment of two documents by ranking admirals who are experts in the field, but does the Senator have any reason to think that with that level of proof required, which copies the constitutional provision of at least two witnesses in cases of treason, that there would be any avalanche to the courts to enable the courts to cherry pick what the Commission has done?

Mr. EXON. Mr. President, I will be glad to answer the question posed by the Senator from Pennsylvania.

First, let me go back and correct any improper allegations that were not made by the Senator.

I am advised by my staff that I did use the word "aggressive." I used the word "aggressive" in the context of complimenting the Senator from Pennsylvania with regard to his aggressive activities in protecting what he feels is a very important naval facility in his State. I did not intend that in any context that it was wrong. I think the Senator from Pennsylvania would be the first to concede that I have certainly never known him, not in 14 years but for 16 years now, to be violent. The Senator from Pennsylvania is a very skilled, very experienced attorney going way back to the Kennedy assassination era, and I recognize and admire him for his talents.

With regard to the question the Senator has simply posed, the answer is no. Neither the Armed Services Committee nor any member of that committee are a part of—in fact, just the opposite is true. We have been investigating and have brought forth certain actions by the U.S. Navy top officials, and we have taken what we thought was appropriate action to correct them.

I hope that with the Senator's amendment, we are not going to place the U.S. Navy, though, on trial here on the floor of the U.S. Senate with regard to the amendment offered by the Senator from Pennsylvania.

I would simply point out that it was the Armed Services Committee, under its oversight responsibility, which has checked thoroughly, has held extensive hearings and, in the opinion of this Senator, has taken appropriate action on a whole series of matters involving the U.S. Navy.

It may not be well known to the Senator from Pennsylvania, but when

some of the Navy brass mishandled the first big event, it was this Senator from Nebraska who pointed out that he simply did not believe the Navy's findings that the tragedy on the U.S.S. *Iowa* could be blamed on homosexual activity, or the allegations that were made that that whole tragedy was not the fault of the Navy, that it was not an accident; that it was somehow an attempt by two enlisted Navy people that were alleged to have had some homosexual conduct. That really was never proven. Certainly, it was later disproven; that is, the findings of high officials in the U.S. Navy with regard to the pending responsibility in the tragedy on the U.S.S. *Iowa* was, that they were somehow free from any fault or responsibility of the top brass of the Navy.

I would agree with the Senator from Pennsylvania that in recent days, with a whole series of unfortunate incidents, some of the leadership of the U.S. Navy has, at best, not performed up to the standards that many of us would like to see.

But to carry that so far as to say that the closure of any one base in the State of Pennsylvania or elsewhere was done, concealed, as a part of some kind of a Naval coverup or withholding of information I think is stretching the point on any problems that we might have had with the leadership of the U.S. Navy.

I appreciate the Senator's explanation of what his amendment does. And we can put in whatever window dressing or clothing we want. Basically, in the opinion of this Senator, the amendment offered by the Senator from Pennsylvania would gut the basic essence of the Base Closure Commission.

I am not necessarily for nor am I against the facility in Pennsylvania that the Senator from Pennsylvania feels is critical to our national defense.

I have not made a thorough investigation of that particular matter. But I do say, and I do believe, that matter is behind us. It has been so designated. The courts have refused to overturn it. It might well be that some people would agree with the Senator from Pennsylvania that this was a case that was so egregious that we must take action on the floor of the U.S. Senate, since the Senator from Pennsylvania and others were unsuccessful in trying to overturn this through the courts.

I would simply point to the recent decision by the Supreme Court in this matter that was adverse to the interests of those who would like to keep the Philadelphia Naval Facility open.

I guess then, probably, we have outlined the differences of opinion on the amendment. I would simply say to the Senator from Pennsylvania that I have nothing particularly further to say on this matter. If he does, of course, we would be glad to listen.

There are hopefully other amendments. I say to the Senator from Pennsylvania that it is the hope and the desire of the leadership of the Senate and the Armed Services Committee that we stay here tonight as late as necessary to complete this, if we can. If not, we are encouraging the majority leader to hold the Senate in session as long as is necessary tomorrow, Friday, to accomplish this because of other important matters; basically, appropriations bills that are stacked up behind the defense authorization bill.

So I would simply say, is it possible that the Senator might agree to proceed at this time with any further remarks or discussions that he has on his amendment, which I would say is entirely in order from a procedural position. I think that is why Senator NUNN did agree, in the interest of the Senator from Pennsylvania last night, that this would be the first matter taken up. I suggest, though, that as the Senator has said, there may be other Senators who wish to come and speak in behalf of and in support of the amendment of the Senator from Pennsylvania. Likewise, I am confident that there are many who will oppose this amendment who would like to come forth and do so.

The situation we are facing right now, though, is that maybe we could go ahead with other matters if the Senator from Pennsylvania will agree, at an appropriate time, to temporarily set aside his amendment so that we might hopefully proceed with other business, to move along. I see a period of a major logjam that is going to take hours and hours and make it most difficult for us to complete action on the defense authorization bill in a timely manner.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Nebraska for his comments.

The first of two questions which I had directed to the Senator from Nebraska related to his argument earlier about cherry picking. I had asked him a question as to what evidence—if not evidence, indicators—he had or the committee had that there would be any rush on the courts with a standard for judicial review, which was as high as is provided for by this amendment.

There have been, to repeat, some 310 proceedings under base closures and realignments. As I understand it, only three cases were brought to court, and the other two do not match the standard here. I asked him that question. I did not hear anything about it in his reply. But let me pick up on a couple other matters which he commented about.

When he says that the Senator from Pennsylvania has been unsuccessful in keeping the Philadelphia Navy Yard

open, the Senator from Pennsylvania has not even had a chance to address the merits of that question, because the Federal courts have said they would not hear the case. The Federal courts have said that they would not hear the case because the Congress did not provide for judicial review. When the matter was before the Armed Services Subcommittee, the presiding Senator, Senator Dixon of Illinois, said this is a matter for the courts; it is not a matter for the Senate. Which is why we went to the courts.

So when the Senator from Nebraska says there has been an unsuccessful effort to have the Philadelphia Navy Yard kept open, this statement is not really on target. We have not even been able to present the arguments about it.

I do not propose to discuss today the reasons why I think the Philadelphia Navy Yard should be kept open, because the question that I put to this body was much more narrow and a more limited question; and that is: Should there be judicial review so the courts can decide whether or not there has been fundamental fairness? Then it is a matter for the Base Closure Commission, under the law, to make a decision as to whether the Navy Yard should be kept open.

The Philadelphia Navy Yard never had a ghost of a chance to present the merits, when the Navy concealed two documents signed by high-ranking admirals that the yard should be kept open. That is what never happened.

I, again, address the first two questions to the Senator from Nebraska, if he cares to answer them: How many cases does he think there are where the Navy has kept two documents by ranking officers and concealed it from the parties in interest? How many cases are there that lead him to make the assertion that there will be cherry picking or an open floodgate of litigation in the Federal courts? I direct those questions to him.

Mr. EXON. Mr. President, I will try and answer the questions that I think are legitimate ones from the Senator from Pennsylvania, a very skilled lawyer who basically is trying to place the courts in a position, in one way or another, of overriding the actions of the Base Closure Commission, the President of the United States, and the Congress.

There is one thing that I think we generally agree to here in the Congress of the United States, both in the House and the Senate—that there has been far too much intervention in the courts. There are supposedly three equal branches of Government: executive, legislative and the judiciary. I happen to feel, as a nonlawyer, that there has been a whole series of instances where I think the judicial branch has overstepped its authority. Yet, of a latter date, there has been some indication that the courts are not overreaching as much as they once did.

I simply say that I do not know how many cases there are, obviously. And I think the Senator from Pennsylvania knows very well that I would not be in a position to know in how many such instances there has been of a coverup of information. I simply say that if we start down that road, then we are going to be back on that highway, the superhighway of the populace feeling that there is somehow a conspiracy about almost everything that happens today in the United States of America, including most of the actions that are taking place in the Congress of the United States. I reject that.

So I think that the Senator from Pennsylvania is doing a very professional, lawyerlike job of creating the conspiracy theory as to why he thinks the courts should be allowed to intervene not only in the case of the naval yard in Philadelphia, but also any other Base Closure Commission. I simply say that if the Senator's amendment is passed, I think we would open up a Pandora's box to every community that has a base closed. They could come forth citing the amendment offered by the Senator from Pennsylvania and passed by the Senate and the Congress as a means to delay, if not to eliminate the base closure, which is absolutely essential if we are ever going to make the tricky dollars that we have on defense do what defense is supposed to do, which is to provide for the legitimate national security interests of the United States.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. Mr. President, I would like to make a couple of comments on this. I appreciate the views of the Senator from Pennsylvania. Obviously, no one wants fraud to be involved in a process like this. And there has to be a remedy for that. The Senator from Pennsylvania has taken the course that there should be a judicial review. I think it would be the demise of our whole base closure process if that were to go through. What community would not find something they claim fraudulent and put it into a court case, with the stipulation that the closing of the base be delayed until the final resolution in the courts?

The whole process would obviously come to a screeching halt. As Justice Souter noted in his concurring opinion in Dalton versus Specter:

This mandate for prompt acceptance or rejection of the entire package of base closings can only represent a considered allocation of authority between the Executive and Legislative Branches to reach important, but politically difficult, objectives \* \* \*. If judicial review could eliminate one base from a package the political resolution embodied in that package would be destroyed \* \* \*. The very reasons that led Congress by this enactment to bind its hands from untying a package,

once assembled, go far to persuade me that Congress did not mean the courts to have any such power through judicial review.

That is Justice Souter's view on this. That does not take away, however, my agreement with the Senator from Pennsylvania that there should be means to address fraudulent behavior, and that is what his legislation talks about in the fifth and sixth lines, the third line up from the bottom of the page of his amendment—the copy of it I have, at least.

It says:

\*\*\* a prima facie showing of not less than two documentary material acts of fraudulent concealment \*\*\*.

I agree that where there is fraudulent concealment, there has to be a remedy for that. But I also submit that we should not take the whole process and untie it by putting us into a judicial review process, because I believe we already have a way of looking at this and taking care of fraudulent concealment. Fraud is not conducted by some great body called "the Pentagon," or whatever. Fraudulent concealment is by individuals. Someone has to decide that he or she is going to fraudulently conceal something. Fraud is illegal right now under the Uniform Code of Military Justice—if it is a military member that we are talking about. Or under the criminal code, if a member of the civil service fraudulently conceals, then that person can be charged with such concealment.

The IG's, that I have a lot of faith in, are doing a good job, and it seems to me that a course in some situations, such as the one in which the Senator from Pennsylvania found himself, is to ask the IG's to look into it immediately. And, second, in whatever area of the country was involved, if there was fraudulent concealment, which is what his amendment deals with, fraudulent concealment, then a case would lie certainly against the member of the military through the Uniform Code of Military Justice, or against a civil service member through the criminal code, or against anyone else representing or acting on behalf of the Government, such as the BRAC closure commission; it would lie against them as representatives of the Government if they fraudulently concealed. So I think we do have that remedy, without knocking out the whole BRAC process.

The reason the BRAC process was set up to begin with was because Congress had, for many years, been unable to deal with the base closure process, and this was put together as a package—a "take it or leave it" type package. I do not think anybody—and certainly I would not advocate that if there is evidence of fraudulent concealment, that it should not be dealt with. I do not see why it has to go through a Federal court process when you can file a suit against a member of the military through the UCMJ, or you could file a

suit against a civil servant, or somebody representing the Government, through the regular criminal code that does already cover fraudulent concealment in any situation like this.

I agree with my colleague, Senator EXON, who felt that this would undo the whole BRAC process, which we had so much difficulty putting together. And it was only put together after many years of ineffectually trying to close bases around the country. It is a process that proved contentious, obviously because no one wants to have bases closed in their area. I do not like what happened in some places in Ohio. The Senator from Pennsylvania does not like what happened in Philadelphia. The Senators from California, as we are well aware from their testimony on the floor, feel they have taken too many hits out there. No one likes to see these things happen in their home area.

Where there is fraud—fraud entered into part of this—it seems to me that that there is a remedy already there to address this through the UCMJ and the criminal code, and perhaps using the inspector general to investigate this.

There is one other factor here. If we put this back into the court for judicial review, you, in effect, are taking the judicial branch of Government and saying they will make the final determinations on what the military alignment of bases, the strategic locations of bases, should be around this country. And they would be deciding that by just the narrow consideration of whether fraud occurred. Major bases might or might not be kept open or closed on a basis quite apart from what the military needs of the United States are. I would not want to see that be tossed over into the judicial branch. They may have an interest in it, but they certainly are not qualified, I believe, to make those judgments.

So I believe that the legal remedy that the Senator from Pennsylvania seeks is there in the processes we have now with UCMJ and with the criminal code, the U.S. Criminal Code.

Those were not explored in this particular case. The Senator from Pennsylvania had every right to take his cause to the Supreme Court. They turned it down on the basis that Congress had put together this package and they did not want to get into destroying that package, and I agree with their decision on that.

Did the Senator from Pennsylvania consider going to the IG's? Did he consider going through the UCMJ, the Uniform Code of Military Justice to address a problem of fraudulent concealment, the words out of his amendment? Or did he go to the United States Code where fraudulent concealment, which happens by individuals—not just by some great case against the Pentagon, but individuals—had to be involved? And individuals could have a suit filed

against them either under UCMJ or under the regular United States Code.

It would seem to me that that provides a remedy that is adequate without undoing the whole BRAC process, which is what this basically would do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I think the Senator from Ohio has made a very important statement. It is really a concession when he says where there is a fraudulent concealment, there must be a remedy.

That is my point. Where there is fraudulent concealment, there must be a remedy.

When the Senator from Ohio suggests a remedy in a suit against someone in the military or a civilian, that does not remedy the problem of the closure of the Philadelphia Navy Yard.

I am not unaware of how to proceed on a criminal complaint for fraud. I know how to do that. But if I put someone in jail for fraud, which I have done, it is not a remedy for the Philadelphia Navy Yard. It is not a remedy for the importance of the yard to national defense or a remedy for the thousands of people who are thrown out of work.

Now, when the Senator from Ohio asks me have I asked the inspector general to look into it, I have asked everybody in the chain of command up to the Secretary of Defense, and that is Secretary of Defense Perry and that is Secretary of Defense Cheney, and the Secretaries of the Navy. The inspector general specifically has not been asked, but I have the question pending before the Secretary of Defense. But the inspector general lives in America. He knows of the controversy concerning the closure of the Philadelphia Navy Yard. There is hardly anybody who does not. And I asked the Secretary of Defense most recently in a letter which I sent to him on May 24, 1994, which I ask unanimous consent be printed in the RECORD so I do not have to read the whole letter.

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

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, May 24, 1994.

Hon. WILLIAM J. PERRY,  
Secretary of Defense,  
Washington, DC.

DEAR SECRETARY PERRY: I ask that you personally review at least limited aspects of the conduct of the Department of the Navy on the recommendation to close the Philadelphia Naval Shipyard.

When I met with you in advance of your confirmation as Secretary of Defense, you advised me that you would not tolerate any misrepresentations or concealments by anyone in the Department of Defense. I did not pursue the issue on the Philadelphia Naval Shipyard since the matter was in litigation and it was, at that time, a matter for the lawyers.

When the Supreme Court of the United States ruled that the federal courts had no

jurisdiction to review what the Department of the Navy did on the Philadelphia Naval Shipyard, the Court did not reach the merits of the case. I ask that you reach the merits of the case in accordance with the principles which you stated to me since those misrepresentations and concealments still stand.

I enclose with this letter, two reports, one from Admiral Claman and one from Admiral Hekman, which were withheld from the GAO and Congress in violation of the Base Closing Act.

This is only the tip of the iceberg.

I submit that this documentary, undisputable evidence is sufficient on its face to have the Base Closing Commission reconsider its decision to close the Philadelphia Naval Shipyard.

I ask that you agree to have the Base Closing Commission reconsider its decision on the Philadelphia Naval Shipyard in the 1995 round so that there may be compliance with the Base Closing Act.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, when the Secretary of Defense wanted consideration from this Senator, he got it within 24 hours. He came to my office when his nomination was pending, and I saw him very promptly. I did not talk to him about the details of the navy yard case because it was pending in court. He said to me that there would not be fraud on his watch. I did not ask him to take action because it was in court.

When the court said the courts do not have the authority to review it, it is a matter for congressional authorization to review it, that was that.

Then I wrote to him on May 24 and I said to him:

When I met with you in advance of your confirmation as Secretary of Defense, you advised me you would not tolerate any misrepresentations or concealments by anyone in the Department of Defense. I did not pursue the issue at the Philadelphia Naval Shipyard since the matter was in litigation. It was at that time a matter for the lawyers.

When the Supreme Court of the United States ruled that the Federal courts had no jurisdiction to review what the Navy did on the shipyard, the courts did not reach the merits of the case, I asked that you reach the merits of the case in accordance with the principles which you stated to me, since those misrepresentations and concealments still stand. As yet, I have not gotten any answer to that, just as I haven't gotten any answer from the Navy for 3 years on the merits of this case.

When the Senator from Ohio says that this is going to affect the force structure, I say this respectfully because I know the Senator from Ohio is a real expert on military matters; I have deferred to him privately and I have deferred to him publicly and I do that again today.

I do not think the courts ought to review military matters, and in the lawsuit I specifically accepted the force structure promise behind the base closure process, and I wanted to make this as emphatic as I can. I am not asking

the courts to decide whether the navy yard should be kept opened or closed. That is a matter for the Base Closure Commission.

What I am asking the courts to decide is whether the Philadelphia Navy Yard received fairness under the act which requires full disclosure. Courts are not equipped to make military decisions. Courts are uniquely equipped to make a decision as to whether the procedures of the act have been complied with. Was there fraudulent concealment by the Navy? That is what the court is designed to do.

If the court says, yes, there was, then our request for relief was for the court to say to the Base Closure Commission, "You have to give these folks fairness and look at these two reports."

I would ask the Senator from Ohio the same question I raised earlier—he is on his feet and wants to ask me a question and I will be glad to respond. I appreciate the comment by the Senator from Nebraska that he did not know how many cases would be involved if this amendment were passed, but I submit that it is pretty important to know that if you are going to say there is going to be cherry picking or a flood of litigation.

I submit to my colleagues that if you have the standard for a treason conviction under the Constitution of two witnesses, and require that it be documented, that is a very high standard, and it would be a very unique case and perhaps sui generis, perhaps only one. But I ask my colleague from Ohio this question: There are letters in the Navy files from Admiral Hexman dated December 19, 1990, which says "It is more appropriate to downsize the Philadelphia Naval Shipyard instead of closing it." You have a letter dated March 15, 1991, again from Admiral Hexman, and there is another letter from Admiral Claman in the files saying the yard should be kept open.

Is it not necessary in our system of justice and plain fairness that a defense base such as a navy yard not be closed if this kind of documentary evidence is not presented to the Commission and presented so that when Senators like Senator GLENN goes in for Ohio, or ARLEN SPECTER goes in for Pennsylvania, we can present this and at least have it considered? If the Commission says close the yards fairly, so be it. But does not basic fairness require that the remedy go to what happens to the shipyard as opposed to the prosecution of some individual?

Mr. GLENN. Mr. President, I am glad to respond to the Senator from Pennsylvania, because I think what he is talking about are specifics of the recommendations of one or more admirals in the Pentagon. That is part of an information gathering process of opinions by a great number of people, among whom those couple of admirals may have had a different opinion than

the collective wisdom of the whole base closure process. Perhaps they are not aware of some other alignment that is going to be made, or whatever. No one or two people in the Pentagon have a lock on what the Base Closure Commission is to consider and to decide.

I agree that the letters probably should have been considered. But is it fraudulent that the Base Closure Commission did not agree with those two admirals? I do not believe it is.

What the Senator tries to address with his amendment is fraudulent concealment. That was the purpose of the Supreme Court case.

I am reading from the syllabus of Secretary of the Navy Dalton. It says:

The act was seeking to enjoin the Secretary of Defense from carrying out the President's decision pursuant to the 1990 act to close the Philadelphia Naval Shipyard.

So that was the purpose of it. It was to just stop the closing of the shipyard.

I am certain the Senator from Pennsylvania will say, well, he did that because he thought there had been fraudulent concealment before that. If there is fraudulent concealment, it can be brought as a charge under UCMJ or it could be brought under the United States Code against those representing the Government of the United States, whether a temporary Base Closure Commission or civil servants working for the United States.

I do not see, still, why that is not a remedy.

I asked a little while ago if there had been a request made directly to the IG, and there was not a direct response to that. But I would point out that the IG is an independent assessor of activities over there that we may have a question about. They are not in the direct chain of command over there. The IG Act, which I was responsible for helping put into place—in fact, the expansion of it was my legislation—we had a 10-year experience with it. We very deliberately wrote that act with responsibilities to the Congress, as well as to the agencies that those IG's are part of.

So they are to take an independent role in making these assessments as to whether actions of the Department they represent are fair or not fair, whether they are being carried out correctly or not correctly. And the IG's have exhibited a rather fierce independence through the years in making those judgments because they know their responsibilities come both to the Congress and to the agency that they work for.

So it seems to me that an IG inspection, or whatever information is developed privately by the Senator from Pennsylvania, or whomever in whatever other case, could be properly brought before the UCMJ and/or the criminal code for others if, as he has in his amendment, there is fraudulent concealment.

Now, that does not mean if information comes out, as he has indicated in

the letters that were in the files over there, that they are going to prevail, because BRAC closures are a collective wisdom of that whole board, and I would doubt very much that the letters from a couple of admirals who may have liked the Philadelphia yard and may have had a good case, some good reasoning there, I do not see any reason why we would automatically think the Philadelphia Naval Yard, had those letters been made part of the BRAC closure process—there are many people involved, many opinions in the BRAC closure process—I think to toss this whole thing back into the Federal courts when there are already remedies in the UCMJ or the criminal code, and the investigative capabilities of the IG can be brought to bear. To toss the whole BRAC closure out, which it seems to me is a step in the direction we are going, it seems to me would be unwise for the Senator to take.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, responding directly to what the Senator from Ohio has said, I am not representing that the Philadelphia Navy Yard would automatically have been kept open by the Base Closure Commission if these letters had been considered by the Base Closure Commission. But at least there would have been a chance. It would have been the most powerful evidence available for those of us who appeared on behalf of Philadelphia Navy Yard.

The Senator from Ohio said he is not happy with things that were done in Ohio. I can understand that.

The process was for Senators to appear before the Commission.

I referred to the letters from Admiral Hexman. There is an additional letter from Adm. J.C. Claman recommending that the Philadelphia Navy Yard be drawn down to a small size activity in the mid-1990's, the thrust of it being that the yard be kept open.

So there is no representation by me that automatically, as the Senator from Ohio says, the yard would have been kept open. But at least all of the evidence would have been considered.

I think there was at least a possibility that, with a very close question, as appeared before the Base Closure Commission, a very close question, if we had had these letters available to us to say to the Commission, "Commissioners, the two admirals who know the most about this in the Pentagon say the base ought to be kept open. Aren't we entitled to have that considered by the Base Closure Commission?"

That is what we are asking for. That is what we asked for when we said to the court: Let us submit this evidence to the Base Closure Commission.

We are not asking the court to keep the yard open. We are asking the Federal court to send this matter back to

the Base Closure Commission with an opportunity for us to be heard in accordance with the fair process required by the act to consider all of the evidence.

The Senator from Ohio comes back again to the inspector general. I had not wanted to get into the matter in any detail, but I am going to.

I do not think it is necessary, when a Senator deals with the Secretary of Defense, to have to go to the inspector general.

But let me say to you very bluntly, Senator GLENN, I do not have any confidence in the inspector general of the Department of Defense. The reason I do not have any confidence in the inspector general of the Department of Defense was when he wrote a letter saying there was no credible evidence as to Admiral Kelso in the face of a 49-page report from a military judge which detailed evidence as to Admiral Kelso. I just do not have any confidence in him.

I believe that when I deal with the Secretary of Defense and I send the Secretary of Defense a letter and ask him to look into this matter and do not get a reply, and when I have dealt with the Secretary of Defense under the prior administration and have detailed this evidence, and have taken the matter up for hearings, that the Department of Defense has had a full opportunity to face up to this kind of a question.

When the Senator from Nebraska was dealing with the Battleship *Iowa* a few minutes ago, he made a very good point. He said his committee was dissatisfied with what the Navy did, claiming that it was a homosexual which caused the explosion in the deaths of 47 sailors. The Armed Services Committee looked into it and found out what the facts were, and did a good job of oversight. I think that is the kind of oversight that is necessary.

That is why I brought the Armed Services Committee my complaints about this fraudulent concealment. I was told to go to court. I went to court, and one court, the third circuit, said, "You're right, ARLEN SPECTER. You have a right to go to the court." The Supreme Court said no, because the Congress had not authorized judicial review.

Now I am back to the Congress. I am back to the Congress and I am saying, is this fair? Is it an adequate remedy to prosecute individuals or to sue individuals, as Senator GLENN says, under the UCMJ or the United States Code? Absolutely not. What does that do? That is a conviction, and somebody may go to jail. That is not a remedy.

Mr. GLENN. Will the Senator yield on that point for just a minute?

Mr. SPECTER. I will.

Mr. GLENN. Because I was saying, if that occurs, then you have a very good cause to bring that back to the attention of the Congress, and Congress can

reverse this. Or you can bring it back to the BRAC Closure Commission, and they could say, "Yes, we were misled on this," and we could undo that.

So there is a remedy in this case if fraud—which is what you are dealing with here, fraudulent behavior—if that is proven. So there is recourse back here. We have the final approval over this.

If I knew fraudulent behavior had gone into a decision on a particular case, I would be the first to vote to overturn that particular decision until it can be further reviewed. So we do have recourse in this. It is not as though it is all final.

And just one other thing. I think we are mixing up apples and oranges here on the IG's, because—the Senator mentioned the *Iowa*? I believe that was the Naval Investigative Service that looked into that, and also a separate board of inquiry that was involved with that. The IG was not directly involved with the *Iowa* investigation at all, I do not believe.

Mr. SPECTER. The reference, if I may say to the Senator from Ohio, to the inspector general was not regarding the *Iowa*. The reference to the inspector general concerned Admiral Kelso. We had the 49-page single-spaced report from the military judge detailing evidence as to Admiral Kelso and you had a short report from the inspector general saying there was no credible evidence. A fantastic, remarkable, astounding, unreal conclusion by the inspector general. So pardon me if I do not take the case there.

But back to the first point the Senator from Ohio made when he asked me to yield—and I was glad to do that. I think it is good to do it because we get to the basic point.

The basic point is this: If Senator GLENN wants proof of fraud, why do I have to go to court and get a criminal conviction in order to prove fraud when he can read three letters—two from Admiral Hexman and one from Admiral Claman—read three letters that were concealed that said the yard ought to be kept open. If you dispute that is fraudulent concealment I will listen to that. If you dispute that I did not have a chance to argue it, that it was not before the Base Closure Commission, I will listen to that. If you say that some inappropriate agency is going to make the decision when I concede it goes to the Commission, the Base Closure Commission, and not the court—the court's narrow function under this amendment is to review the case and make a factual determination of whether there was fraudulent concealment that was material and rises to the level of two documents.

If Senator GLENN is prepared to deal with fraud, deal with this.

Mr. GLENN. Will the Senator yield?

Mr. SPECTER. I do.

Mr. GLENN. I ask, the Philadelphia Navy Yard was designated for closing

in the 1991 Commission, is that correct?

Mr. SPECTER. That is correct.

Mr. GLENN. If this fraudulent material was there, why was this not brought before the 1993 Commission for reconsideration and reversal? I am sure they would be happy to deal with it. Was that attempted?

Mr. SPECTER. We brought this matter to the Base Closure Commission before 1993. This matter was brought to the Base Closing Commission.

Mr. GLENN. Which one, the 1991 Commission or the 1993? Because the 1993 Commission could have reviewed this whole thing—over again.

Mr. SPECTER. So could the 1991 Commission, after it was closed and after we found this evidence.

Senator GLENN—the Commission had this evidence. The Commissioners were named defendants in the case. The 1993 BRAC Commission was the same as the 1991 BRAC Commission and they were all parties defendant to the case and they did not lift a finger. When they were told about this fraud they looked the other way. They defend themselves in court by saying the court does not have jurisdiction. They have never looked at the facts.

Mr. GLENN. The fact that there were different opinions by some of the people in the Navy Department does not mean that there was necessarily fraud by the Commission. Or that fraud was permitted by the Commission.

Mr. SPECTER. I am not saying, I say to Senator GLENN, that there was fraud by the Commission. I am saying that the fraud was committed by the Department of the Navy and the Department of Defense. And the fraud was committed when the statute specifically says, "all materials to be turned over to the General Accounting Office," and "all the materials to be turned over to the Base Closure Commission so that Members of Congress can review it before the hearing"—that material was not turned over.

Is my colleague, Senator GLENN, saying that if three letters say the Navy yard should be kept open, and they are concealed, that that is not fraud?

Mr. GLENN. If it is fraud—I do not know whether it was fraud or not. But I am saying if there is fraud and that is the charge then it should be brought to the attention of the IG first, I think. And then, if it is fraud, then that could be charged and brought under UCMJ, or under the United States Code.

I do not plan to go on with this. I know the Senator from Nebraska wants to make another statement here. But let me just make one thing clear and give you my views on this.

I think there are remedies existing now for dealing with fraudulent behavior, which is what the amendment addresses. And so everyone is very clear about this, it would be my opinion that if this went through and if this was

made law, then it would be the end of the BRAC process as we know it, which was set up after so many tortuous years of being unable to deal with this base closure process.

I have no doubt that if this amendment went through and became law this would be the end of the BRAC process. I think it is that serious, what we are considering here this morning. I think there is an adequate way of taking care of fraudulent behavior and I think it is in law right now. I hope everybody listening back in the offices, when it comes to a vote on this—I do not see how you can look at this any way but that it would be the end of the BRAC process. Because it would be a rare city that would not find something they could charge was fraudulent, put this into the Federal courts, and hold up the whole process. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am at a little bit of a loss to hear my colleague from Ohio say he does not know whether it was fraud or not. You have flat statements, three documents that the yard should be kept open. It is certainly material. They are concealed from the General Accounting Office. I am a little at a loss to understand how he says he does not know whether it is fraud or not.

Mr. GLENN. At a loss? It is this.

There are many documents that are brought or not brought to the attention of the Base Closure Commission. And the judgment of the Commission is in the totality of this. Did this fraud, which is claimed by the Senator from Pennsylvania, decide this case? I doubt that it did. Some admirals saying—I am sure almost any base to be closed can find some general, some admiral, who expresses an opinion that he thinks that is wrong and that particular base should be kept open. But that does not mean there is fraud involved because we have some differing opinion, whether it is brought to light to the Base Closure Commission or not.

Mr. SPECTER. I would say to my colleague from Ohio that generals and admirals may say a lot of things. And it is up to the Base Closure Commission to sift through them—a lot of documents, a lot of opinions, and a lot of judgments. But the act of Congress said all the material, all the material should be made available to the General Accounting Office and then to the Congress. And it is inconceivable to me how anybody can look at these three letters without saying that this is material and that this is fraud.

But, let me go one step further and say to the Senator from Ohio, this amendment does not ask the Senate to decide that this is fraudulent concealment. This amendment asks the Senate to allow a court to look at this evidence and say whether it is fraudulent

concealment. In the course of our discussions here today we do not do what a court does, in terms of the analysis of fraudulent concealment, although I think on its face these letters demonstrate fraudulent concealment. And when the Senator from Ohio goes on and says this is going to destroy the base closing process, I would ask him—if I may have his attention—I would ask him the question I asked the Senator from Nebraska.

I understand he does not have a lot of details and a lot of facts at his disposal. It is a judgment call. The Senator made the assertion this amendment would destroy the closing process. There are 310 base closures and realignments, as I understand the facts. And only 3 lawsuits have been brought. I do not believe the other two lawsuits involve evidence of fraud at this level.

In seeking to open judicial review, I have done so on as narrow an ambit as I can devise. I have taken the constitutional provisions on treason, the most serious crimes at the time of the adoption of the Constitution. It requires two witnesses. And I have required that it be documentary evidence, not what somebody heard in a corridor or somebody testifies on oral evidence and might get into a "who struck John," who said what. The requirement is documentary evidence and at least two levels of documentary evidence. I would even make it three.

But the question for the Senator from Ohio is how many cases are there like this? Is there going to be a flood of litigation? Is there going to be an opportunity for the Federal courts to cherry pick?

Mr. GLENN. I have no way of knowing how many cases there would be, obviously. Nor do I think the Senator from Nebraska has any idea how many cases there would be. We have no way of knowing.

But I would submit, if you give a judicial review it is going to be a rare community that has concern about a base that does not find some papers somewhere that did not come to light at the proper time. They are going to claim that was critical. And they are going to file suit. And so the execution of the closure will not take place.

So that is the reason why I think the BRAC closure process would come to a screeching halt. We found it difficult to deal with this. It was impossible. This process was put forward. I think if there is fraud, the fraud was committed by an individual or a collection of individuals. If the case is there, file a suit under the United States Code right now, fraud against the Government. Or under UCMJ. It covers fraud also. So there is recourse right now. It is not as though we do not have recourse. It does not have to close up the whole BRAC closure process.

Mr. EXON addressed the Chair.

Mr. SPECTER. Mr. President, I believe I still have the floor.

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

Mr. SPECTER. Mr. President, when the Senator from Ohio says that communities are going to find evidence, I think that is just not so. You do not pick documentary evidence out of the air. You just do not pick documentary evidence, fraudulent concealment of material information out of the air.

Mr. GLENN. Will the Senator yield? Why did he not just file suit under UCMJ or civil service? Why does he not still do that to this day?

Mr. SPECTER. Because—

Mr. EXON. Mr. President, point of order. I ask the Parliamentarian to make a ruling as to who has the floor. We have not been following proper procedures under the rule.

Therefore, as the individual occupying the majority leader's chair, I do not wish to cut off debate. But I certainly feel that maybe under the rules I seek recognition and the right of the floor at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania still retains the floor but may yield to questions.

Mr. SPECTER. I thank the Chair.

In response to the comment made by the Senator from Ohio, there are two comments pending. One comment is why have I not started suit under the UCMJ. Because it does not get me the remedy that I seek. It does not do me any good to put somebody in jail for fraud and then to wait all that time—and that process could take years—come back and face the same kind of arguments I raise here.

When the Senator from Ohio made a key concession, where there is fraudulent concealment, there must be a remedy, that I agree with. But it is hardly a remedy to sue an individual. A remedy is to deal with the closing of the Philadelphia Navy Yard.

When the Senator from Ohio raises the point, as I was about to finish when he last raised another question, about communities finding something to go to court with, I think he is wrong about that. It is not easy to find documentary evidence which says the yard should be kept open by a ranking admiral. It is not easy to find a second letter from a ranking admiral who says that or a third letter from a ranking admiral who says that. But let me add this, Mr. President: That if this is the way of the Department of Defense and communities can find documentary evidence of fraudulent concealment, then that ought to be acted upon.

If this body is going to say to the Department of Defense, the Philadelphia Navy Yard, in the light of what happens in Government, the kind of concealment that we have talked about here today with the battleship *Iowa*, the Academy cheating scandal, the son of the Secretary of the Navy, or Tailhook, and the hard facts of this case where we have documentary evi-

dence about fraud, if this body is going to say that it intends to, in effect, sanction that by precluding the courts from judicial review, then so be it.

There has never been a consideration of this case on the merits by Secretary Cheney, who was Secretary of Defense, or by Secretary Perry, who is now Secretary of Defense, or by the Armed Services Committee, or when I took it to the subcommittee with Senator Dixon who said go to court, or by the Supreme Court of the United States which said it is up to the Congress to grant jurisdiction—we do not think the Congress has done it—or by the distinguished Third Circuit Court of Appeals which twice said that there ought to be review, not of force structure, not of military matters, but of procedures.

If my colleagues in the U.S. Senate are going to say to me that the courts are not open for this kind of fraud and that we are going to put the imprimatur of the Senate behind it, I will watch a rollcall vote.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Nebraska.

Mr. EXON. Mr. President, it seems to me that we have had a good discussion. It is becoming redundant because the same phrases are being used over and over again in the attempt of each side to proceed with explaining their position. I hope that we are about ready to come to a conclusion on debate on this matter.

I will simply say that I maintain the position that I made when we began this debate; and that is, regardless of the merits or demerits of the amendment offered by the Senator from Pennsylvania, if this was ever to become the law of the land, there is no question but what every community in the United States of America would find some reason to delay or stop the closure of any base. That would be a disaster, I suggest, given the diminishing resources to provide for the real national defense of the United States of America.

To move things along, I know that the distinguished Senator from South Carolina, the ranking member of the Armed Services Committee, and the chairman of the Armed Services Committee both would like to be heard on this matter.

I ask unanimous consent that the Senator from South Carolina be next recognized by the Chair, followed by the Senator from Georgia.

Mr. SPECTER. I object.

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska has yielded the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment.

If closing bases was easy business, there would be no Base Realignment and Closure Commission. It is an extremely difficult task and there are always people who are unhappy and who lose a great deal because of the closing of military installations.

South Carolina knows that to be true, as well as many other States in the Union.

Charleston was hurt badly by what the Base Commission did. Charleston had been a Navy town for a 100 years and they wiped out everything down there with the Navy, practically. But, on the other hand, how are you going to handle this thing?

But providing for judicial intervention in the procedure is not the answer. It will only create additional problems.

My reasons for opposing this amendment are: First, litigation brings false hopes, expense, and it delays community readjustment.

Next, the Base Realignment and Closure Commission's effectiveness is totally dependent on the all or nothing acceptance of its results. Lawsuits would promote fragmentation of these results. Material provided to the Commission is also provided to GAO and Members of Congress. This provides sufficient review of the military departments' submissions and provides sufficient opportunity to determine the validity of the material.

This amendment would create a significant problem and solve nothing.

I urge my colleagues to oppose this amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know there has been a good debate. I regret I have not been able to be here for the entire debate. I thank the Senator from Nebraska, the Senator from Ohio, and the Senator from South Carolina for representing the Armed Services Committee's position on this bill. I know the Senator from Pennsylvania feels very strongly on this point, and I understand his point. I have to respectfully disagree.

There is not a weapons system that has ever been canceled that you cannot find some general or admiral who wanted to keep it. There is not any kind of weapon that goes out of business because it is outmoded that you cannot find a general or admiral who wants to keep it. And the same thing for military bases. You are always going to have some general or some admiral or some officer or somebody who has said somewhere that a base should not be closed.

The services have to weigh all of that, if they know about it. Sometimes they do; sometimes they do not. Then they have to make their recommendation to the Secretary of Defense. He has to make his recommendation to the President. The President has to

make his recommendations to the Congress. And then we have to decide on the issue.

I know that where there has been any kind of deliberate withholding of information that is tantamount to fraud, and as the Senator from Ohio has pointed out, those kinds of offenses are punishable under the Uniform Code of Military Justice. If a military officer or other people subject to the Uniform Code of Military Justice have deliberately withheld information, committed fraud or committed any kind of false testimony, then those are punishable offenses.

But what we on the Armed Services Committee do not want to do is to see judicial review take place on the Base Closure Commission because we know that every community will do their very best to find some bit of misleading information, whether intentional or unintentional, and label it fraud and go to court and then the courts are going to be struggling, first, to try to determine whether there is fraud and, second, what to do about it after they determine it.

If you find two pieces of information that have been withheld under the amendment we now have pending, and the court then determines it might have been deliberate, then no matter what the overall weight of evidence is, the court could overturn that. And if it overturned it for one base, then the rationale of the Base Closure Commission can come unwound as to other bases.

So that is the reason we did not have judicial review. If there was a base in Arkansas that there were two bits of information, or two pieces of information that were not considered at the appropriate time and later it was determined by some court of law in a judicial review that that information was pertinent and relevant and should have been considered, then the base that was closed in Arkansas could be reversed and be pending and then a base closure somewhere else might make no sense at all, or base realignment somewhere else might make no sense at all. So in an effort to achieve perfect justice here, we would be basically exposing the whole base closing process to coming unwound.

Having been here long enough to know that there is never anything that is considered a closed question in Washington, including a weapons system that is canceled or a base that is closed, we would be involved in this over and over and over again, and we would be back where we were before we ever decided to go with the Base Closure Commission, which is the only way we are going to be able to close military bases.

No one wants to close military bases. No one enjoys telling a community they are going to lose personnel from the Department of Defense, whether it

is a closure or realignment. I know that very well. But I also know what happens if we do not close military bases.

What happens is that we keep infrastructure which is not needed, and we end up having to cut either force structure or readiness or we sacrifice the modernization of the force. So this is not a free ride. We cannot keep bases open that are not needed and not pay a very big price in terms of military preparedness. The way the system works, the price is not paid immediately because you do not save money immediately in base closure. But what we do now will affect the kind of money we spend in infrastructure in 5 years, 6 years, 7 years, 8 years, 9 years, 10 years. So what we are doing right now in terms of closing military bases, as painful as it is, has a very big effect on military preparedness for 5 to 10 years.

For all those reasons, with great respect for the Senator from Pennsylvania—and I do not know anyone who wages a more effective battle than he does in these areas; he is a very forceful advocate, and I will always listen very carefully to his position, but in this case I must respectfully disagree and urge that the amendment be defeated. I hope we could vote on it as soon as the Senator from Pennsylvania feels he has completed his case, and I hope that would be in the next few minutes because we do have two other amendments that are awaiting presentation that are also very important.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania I believe sought recognition.

Mr. SPECTER. While the Senator from Georgia is in the Chamber, if I may have the attention of the Senator from Georgia, there are a couple of issues I would like to discuss very briefly, and I am about ready to vote, as I stated to the Senator from Georgia informally on the floor a few minutes ago.

When the Senator from Georgia raises the contention that you cannot let the courts get involved in a closure because that might upset the whole string of interrelated closures, I think the Senator from Georgia does understand my point, but I would like his comment about it, that I am not asking the court to decide what base to close and what base to leave open. I am asking the court to make a decision as to whether there has been fraud so that the matter ought to go back to the Base Closure Commission, and the Commission would hear the evidence which was concealed, and the Commission would then make a decision. So the Commission keeps in mind all of the factors involved and on the whole sequence of base closures. I ask that question of my colleague.

Mr. NUNN. I do understand the distinction, and I think the Senator's point is one that is pertinent to the consideration. The problem is the time element. The whole Base Closure Commission has been set up on a very compressed time element. We have a number of days to decide in the Congress. The Secretary of Defense has to appoint a Base Closure Commission, I believe, by January 20 or 22. If he does not, and if that is not submitted to Congress by then, there is no Base Closure Commission at all. Therefore, all the statutes that are waived here are applicable. The President has so many days to review the consideration. Then Congress has so many days to review it after that.

So what happens is if you get a court intervening in the middle of all of this, the whole time schedule is compromised and makes it unworkable. I think everyone has to realize that bases can be closed more than one way. Bases can theoretically be closed without a Base Closure Commission, and that way the Congress has to approve it every step of the way. And there are all sorts of statutes that are set up in law that make that extremely difficult. That is the reason we have not had bases closed.

So this Commission concept that is the subject of this amendment is an extraordinary procedure because we had extraordinary difficulty in dealing with base closings under the existing law with all sorts of impediments.

So I would say to the Senator, the Senator's point is basically correct but the time schedule makes that in my view compromising to the effectiveness of the base closing concept.

Mr. EXON addressed the Chair.

Mr. SPECTER. The second point I want to discuss with my colleague from—

The PRESIDING OFFICER. The Senator from Pennsylvania asked permission to ask a question to the Senator from Georgia. The Senator from Georgia has responded to the question.

The Senator from Pennsylvania actually lost the floor when he propounded the question to the Senator from Georgia. The Senator from Georgia has responded to the question.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may propound another question to the Senator from Georgia. It does not take long to—

The PRESIDING OFFICER. Does the Senator intend to propound that question and lose his right to the floor?

Mr. SPECTER. Well, I will ask unanimous consent that I might propound a question to the Senator from Georgia without losing the right. I understand the rule that someone else may intervene—

The PRESIDING OFFICER. The Chair asks, is there objection to the unanimous-consent request?

Mr. EXON. What is the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Pennsylvania has asked a unanimous-consent request that he may be allowed to ask an additional question to the Senator from Georgia.

Mr. SPECTER. Without losing my right to the floor.

The PRESIDING OFFICER. Without losing his right to the floor.

Mr. EXON. If there would be no objection to that, then that would waive the right of this Senator to claim the floor under the rules, which I have been attempting to do on two or three occasions?

The PRESIDING OFFICER. While the question is being asked and until the answer is given to the Senator from Pennsylvania, the Senator from Nebraska is correct.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania had the floor.

Mr. SPECTER. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, none of us wishes to be difficult on this matter. We have been on this now for 2 hours. We have other amendments that are equally, if not more, important to dispose of. I have listened very intently for the last hour and 15 minutes, and I have not heard one single iota of new or informative information entered into on debate on either side of this issue.

It seems to me that about 9:30 or 9:40 o'clock tonight there are going to be all kinds of—

Mr. SPECTER. Parliamentary inquiry, Mr. President: Do I not have the floor?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized. The Senator from Nebraska has the floor.

Mr. SPECTER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SPECTER. Did not the Chair just rule that I had the floor before the Senator from Nebraska interceded?

The PRESIDING OFFICER. The Senator from Nebraska has been recognized, and it is the opinion of the Chair that the Senator from Nebraska at this time has the floor. The Senator from Pennsylvania has lost the floor. The Senator from Nebraska has the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in order to ensure the Senator from Pennsylvania that the Senator from Nebraska or no one else is trying to cut him off, what we are trying to do is to move this bill along.

As I was saying, at 9:30 or 10 or 11 o'clock tonight there are going to be all kinds of Senators coming to whoever occupies this Chair and say, why does it take us so long to dispose of these important matters? Why are we called upon to interrupt what are our normal business hours in debate into the middle of the night? It is for reasons like this.

It seems to me that a good case has been made for his position by the Senator from Pennsylvania. I think those of us who oppose that amendment reasonably and strongly believe we have made our case. I am wondering at this time, to move this along, if I could ask a question of the Senator from Pennsylvania without losing my right to the floor, as to whether or not, in the interest of moving this along and coming to a vote, recognizing the fact that we would have the option, if we could dispose of this at this time to move to table which would cut off all debate.

I would like to inquire of the Senator from Pennsylvania, without losing my right to the floor, as to whether or not he would be interested in coming to some kind of a time agreement at this time of a reasonable timeframe so we could bring debate to a close and move to a vote on the matter, if that is his desire, either by a tabling motion here or an up-or-down vote.

I ask that without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hearing no objection, the Senator from Nebraska will pose the question without losing the right to the floor.

Mr. EXON. Could I have a response of my friend from Pennsylvania?

Mr. SPECTER. I would be glad to respond, Mr. President. And I would be glad to say that the Senator from Nebraska does not have to make a unanimous-consent request on matters like that, that I am not going to raise an objection as to who has the right to the floor, whether the question is asked by someone who does not have the floor, or whether the question is asked by someone who has the floor.

I must say that I disagree with him very categorically when he says that nothing new has been raised, and when he makes any suggestion that this Senator has been dilatory, or that any undue time has been taken up by the Senate.

I was here promptly at 9:30 to undertake this debate. I was the only Senator on the floor. I conferred with the manager of this bill, Senator NUNN, in advance of this bill coming to the floor last week, and yesterday. And told him

what I intended to do, so that I could cooperate.

I was on the floor yesterday. The Senator from Georgia is nodding yes. I was on the floor yesterday evening talking to the Senator from Georgia and the majority leader. And I was agreeable to being here at 9 o'clock. If they said 8 o'clock or 7 o'clock, I would have been here. When I am asked to be here, I am here on time. I do not think I am wasting any time. Maybe I am wasting a little right now.

I also think this is a matter of really great importance. We have not been quite 2 hours on this matter, and we have propounded some really important questions. I would hate to show the Senator from Nebraska what the law firm of Dillworth, Paxson, Kalish & Kaufman has done in Philadelphia with more than \$1 million in pro bono work, and what this Senator has done by way of preparation of this case in working on it, in the course of less than 2 hours. This is a drop in the bucket.

We happen to be on something which is a lot more important than the Philadelphia Navy Yard. We happen to be on a subject about the conduct of the Department of Defense, and the conduct of the Department of Defense in concealment. The long, laborious process by the Congress in coming to terms on the Base Closure Act, which goes back to the sixties, carefully crafted, required that all the evidence be put forward so that people have a chance to see what the Department of the Navy is doing.

I have no doubt about the outcome of this debate, Mr. President, with the arraying on the other side, and with the concerns about unraveling the process, which I think is unfounded because no one has been able to make any generalization, let alone a firm representation of a flood of litigation or cherry picking here.

For a moment or two, I had decided to speak at length. But I am not going to do that.

I just would like to ask the Senator from Georgia one final question, and then maybe sum up in just a few minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania was recognized to answer a question propounded by the Senator from Nebraska.

The Senator from Nebraska.

Mr. EXON. Mr. President, I am not sure my question was answered. But I think I got the thrust of the answer to the question from the statement that the Senator from Pennsylvania just made.

Let me correct the Senator once again. I think that when he indicated that I said there had been repetitious and dilatory statements, that was not any criticism of Senator from Pennsylvania. That was a criticism of the general debate on both sides of the aisle. Somebody can read the transcript for the last hour and make their

own judgment as to whether or not people have been talking by, through, or at each other without making any essential points.

I take it that there is not going to be any time agreement. I speak for a great number of Senators who feel that we should move to a vote on this as quickly as possible. Therefore, I would ask again of my colleague and friend from Pennsylvania, putting in no caveat this time about losing my right to the floor, by asking him: Does he believe that he could agree to a vote in a reasonably near timeframe up or down on this matter, and about how long would he estimate it would take from his point of view and those representing him to give them a chance to make any remarks, if they so desire; and could we come to some general gentleman's agreement on you how long into the future this debate is likely to tie up the Senate?

Mr. SPECTER. Mr. President, I thank the Senator from Nebraska. I cannot come to a gentleman's agreement. I anticipated a question of Senator NUNN, which will last about 45 seconds. Knowing Senator NUNN as I do, I would anticipate about a 2-minute response. And then I would anticipate closing in maybe 3 or 4 minutes.

Mr. MCCAIN. Mr. President, if the Senator will yield, I would like to speak on this.

Mr. SPECTER. Fine.

Mr. President, I would ask unanimous consent that Senator LAUTENBERG be added as an original cosponsor.

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

Mr. SPECTER. Maybe Senator LAUTENBERG will want to comment. But that is about as much time as I will take.

Mr. EXON. Mr. President, I yield the floor.

Mr. SPECTER. I may need time, depending on the gravity of the argument of the Senator from Arizona.

The other question I have from the Senator from Georgia was when he is talking about a weapons system, that he is sure he can find some admiral or—I certainly understand that. But, again, I suggest respectfully to my colleague from Georgia that that is off the mark. What is the mark here is that you have a series of letters.

I ask unanimous consent that the letter from Admiral Claman, dated March 29, 1991, and the two letters from Admiral Hexman, dated December 19, 1990, and March 13, 1991, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,  
Washington, DC, December 19, 1990.

Ref: (a) COMNAVSEA ltr 5000 OPR: 07T3/F0373 Ser: 00/8224 of 20 Nov 90. (b) CINCLANTFLT ltr 4700 Ser N436/007378 of 14 Sep 90.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP-04).

Subj: Realignment data for Philadelphia Naval Shipyard.

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Ship Systems Engineering Station (NAVSES) and the Naval Inactive Ship Maintenance Facility (NISMF). While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas. In reference (b), CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in the Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 95, as the shipyard is required to support scheduled workload until that time.

P.M. HEXMAN, Jr.

DEPARTMENT OF THE NAVY,

Washington, DC, March 13, 1991.

Ref: (a) CNO ltr Ser 431F/1U596599 of 11 Jan 91. (b) NAVSEA ltr Ser 00/5312 of 19 Dec 90.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP-04).

Subj: Realignment of Philadelphia Naval Shipyard.

1. In reference (a), you indicated that my recommendation that Philadelphia Naval Shipyard be downsized rather than closed was not accepted by the Base Closure/Realignment Advisory Committee. The fleet needs the capability of a naval shipyard to provide a credible repair capability able to services the Newport, Philadelphia, New York and Earle area, as well as to provide a source of repair when a private sector shipyard is unable to complete the assigned work in the areas, as stated in reference (b).

2. Under the closure option and in interest of clarification, the 30 people mentioned in reference (a) were an estimate of the number of people required to man the *drydock* in a mothball status. In addition to this, 255 people would be required to man the remaining facilities: 135 to provide residual facilities support and 100 to run the propeller shop and foundry. This compares with approximately 1,200 personnel under the "small repair capability"; option: 135 residual facility support, 100 to run the propeller shop and approximately 945 to perform repair work for the fleet. Any required additional support for this facility would be from another larger naval shipyard such as Norfolk Naval Shipyard.

3. I continue to take the position that retention of a credible repair capability at Philadelphia for naval ships homeported in the Northeast area is the most cost effective solution:

(1) It provides the fleet with low cost, reliable repair capability.

(2) It helps spread the effects of the costs to Navy Programs of the other repair facilities (foundry, utilities, etc.).

Further, the workload distribution for naval shipyards in the 90's supports full operations at Philadelphia through mid FY 95. As previously briefed, executing a realignment of Philadelphia Naval Shipyard in FY 93 will cause significant perturbations to carrier overhauling yard assignments and could result in an East Coast CV overhauling on the West Coast.

P.M. HEXMAN, Jr.

DEPARTMENT OF THE NAVY,

Washington, DC, December 19, 1990.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (CP-04).

Subj: Realignment data for Philadelphia Naval Shipyard.

Ref: (a) COMNAVSEA ltr 5000 OPR: 0733/T0373 Ser: 00/8224 of 20 Nov 10. (b) CINCLANTFLT ltr 4700 Ser N436/007378 of 14 Sep 90.

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Ship Systems Engineering Station (NAVSES) and the Naval Inactive Ship Maintenance Facility (NISMF). (While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas. In reference (b), CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in the Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 95, as the shipyard is required to support scheduled workload until that time.

P.M. HEXMAN, Jr.

DEPARTMENT OF THE NAVY,

Washington, DC, March 29, 1991.

Encl: (1) Philadelphia Naval Shipyard—Option 1. (2) Philadelphia Naval Shipyard—Option 2. (3) TAB A Report Documentation—Naval Shipyards.

From: Commander, Naval Sea Systems Command.

To: Chief of Naval Operations (OP-43).

Subj: Base closure final documentation.

1. Enclosures (1) and (2) provide the COBRA options for the naval shipyards as requested on 28 March 1991. They are as follows:

a. Philadelphia Naval Shipyard—Option 1. Close and preserve Philadelphia Naval Shipyard in FY 93 after completing the USS CONSTELLATION (CV 64) SLEP and the USS FORRESTAL (CV 59) dry docking availability. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship Systems Engineering Station (NAVSES) in Philadelphia. Move the USS JOHN F. KENNEDY (CV 67) overhaul to Norfolk Naval Shipyard.

b. Philadelphia Naval Shipyard—Option 2. Commence realignment of Philadelphia Naval Shipyard in FY 93 and complete

downsizing to approximately 1200 people in FY 95. Retain the propeller facility, the Navy Inactive Ship Maintenance Facility (NISMF) and the Naval Ship System Engineering Station (NAVSSSES) in Philadelphia.

3. Enclosure (3) provides the revised documentation for the above options.

4. We recommend that option 2 be approved for Philadelphia Naval Shipyard, i.e., that Philadelphia Naval Shipyard be drawn down to a small size activity in the mid 90's as workload declines in order to provide a government controlled CV dry dock site and ship repair capability for the northeast.

J.S. CLAMAN,  
Rear Admiral, USN.

Mr. SPECTER. The questions I have for the Senator from Georgia are: Are these letters not really different than a statement by some admiral or general that he wants to keep the weapons system? And are they not really of a totally different quality when they are kept from the General Accounting Office and kept from Senators? And is this the kind of a sanction the Senate wants to give to the Navy to hide matters like this in order to get their way on the base closing?

Mr. NUNN. Mr. President, I say to my friend from Pennsylvania that he makes a good point. I believe his point is valid in the sense that, first of all, information should not be withheld. Second, if it is withheld and it is discovered, the people who withheld it should be punished under the appropriate procedures. Third, the information, if it is withheld and discovered, ought to be presented to the Commission itself, and if not the Commission in being, the next Commission. And I understand that in the case of these letters, they were presented to the 1993 Commission, even though the 1991 Commission took action. Fourth, immediately this information should be conveyed to the appropriate committees of the Congress of the United States and to Congress itself, which would be considering that, and to the President of the United States.

I agree with the Senator on everything he said, with one exception: I do not think we need the courts involved in this. I believe there are other vehicles, whether it is the IG or the General Accounting Office, or whether it is the Congress or the President, without getting judicial review which, as I repeat, would actually, I think, compromise the timing and overall cohesion of the process.

Mr. SPECTER. I thank my colleague from Georgia. I have more work to do. I am going to take this back to the Base Closure Commission when they are back in business in 1995. I am going to prove my case in all those other forums. As the Senator from Ohio suggests, I will bring it back to the Congress at a later date.

I note that the Senator from Arizona wants to comment. I will not speak long in wrapping up, but I will yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, first of all, I congratulate the Senator from

Pennsylvania, whose tenacity and dedication to ideals and goals that he believes in is well known in this body. I believe it is the first time in many years that a sitting Senator has gone so far as to argue the case before the U.S. Supreme Court. He has fought this issue very hard on behalf of the people of his State and the people of Philadelphia. I admire that and appreciate it. In the course of his zealous crusade, he has uncovered some clear problems that need to be adjusted in the process.

By the way, I intend to introduce a sense-of-the-Senate resolution that the 1995 BRAC process should go forward. I believe that strongly, unless there is some dramatic turnaround in the defense budget, because the situation as it exists today is that we have cut the defense budget over the last 7 or 8 years by some 40 percent in its force structure; and, at the same time, only 15 percent of the infrastructure has been cut. Frankly, no person can conduct business with a huge overhead that they are not using.

I will hear the arguments when I introduce this bill that the environmental cleanup costs have escalated and it is costing us more than anticipated. I fully agree with every one of those arguments. But we are going to—as it says in one of the advertisements we see on television—"pay now or pay later."

I know it is not the intent of Senator SPECTER's amendment, but I believe if we open this process up to judicial challenge and suits through the courts, in the facts of life of the world we live in today, judges would delay or block closures or realignments, and we would see argument after argument, not unlike that we saw pursued, albeit unsuccessfully, by the Senator from Pennsylvania.

So I want to work with the Senator from Pennsylvania in attempting to make this process more fair, clear. Clearly, the shortcomings will be revealed in up-to-date and accurate information being provided by the Commission. The Commission has made decisions literally with a few minutes of consideration in some cases. I would like to work with him in including the process so he does not have to go through what he went through.

So I reluctantly oppose this amendment. But, at the same time, I applaud the efforts of the Senator from Pennsylvania and give him my commitment that I will do everything I can to make this better. Those of us who are from States, frankly, that have bases in jeopardy are obviously concerned, and that happens to be the case with my State of Arizona.

#### THE CRISIS IN KOREA

Mr. MCCAIN. Mr. President, if history teaches us anything about modifying the behavior of dictators, it is that

the efficacy of incentives depends on the simultaneous employment of disincentives. To get a mule to move, you must show it the carrot and hit it with a stick at the same time.

Throughout the confusion and sudden reverses that have plagued the Clinton administration's attempts to curb North Korea's nuclear ambitions, one quality of administration diplomacy has remained constant. The administration's approach to resolving this crisis has consistently reflected the mirror opposite of North Korea's efforts to realize their aspirations for membership in the nuclear power club. Our diplomacy employs only carrots; theirs, only sticks.

On the many occasions when the administration's carrots have failed to prevent North Korea's violations of the Nuclear Non Proliferation Treaty, the Clinton administration has limited its choice of sticks to the withdrawal of the carrot. For instance, the administration responded to North Korea's discharge of the remaining fuel rods from the Yongbyon reactor by canceling their offer of a third round of high level talks.

Yes, they also began consulting with U.N. Security Council members about the imposition of sanctions against North Korea. But their attempts were half-hearted at best; were limited to the consideration of symbolic sanctions; and were, in effect, dropped once former President Carter succumbed to the charms of that avuncular dictator, Kim Il-song.

Using sticks such as their threatened withdrawal from the NPT and the International Atomic Energy Agency, North Korea has consistently intimidated administration diplomacy. To divert the administration from taking punitive measures in response to North Korea's violations of the NPT, Kim Il-song has raised, then withdrawn his stick, masking his forbearance in the disguise of a carrot. That tactic was on full display during the Carter visit.

Thanks to former President Carter's performance as an innocent abroad in North Korea, the administration now feels that it has no choice but to pursue the purported openings to resolve the crisis offered by Kim Il-song. The practical effect of President Carter's public embrace of the Great Leader is that the administration effort's to secure even a symbolic sanctions regime would fail at the present time. Thus, President Carter's effect on the international politics of this crisis requires President Clinton and the South Korean Government to spend the time necessary to call the North's bluff.

I can understand why President Clinton might have wanted to make a virtue of necessity, by announcing that North Korea's offer was tempting enough to explore in a third round of high level talks. But I had hoped that a sense of humility and an appreciation

for North Korea's long record of broken promises would have restrained administration exuberance when announcing their decision to resume negotiations. That announcement should have been understated, released on paper, and colored with great skepticism about the North's sincerity.

Instead, President Clinton greeted North Korea's specific promise to freeze their nuclear weapons program and to refrain from expelling the last two IAEA inspectors as if North Korea had, at least, offered the United States a concession worth celebrating. The President publicly identified himself with the Carter initiative and all of the former President's overstated rhetoric about personally saving Korea from war.

Mr. President, what, in fact, has North Korea given up in this offer? Nothing. The fuel rods which North Korea would use to make weapons grade plutonium cannot be used until they cooled down for at least another month. Neither can the reactor be refueled until the rods have cooled. In other words, North Korea's nuclear program is, of physical necessity, frozen.

What North Korea has done is withdraw a threatened stick regarding the expulsion of the inspectors and offered to refrain from utilizing a capacity that it presently does not have. For this, they received a celebration in the White House press office, and President Clinton's enthusiastic embrace of President Carter's diplomacy. While the talks drag on, the North Koreans will be granted sufficient time to reach the point when they can convert the fuel into weapons grade plutonium. During this time they will not be constrained by economic sanctions or the buildup of United States military forces on the Korean peninsula. The most critical reinforcements necessary to diminish North Korea's ability to destroy Seoul with artillery fire will now be held in abeyance while the United States finds itself trapped in negotiations with the North, leaving Seoul a hostage to Pyongyang's future belligerence.

I say we will be trapped because the Carter initiative is now the Clinton initiative. Had it failed before yesterday, the administration could have plausibly blamed the whole mess on President Carter's naivete. Now, the blame will be placed squarely on President Clinton—as it should.

This political reality, I suspect, will cause President Clinton to become a coconspirator with Kim Il-sung in dragging the talks out even if it becomes apparent that North Korea is only stalling until it can develop four to six additional nuclear weapons.

After the President's overreaction to what is at best a dubious offer from North Korea, President Clinton's reputation as a world leader will be per-

manently injured in public opinion if the talks fail. He now has a rather significant personal political stake in preventing the perception that the talks have failed from taking hold in the public's mind. I greatly fear that the President will allow this political imperative to override national security concerns.

Yet, it is at least an even money bet that the talks will fail, Mr. President. Although the administration will attempt to obscure a failure, we will reach a point when it is apparent to all. That point will be apparent when North Korea suddenly violates the last of its obligations under the NPT by resuming operations in its reprocessing plant and converting the fuel now in cooling ponds into weapons-grade plutonium.

Should they begin reprocessing, our only means to deprive the North Koreans of an additional four to six nuclear weapons would be to immediately destroy the reprocessing plant with air strikes. President Clinton may have only hours to make that decision. Does anyone believe that he will choose air strikes?

He will not choose that necessary option, Mr. President, because he has neglected to reinforce our counter battery defenses to a level sufficient to spare the city of Seoul from complete destruction by North Korean artillery. He has done so irrespective of the concerns of military commanders in Korea. Consequently, the United States will have to learn to live with North Korea's possession of as many as eight nuclear weapons, just as the President is apparently prepared to live with their possession of two nuclear weapons.

Those who doubt the acuity of my speculation should know that we will have an early test of the administration's resolve. The first agenda item in the negotiations to begin the first week of July will be access to two nuclear waste sites where the IAEA might gain at least a partial understanding of how much plutonium was diverted to weapons production in 1989.

You will remember, Mr. President, that it was North Korea's destruction of the means for an accurate measurement of that past diversion that caused the administration to drop its original offer of a third round of talks and to go to the Security Council for a sanctions resolution. Administration officials have assured me that the first order of business in the forthcoming negotiations will be North Korea's commitment to partially remedying their violation of the NPT by allowing challenge inspections of the two waste sites. They assured me that if North Korea does not satisfy their concerns on this issue that the talks will not go forward.

As recently as last Friday, North Korea's Foreign Minister said that his

government would never allow IAEA access to the waste sites. If the North Koreans stay true to form, they will reject the administration's first agenda item in Vienna. If the administration allows this priority to be set aside to discuss other items on the agenda, we will then know that President Clinton has abandoned his public commitment to a nonnuclear North Korea. North Korea will know that they have prevailed in the overmatched contest between Kim Il-sung's and President Clinton's diplomacy. And the United States vital interests in Asia will have been almost irreparably damaged.

Mr. President, there may yet be a way to prevent this nightmare scenario I have outlined from becoming reality. It will require from the administration a greater degree of resolve than it has heretofore shown during this crisis. It will require the President to employ simultaneously both the carrot and the stick.

The United States should open the discussions with North Korea in Vienna by informing the North Koreans that while we welcome Kim Il-sung's commitment to former President Carter, we are not relying on their good faith to make these talks successful by abiding by their obligations under the NPT. Accordingly, we have taken a precautionary and purely defensive action aimed at denying Pyongyang the capital of South Korea as a hostage. We have deployed additional counter battery artillery to our defenses north of Seoul sufficient to greatly diminish North Korea's present ability to reduce that city to ashes should they choose to pursue their nuclear ambitions by further violating the NPT.

This prudent and necessary approach should enlighten the North Koreans about our commitment to achieving a nonnuclear Korean peninsula by whatever means necessary. Should they suddenly commence the reprocessing of the fuel now in cooling ponds, the President's decision to exercise a military option will not be hindered by his concern over North Korea's present artillery advantage.

Should we fail to follow such a sensible course I expect that the North Koreans will delay a resolution of this crisis until it becomes impossible to resolve. They will then have the means to achieve the only strategic objective we have ever been certain that North Korea wants—the reunification of the Korean peninsula under Kim Il-sung's authority.

To those who reject this dire prediction, I leave one historical anecdote. In the spring of 1950, Kim Il-sung proposed that he and South Korean President Sygman Rhee hold summit talks in August 1950, just as he has now proposed to meet with the current South Korean President, Kim Young Sam in August.

In June 1950, the North invaded South Korea, and the United States was dragged into a long and bloody war for which we were not prepared. Should President Clinton wish to avoid such a fate for our country, he would be wise to exercise a little more caution and a little more resolve in his future dealings with the great leader, Kim Il-song.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, I wish to commend my distinguished colleague. That was a brilliant résumé of the situation today, and a clear direction of what procedures should be followed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, I wish to inform the Senate that at the appropriate time, subject to the concurrence of the managers as to timing, it would be the intention of the Senator from Virginia to move to table the amendment of the Senator from Pennsylvania.

Mr. NUNN. Mr. President, I do not want to cut anyone off, if the Senator from Pennsylvania would like perhaps a couple minutes to close out his argument. We will have a motion to table. I have another amendment ready to come up at the moment.

Would the Senator from Pennsylvania like to have the final word here, and then we could go to the Warner motion to table?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Georgia.

I would like to make a few concluding remarks, and they will not be long, so colleagues will be on notice we will be voting in the course of the next few minutes.

I frankly am a little bit at a loss on the whole procedure under the Base Closure Act, as to what is happening here and in the courts on, in effect, sanctioning concealment and fraud by the Department of the Navy. I am concerned about it because the fraud is blatant, it is obvious, and it is provable by documentation.

For a very brief personal aside, Mr. President, I think I became interested in being in the Congress of the United States when I was a youngster in Wichita, KS, and I heard my father comment about the veterans march on Washington in about 1932 or 1933, when the troops were called out and the veterans were marching for their bonus. In a sense, I think I have been on my way to Washington for a long time out of concern for that kind of injustice.

I think it is a rare opportunity to be a U.S. Senator, to speak out and to act on that kind of injustice.

I strongly, really fervently believe there is that injustice in this matter, and I have pursued it in the Federal courts, with the help of former Pennsylvania supreme court Justice Bruce Kauffman and the Dilworth law firm, which has invested more than \$1 million in time pro bono; that is, free from public cost.

The Court of Appeals for the Third Circuit twice said that a very narrow ambit ought to be subject for review. The Supreme Court of the United States said there would not be judicial review because the Congress had not authorized it.

So I bring the matter back to the Congress to ask, on a very, very narrow ambit, for judicial review when there are two documents showing fraudulent concealment.

This is not the first time I have asked the Congress to review the matter. Because I asked the subcommittee of the Armed Services Committee to do so back in 1991 immediately after the base closure order came down, and was told at that time by the chairman of the subcommittee, then Senator Dixon, that it was a matter for the courts. So I pursued it in the courts, and I brought it back here today.

I am a little bit at a loss when I hear assertions about a volume of litigation. I have asked the question and gotten responses from two Senators that they really do not have any—I am not looking for evidence—they do not have any indicators that there would be an avalanche of litigation.

There were some 310 cases brought on base closures and realignment. There are only three lawsuits. And I do not know of any lawsuit that rises to the level of the documentary evidence which I have put in the RECORD here: three letters from admirals, two admirals, Claman and Hexman, saying the base ought to be kept open.

I am not saying that those letters would have carried the day, Mr. President, before the Base Closure Commission, but I am saying that they certainly should have been reviewed.

The Philadelphia Navy Yard was established in 1801. It is the anchor of the city. It is going to be closed here in a process which smacks of fraud, deceit, deception, and corruption. If this body puts its imprimatur of approval on that today, so be it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask the distinguished chairman, before making the motion with respect to the pending amendment, is the chairman in a position to advise the Senate on the likely order of amendments that would follow?

It is my hope that the amendment from the Senator from Wisconsin relating to CVN-76 could be brought up fol-

lowing whatever amendment is to be taken up now.

Mr. NUNN. I thank the Senator from Virginia.

My response is that there is no order by the Senate, but what the managers of the bill prefer is that we now have Senator JOHNSTON, Senator FEINSTEIN, and Senator LOTT on the floor, all concerning another amendment regarding sealift and amphibious ships.

After that debate is concluded and we vote on that, I hope we could get the carrier amendment up immediately thereafter. It would be a matter of whoever has that amendment coming to the floor. I have talked to Senator FEINGOLD, and I believe he would be prepared to do that.

It is my hope—and I will wait until we get on this other amendment, and I ask the Senator from Mississippi, perhaps, to give this some thought—it is my hope that after the debate starts on the second amendment after this roll-call vote, to think in terms of a time limit on this amendment. But I will leave that for a later moment.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

Mr. WARNER. Mr. President, after consultation with the Senator from Pennsylvania, I move to table the amendment.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia [Mr. WARNER] to table the amendment of the Senator from Pennsylvania [Mr. SPECTER]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mrs. MURRAY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 27, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—71

Akaka	Coverdell	Gramm
Baucus	Craig	Gregg
Bingaman	Danforth	Harkin
Bond	Daschle	Hatfield
Boren	DeConcini	Heflin
Breaux	Dorgan	Helms
Bryan	Durenberger	Hollings
Bumpers	Exon	Hutchison
Byrd	Feingold	Inouye
Campbell	Ford	Johnston
Chafee	Glenn	Kassebaum
Coats	Gorton	Kempthorne
Conrad	Graham	Kennedy

Kerrey	Mikulski	Rockefeller
Kerry	Mitchell	Roth
Kohl	Moseley-Braun	Sarbanes
Leahy	Murkowski	Sasser
Levin	Murray	Shelby
Lieberman	Nickles	Simon
Lugar	Nunn	Smith
Mack	Pell	Thurmond
Mathews	Pryor	Warner
McCain	Reid	Wellstone
Metzenbaum	Robb	

NAYS—27

Bennett	Dole	McConnell
Biden	Domenici	Moynihan
Boxer	Faircloth	Packwood
Bradley	Feinstein	Pressler
Brown	Grassley	Riegle
Burns	Hatch	Simpson
Cochran	Jeffords	Specter
Cohen	Lautenberg	Stevens
D'Amato	Lott	Wofford

NOT VOTING—2

Dodd Wallop

So the motion to lay on the table the amendment (No. 1839) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

RELIGIOUS BIGOTRY: GOP LETTER TO THE PRESIDENT

Mr. DOLE. Madam President, with the increasing unpopularity of the Clinton health care plan, confusion over American leadership on the world stage, and a long string of Democrat electoral losses, it's becoming increasingly clear that some members of the Democrat Party are resorting to campaign tactics based on religious bigotry to divert attention from these failings. That's regrettable. The essence of democracy is participation, and using terms such as "fire-breathing christian radical right" to label Americans who happen to go to church and go to the polls—to question their participation on religious grounds—only cheapens our democracy. These are the kinds of comments that bring to mind the unpleasant attacks faced by Al Smith in 1928 and John F. Kennedy in 1960.

As I said yesterday, the American people are much smarter than the Democrats who resort to these tactics realize. They care about where a candidate stands on the issues. They aren't concerned with whether or not a candidate is Catholic, Jewish, Episcopalian, Methodist, or Evangelical.

In my view, the American people will reject these appeals to religious bigotry, and I hope the President of the United States will do so, as well. President Clinton has spoken eloquently

about the need for tolerance in our Nation, and the importance of religion in the lives of Americans. Accordingly, all 44 Senate Republicans sent a letter to the President today asking him to join us in repudiating the remarks of those in his party who have resorted to this strategy of religious bigotry.

Madam President, I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. DOLE. Madam President, Republicans look forward to a healthy debate this campaign season on the challenges facing our Nation. The American people will cast their votes this November based on the issues and the quality of the candidates, not on manufactured political hysteria.

EXHIBIT 1

U.S. SENATE,  
Washington, DC, June 22, 1994.

Hon. WILLIAM CLINTON,  
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As the November elections draw closer, Americans will be looking to Republican and Democrat candidates to discuss their positions on the challenges facing our country. And we believe that a frank debate of our differences on issues like health care, taxes, crime, and foreign policy is the essence of a healthy democracy, and will be good for America.

What is not good for America, however, is questioning a candidate's fitness for office because of his or her religious beliefs. And that is precisely what several prominent members of your party have done in recent days, making comments that bring to mind the type of attacks faced by Al Smith in 1928 and John Kennedy in 1960.

Mr. President, you have spoken eloquently in the past about the need for tolerance in our lives, and about the importance of religion in the lives of Americans. We write to ask that you now join with us in repudiating the remarks of those who use terms like "fire-breathing Christian radical right," and who cheapen our democracy through religious bigotry.

Sincerely,

BOB DOLE.  
PAUL D. COVERDELL.  
KAY BAILEY HUTCHISON.  
CONRAD BURNS.  
LARRY E. CRAIG.  
THAD COCHRAN.  
SLADE GORTON.  
MALCOLM WALLOP.  
DON NICKLES.  
PHIL GRAMM.  
DANIEL COATS.  
DIRK KEMPTHORNE.  
R.F. BENNETT.  
JIM JEFFORDS.  
BILL ROTH.  
JACK DANFORTH.  
ARLEN SPECTER.  
TED STEVENS.  
LARRY PRESSLER.  
FRANK H. MURKOWSKI.  
NANCY LANDON  
KASSEBAUM.  
CONNIE MACK.  
KIT BOND.  
MITCH MCCONNELL.

RICHARD G. LUGAR.  
ALFONSE D'AMATO.  
HANK BROWN.  
BOB SMITH.  
AL SIMPSON.  
PETE V. DOMENICI.  
JUDD GREGG.  
ORRIN HATCH.  
TRENT LOTT.  
JESSE HELMS.  
JOHN H. CHAFFEE.  
BILL COHEN.  
LAUCH FAIRCLOTH.  
DAVE DURENBERGER.  
CHUCK GRASSLEY.  
STROM THURMOND.  
MARK HATFIELD.  
JOHN MCCAIN.  
JOHN WARNER.  
BOB PACKWOOD.

CRIME CONFERENCE

Mr. DOLE. Madam President, after months of delay, the Senate and House have finally begun their conference deliberations on a crime bill.

The conference could not be more timely, for sadly, in the America of 1994, no community, no neighborhood, no city, no one person is completely safe. The scourge of crime is everywhere. Everyone is at risk.

So, Madam President, as the conference begins its work, the American people have a right to ask some important questions:

Will the conference report adopt a hard-headed approach to violent crime and violent criminals, or will it simply take a page out of the old and discredited root causes playbook, pumping billions and billions of additional Federal dollars into social welfare programs of dubious value?

Will the conference contain the so-called Racial Justice Act provisions, allowing criminal defendants to overturn their capital sentences using statistics alone? Or will it heed the warnings of the National Association of Attorneys' General, the National District Attorneys' Association, and other law enforcement groups who argue that these provisions would have the practical effect of abolishing the death penalty nationwide—at both the Federal and State levels?

Will the conference report devote enough resources to incarceration so that we can finally slam shut the revolving prison door? And will it emphasize truth-in-sentencing, so that a 15-year prison sentence means just that—15 years, and not 5 years or 10 years? Nothing does more to shatter public confidence in our system of criminal justice than the sight of a convicted violent criminal, released from prison into our communities, the beneficiary of a liberal parole policy.

Will the conference endorse tough mandatory minimum sentences for those who use a gun in the commission of a crime? And will it adopt a comprehensive three-strikes-and-you're-out provision that is not strapped with

so many conditions and caveats, that it becomes virtually meaningless?

Madam President, when it comes to fighting crime, the American people do not want gimmicks. They want—and they deserve—tough, hard-headed solutions.

That is why this Senator is prepared to vote against any conference report that does not meet the tough-on-crime test: Substantial funding for prisons, a strong emphasis on truth-in-sentencing, no Racial Justice Act, including any compromise version, and a commitment to mandatory minimum sentences for violent criminals.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I understand the Senator from Wisconsin has a unanimous consent request. I would like to yield to him for that purpose, and retain the floor.

#### PRIVILEGE OF THE FLOOR

Mr. KOHL. Madam President, I ask unanimous consent that Bill Brennan, a fellow in my office, be granted the privilege of the floor during consideration of the defense authorization bill.

Mr. JOHNSTON. I understand the junior Senator from Wisconsin also has a unanimous-consent request.

Mr. FEINGOLD. Madam President, I ask unanimous consent that Bob Gerber, a congressional fellow in my office, be granted the privilege of the floor during the consideration of the National Defense Authorization Act for fiscal year 1995, and all votes thereto.

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

#### AMENDMENT NO. 1840

(Purpose: To restore the level of funding for the National Defense Sealift Fund that was requested in the budget for fiscal year 1995 submitted by the President by reducing fiscal year 1995 funding for LHD-7)

Mr. JOHNSTON. Madam President, on behalf of myself, the Senator from California, Mrs. FEINSTEIN, and Senators BREAUX, BOXER, and KOHL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mrs. FEINSTEIN, Mr. BREAUX, Mrs. BOXER and Mr. KOHL, proposes an amendment numbered 1840.

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

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

The amendment is as follows:

On page 249, line 7, strike out "1949" and insert in lieu thereof the following:

1949.

#### SEC. 1068. ACQUISITION OF STRATEGIC SEALIFT SHIPS.

(a) AMOUNT FOR SHIPBUILDING AND CONVERSION.—Notwithstanding section 102(3), there is hereby authorized to be appropriated for the Navy for fiscal year 1995, \$5,532,007,000 for procurement for shipbuilding and conversion.

(b) NATIONAL DEFENSE SEALIFT FUND.—Notwithstanding section 302(2), there is hereby authorized to be appropriated for the Armed Forces and other activities and agencies of the Department of Defense \$28,600,000 for providing capital for the National Defense Sealift Fund.

Mr. LOTT. Madam President, I observe the absence of a quorum.

Mr. JOHNSTON. Madam President, I believe I had the floor.

Mr. LOTT. Madam President, I do not believe the Senator keeps the floor after he submits an amendment. I ask for this time so I have an opportunity to at least take a look at the amendment. I have not had a chance to see it at all. I would like to at least have a chance to look at it before we proceed, so I would like to observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Madam President, has the amendment been reported?

The PRESIDING OFFICER. Yes.

Mr. JOHNSTON. Madam President, this amendment undoes an amendment adopted in error in the Armed Services Committee which transferred \$600 million from the so-called fast sealift account to build an LHD-7, which is an amphibious attack ship.

Madam President, the action of the Armed Services Committee was opposed by the Navy, by the Secretary of the Navy, is opposed strongly by the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, whose letter I have that says that the fast sealift program is the centerpiece of Army doctrine now. It is opposed by the administration, and it is opposed by the chairman of the Armed Services Committee.

With that kind of lineup, Madam President, my colleagues may ask: How in the world did the Senate Armed Services Committee ever adopt the amendment? Well, the answer is very simple. They were given erroneous information about the U.S. Navy. I have a memorandum here by Mr. R.J. Natter of the Office of Legislative Affairs of the Department of the Navy, dated 13 June 1994, in which he described how the erroneous information came about. He says in the first sentence:

The attached memorandum describes the sequence of events which resulted in your staff being provided incorrect information regarding the option expiration date for new

construction ships 2 and 3, awarded to NASSCO.

It goes on then describing how the Senate Armed Services Committee was given erroneous information.

In effect, Madam President, what the Senate Armed Services Committee was told was that you could fund both the sealift program and the LHD-7 amphibious attack ships within this budget without hurting the fast sealift program.

I ask unanimous consent that the letter from R.J. Natter be printed in the RECORD at this point.

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

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, June 13, 1994.

Memorandum for: Mr. Steve Saulnier and Mr. Creighton Greene.  
Subject: Sealift new construction contract options.

1. The attached Memorandum describes the sequence of events which resulted in your staff being provided incorrect information regarding the option expiration date for new construction ships 2 and 3 awarded to NASSCO. Contrary to the initial information provided to OLA by NAVSEA on 9 June, the option expires on 31 December 1994 vice 31 December 1995. The correct option expiration date (31 Dec 94) was provided to my office on 10 June and passed immediately to you on that same date.

R.J. NATTER.

Mr. JOHNSTON. The letter points out that the information was in error.

Why is it, Madam President, that General Shalikashvili states: "However, this diversion would place at risk the centerpiece program of the MRS"—that being the Mobility Requirement Study—"despite the critical shortfall cited by many commanders in chief in congressional testimony. Further, it changes the priorities of an essential program developed with the Joint Chiefs of Staff and approved by the Secretary of Defense."

I ask unanimous consent that General Shalikashvili's letter be printed in the RECORD at this point.

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

THE JOINT CHIEFS OF STAFF,  
Washington, DC, June 22, 1994.

Hon. SAM NUNN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to express my concern about the current version of S. 2182 that would significantly damage our long-standing, integrated lift requirements as expressed in the 1992 Mobility Requirements Study (MRS) and supported in our budget request.

My primary concern is that the proposed legislation diverts all FY 1995 funding from construction of two Large Medium Speed RO/RO ships (LMSR) to an initial down payment for another multi-purpose amphibious assault ship (LHD) and also funds two Maritime Pre-positioning Ships (MPS) that the Department of Defense did not request. I understand this committee revision was based

upon erroneous information, later corrected, which was provided to you by the department. However, this diversion would place at risk the centerpiece program of MRS despite the critical shortfall cited by many CINCs in congressional testimony. Further, it changes the priorities of an essential program developed with the Joint Chiefs of Staff and approved by the Secretary of Defense.

Another concern I have is that the bill diverts \$43 million in funding from the purchase of Ready Reserve Force (RRF) RO/RO ships which are key to the surge of early arriving forces. The SASC instead funds a subsidy program to incorporate defense features on future US-built commercial ships. This would sacrifice near-term readiness that supports early combat force deliveries in favor of an unproven concept designed to deliver follow-on materiel. At a minimum, I request the Senate provide the Department the legislative authority to acquire these ships.

If enacted, these measures will unravel our carefully constructed sealift acquisition program. This measured and studied program has enjoyed wide support among military professionals, defense executives and the Congress as both absolutely essential and fiscally responsible. The MRS, a rigorous study which included over 90 warfighting analysis cases, also received the endorsement of each member of the JCS.

Please reverse these actions to support our sealift requirements—the military strategy critically requires it. I strongly support the execution of the MRS program.

Sincerely,

JOHN M. SHALIKASHVILI,

*Chairman of the Joint Chiefs of Staff.*

Mr. JOHNSTON. The last sentence states:

Please reverse these actions to support our sealift requirements—the military strategy critically requires it.

Madam President, what is the fast sealift program? With the end of the cold war, we could no longer place troops in great numbers all around the world.

At one time we had 300,000 troops in Germany. We had troops all over the world. And fast sealift has always been important but not such critical importance as it has been since the demise of the cold war when we had to bring troops back to the continental United States, but with a critical fast sealift ability to be able to deploy them quickly to trouble spots around the world.

For example, the present difficulty with North Korea. We have reduced our number of troops in South Korea. I believe that we now have only 37,000 troops in South Korea, a tripwire amount. If hostilities should break out in South Korea, we would have to very quickly deploy troops and materiel to South Korea to defend them. We would have to deploy them very quickly.

My colleagues who are old enough will remember in 1950 when the North attacked the South how the North Koreans were able to chew up a huge amount of the South Korean Peninsula because it took our troops so long to get there.

Recognizing this difficulty, in 1991, the Chairman of the Joint Chiefs com-

missioned a study called the MRS, the mobility requirement study, to determine how much sealift we would need, of what kind and nature, to get what kind of requirements to what trouble spots in the world, at what costs, and on what time line.

They came up with a study that concluded that what we needed were some 36 ships which we called roll-on/roll-off ships. Some are fast sealift, some are medium-speed ships, having this ability to roll on and roll off ships. The 36 ships will allow some 2 million square feet of prepositioned materiel equipment within 15 days.

In other words, a balloon goes up in North Korea. Once we build this fast sealift, you could get 2 million square feet of materiel within 15 days to South Korea. It would also enable us to get two heavy divisions on site within 30 days. So, these were thought to be absolutely essential requirements to the new post-cold-war strategy. If you are going to bring the troops back to the United States, you must be able to get them to the trouble spots quickly.

As General Shalikashvili says, this fast sealift is a centerpiece of our strategy. Either you have to have the troops out there on site, which means you have to have many more troops at much greater costs, or you have to have the fast sealift capability.

In Operation Desert Storm we learned a great many things. We learned about the importance of smart weapons, about the importance of technology, and about the importance of having overwhelming force. We also learned about our difficulties in our sealift. It so happens that that was no problem in Operation Desert Storm because we had some 6 months within which to get our materiel and our manpower over into the desert location.

Madam President, President Clinton said last week that is probably the last conflict that we will have the luxury of that much time to get our troops over.

The next time the balloon goes up it will probably be on a much faster timeline, as in North Korea. If North Korea attacks, and we hope and pray as to that particular conflict the immediate danger has been taken out—we have had discussions here about that particular problem today. Some of our colleagues think that that issue is just as difficult as it ever was. But there are many other difficult places on the face of the Earth which will require a quick reaction.

It is, therefore, absolutely essential, Madam President, that we allow for these 36 roll-on/roll-off ships. Now there are 19 of these 36 ships that have yet to be built. There are six what we call options. An option really is an offer stating a price, stating a means to build a ship, with a specified time for acceptance of that offer. There are now six of those options at a shipyard in my State, Avondale; six at NASSCO,

National Steel, I think, in California, in San Diego; five conversions of presently existing ships; and two yet to be determined.

The first two of those options at Avondale have been exercised. The first two at NASSCO have been exercised.

What the Armed Services Committee did was put in this budget \$600 million to pay for those first two NASSCO and Avondale ships, so that we are just beginning on meeting these requirements for fast sealift. And the first \$600 million was placed here in order to do that.

What the Armed Services Committee was told was that this amendment would not interfere with those first four ships going forward and being constructed. In fact, it would not only prevent those ships from being constructed, but the LHD-7, which is an excellent amphibious attack ship, which is the alternative funding provided by the Armed Services Committee. That is a \$1.4 billion ship.

So you take the first \$600 million, and you have an unmet obligation for the additional \$800 million, which would probably not only take these four fast sealift ships, but take the next six or so fast sealift ships. So you would be saying probably so long to the whole fast sealift program.

Madam President, I am sure the Armed Services Committee would not have done that had they been given the correct information. I feel sure that the Senate would not do that based upon the correct information. It is rare that you can stand on the floor of the Senate and have an issue which is really clear, because usually by the time issues are here on the floor of the Senate they are hotly debated, highly controversial, with equities on both sides.

With respect to this issue, Madam President, I say without fear of contradiction there is no other position than the position of Senator FEINSTEIN and me with respect to this amendment. I hope that we will be able to find an alternative way of funding the LHD-7 which, as I mentioned earlier, is an excellent amphibious attack ship. Everyone would like to fund it, and I would like to cooperate with my distinguished friend from Mississippi, Mr. LOTT, in finding an alternative way to do that. But the fast sealift program Madam President, is the centerpiece of our new doctrine. You cannot have it both ways. You cannot reduce the size of your armed force and have a doctrine that depends upon a projection of power by fast mobility of those troops to a trouble spot quickly, and then deny the ability to get them there.

That is what the action of the Armed Services Committee, inadvertently, mistakenly, to be sure, in good faith, to be sure, but nevertheless that is exactly what the action of the Armed Services Committee has done.

All our amendment does is restore what General Shalikashvili says is the centerpiece of this program.

I would also like to print in the RECORD at this point, Madam President, a letter from Gen. Colin Powell, dated 9 July 1993, really to the same effect; the final sentence being: "Your continued support for the MRS"—that is the mobility requirement study—"recommendations is critical if we are to solve the identified mobility shortfalls."

Madam President, I ask unanimous consent to print that letter in the RECORD at this point.

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

JOINT CHIEFS OF STAFF,  
Washington, DC, July 9, 1993.

Hon. SAM NUNN,

Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, This letter reaffirms my full support for the recommendations of the Mobility Requirements Study (MRS). I understand that there are Congressional questions regarding whether a final decision on the MRS recommendations has been made and if additional analysis concerning alternative pre-positioning options is required.

A decision on the MRS recommendations was made when the Secretary of Defense signed Volume I of the MRS on 23 January 1992. The MRS remains the central defining mobility document within the Department of Defense, as evidenced by the recent Deputy Secretary of Defense approval of MRS Volume II. Exhaustive analysis during the study demonstrated the MRS recommendations to be the best solution for meeting warfighting requirements at moderate risk at the lowest possible cost. Further analysis is not needed and would either hold in abeyance or slow the acquisition of the MRS-recommended lift assets, and will delay implementation of the needed mobility improvements.

Your continued support for the MRS recommendations is critical if we are to solve the identified mobility shortfalls.

Sincerely,

COLIN L. POWELL,  
Chairman of the Joint  
Chiefs of Staff.

Mr. JOHNSTON. Madam President, I would simply like to emphasize what the Chairman of the Joint Chiefs of Staff says in his letter of this month: "Please reverse these actions to support our sealift requirements. The military strategy critically requires it."

"The military strategy critically requires it."

Madam President, there is no other position, I submit, but to support the position of Senator FEINSTEIN and myself, and I urge the Senate to do so.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. FEINSTEIN. Madam President, I rise today as an original cosponsor of this amendment to restore \$600.8 million to a high-priority military program—the National Defense Sealift Fund.

The Sealift Program is extremely important to U.S. national security. As fewer U.S. troops are deployed overseas, it becomes even more important to have the ability to quickly and effectively transport military personnel and equipment anywhere in the world.

The sealift program—and the National Defense Sealift Fund—addresses this high priority national security requirement and is strongly supported by the Joint Chiefs of Staff and the regional commanders in chief.

Before I get into the specifics of the sealift program and why it is so important to restore the funds requested by the President, let me briefly summarize how we got to this point.

#### INCORRECT INFORMATION

During its markup of the Defense Authorization Act, the Senate Armed Services Committee recommended shifting \$600.8 million from the National Defense Sealift Fund to the LDH-7 amphibious assault ship, which was not requested by the President nor supported by the Pentagon.

However, as the chairman of the Armed Services Committee and others now realize, the committee's action was based on factually incorrect information provided to staff by the Navy.

In a recent memorandum to the committee, Admiral Natter, the Chief of Navy Legislative Affairs, states that certain events resulted "in your staff being provided incorrect information regarding the option expiration date for new construction ships \* \* \* the option expires on December 31, 1994 vice December 31, 1995."

I ask unanimous consent that the memorandum be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mrs. FEINSTEIN. As a result of this error, fiscal year 1995 funds were shifted to the LHD-7 amphibious assault ship—which, by the way, will be incrementally funded at only 40 percent of the actual cost of \$1.4 billion—on the assumption that new construction of the sealift ships would not be affected. However, without fiscal year 1995 funds for the National Defense Sealift Fund, options for new construction of sealift ships cannot be exercised, and this high-priority program will be unacceptably delayed.

So, I believe that if incorrect information had not been provided to the committee by the Navy, we would not be here today. This amendment corrects the Armed Services Committee's action, which was based on faulty information.

#### SUPPORT FROM THE JOINT CHIEFS OF STAFF

It is vitally important to restore money to the National Defense Sealift Fund. As I previously stated, this program is also strongly supported by the Joint Chiefs of Staff. Let me read from a recent letter from General Shalikashvili to the committee:

I am writing to express my concern about the current version of S. 2182 that would significantly damage our long-standing, integrated lift requirements as expressed in the 1992 mobility requirements study (MRS) and supported in our budget request.

My primary concern is that the proposed legislation diverts all fiscal year 1995 funding from construction of two large medium speed RO/RO ships (LMSR) to an initial down payment for another multi-purpose amphibious assault ship (LHD) \* \* \*.

This diversion would place at risk the centerpiece program of the MRS despite the critical shortfall cited by many CINCs in congressional testimony. Further, it changes the priorities of an essential program developed with the Joint Chiefs of Staff and approved by the Secretary of Defense.

So, as you can see, General Shalikashvili, the Chairman of the Joint Chiefs of Staff, strongly supports restoration of the National Defense Sealift Fund.

I ask unanimous consent that this letter, as well as letters from General Fogleman, commander of U.S. Transportation Command, and A.J. Herberger, Maritime Administration, also be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mrs. FEINSTEIN. Madam President, the Sealift Program is also supported by the Secretary of the Navy.

I called the Secretary of the Navy last night and said, "Secretary Dalton, what about this program?"

He said, "It is our top priority."

I said, "What about the LHD-7?"

He said, "No question, it is a good ship; but this is our priority and this is what we are asking for."

I said, "May I quote you?"

He said, "Yes, you may quote me."

As you know, and has been said, as a result of the mistaken information, funding of \$600 million was applied to the LHD-7.

I would very much like to accommodate my colleague from Mississippi. We have worked together on other matters. If an offset could be found, I would be happy to make this accommodation.

I was in the chair, Madam President, when the chairman of the Armed Services Committee, the distinguished Senator from Georgia, reported yesterday that the authorization is larger than the 602(b) allocation. So unless an offset can be found, when the issue comes to appropriations, there will be a real problem in terms of two competing programs.

#### REQUIREMENT FOR SEALIFT SHIPS

The requirement for the roll-on/roll-off ships is well documented. The Nation's deployment to Operation Desert Shield/Storm highlighted a significant shortfall in strategic sealift assets. Hence, Congress mandated the Pentagon to conduct a mobility requirements study to determine the Nation's strategic airlift and sealift requirements.

The study, concluded and approved by the Joint Chiefs of Staff in January 1992, states that the Nation should have the ability to deploy 2 million square feet of Army prepositioned afloat equipment sets available for combat operations within 15 days of the beginning of a conflict, and the ability to surge two Army heavy division ready for combat operations within 30 days of the beginning of a conflict.

These roll on/roll off ships, with a capacity of nearly 400,000 square feet per ship, have the ability to meet the requirements in the mobility requirements study.

#### IMPACT OF NOT FUNDING SEALIFT

Let me quote from a Defense Department point paper on the effects of not funding the National Defense Sealift Fund at the requested amount:

Result: Increased risk of early casualties and loss of key facilities. Loss of deterrence value obtained through perception that United States will respond rapidly and with overwhelming capability if challenged.

The DOD point paper goes on to spell out the real risks to our fighting forces and the major threats to U.S. national security if these sealift ships are not funded in fiscal year 1995. As it states, any delay to sealift funding is detrimental to our military strategy—even a 1 year delay.

I ask unanimous consent that the DOD point paper also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER.

Without objection, it is so ordered. (See exhibit 3.)

#### SHIPYARD CONTRACTS

Mrs. FEINSTEIN. Let me now just briefly touch on what the actual impact to the shipyards and the new construction contracts will be if funding for the National Defense Sealift Fund is not restored and the contract options for the second and third ships are delayed.

The two shipyards that won the competitive bidding process to construct the sealift ships are the National Steel and Shipbuilding Company [NASSCO] in San Diego, and Avondale in New Orleans. So, this issue is particularly important to California and Louisiana, as well as many other states with various suppliers and subcontractors.

If the National Defense Sealift Fund is not fully funded in fiscal year 1995 and the contract options are not exercised by the expiration date of December 1994, the following would happen:

Most importantly, the high priority sealift program will be unacceptably delayed up to 14 months, which puts U.S. national security and our war fighting strategy at risk;

Any disruption in the program with the current contract options would result in increase program costs due to the loss of learning from ship to ship, higher overhead costs, layoff/rehire costs and other factors;

Contracts will have to be renegotiated, and then questions arise about increased cost, as well as contract disputes and protests; and

The 12 to 14 month gap between construction of ships 1 and 2 would disrupt the series construction of up to 5 additional ships and cause the shipyards to lay off and then rehire over 1,000 workers—something that would be devastating to the San Diego area and the entire State of California which has been hit hard by defense downsizing and military base closures.

The sealift contracts were justly competed and fairly won. Funds are needed in fiscal year 1995 to exercise the two planned options for additional RORO ships.

#### LHD-7 AMPHIBIOUS ASSAULT SHIP

While I do not necessarily oppose the LHD-7 amphibious assault ship, I do oppose the way its authorization is being proposed.

I strongly oppose funding the LHD-7 by shifting funds out of a higher priority military program—the National Defense Sealift Fund.

Additionally, the Pentagon does not plan to request funding for the LHD-7 until the year 2000. Yes, amphibious assault ships are important and they have a place in the U.S. military. But, priorities need to be determined and decisions need to be made.

The Secretary of Defense and the Joint Chiefs of Staff determined that sealift ships are a higher priority, and the President's fiscal year 1995 budget requests reflects this priority—it requested funds for sealift, and did request funds for the LHD-7.

The LHD-7 would be also incrementally funded at only 40 percent of its actual costs of \$1.4 billion. Therefore, in addition to authorizing \$600 million in fiscal year 1995, we will have to come up with the additional \$800 million next year, plus find the \$600 million in funding for this year's requested sealift ships.

As a result, funding the LHD-7 from the National Defense Sealift Fund becomes a \$1.4 billion problem for the Department of Defense and Congress next year—funds that were not anticipated nor programmed. With a defense budget as tight as it is, I cannot justify placing a financial burden on tomorrow's defense budget simply to fund another, lower priority program, today.

#### CONCLUSION

The sealift program is extremely important to U.S. national security, as documented by the Defense Department's Mobility Requirement's Study. The sum of \$600.8 million for the National Defense Sealift Fund was requested by the President in fiscal year 1995, is supported by our military leaders, and—if not for incorrect information being provided to the Armed Services Committee—would not have been shifted to fund the LHD-7 amphibious assault ship, which was not requested

by the President nor supported by the Pentagon.

This amendment would simply restore the President's budget request by returning the \$600.8 million from the LHD-7 to the National Defense Sealift Fund, thus protecting the sealift program and U.S. national security.

I strongly urge my colleagues to support the amendment.

#### EXHIBIT 1

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, June 13, 1994.

Memorandum for Mr. Steve Saulnier and Mr. Creighton Greene.

Subject: Sealift New Construction Contract Options.

1. The attached Memorandum describes the sequence of events which resulted in your staff being provided incorrect information regarding the option expiration date for new construction ships 2 and 3 awarded to NASSCO. Contrary to the initial information provided to OLA by NAVSEA on 9 June, the option expires on 31 December 1994 vice 31 December 1995. The correct option expiration date (31 Dec 94) was provided to my office on 10 June and passed immediately to you on that same date.

R.J. NATTER.

JUNE 10, 1994.

Memorandum for the Chief of Legislative Affairs.

Subject: Sealift New Construction Funding.

1. Prior to the mark on 09 June, Mr. Steve Saulnier, PSM, SASC, requested the funding profile for the National Defense Sealift Fund and the sequence of contract option awards. The NAVCOMP SCN/NDSF analyst provided the attached table of NDSF obligations. Prior to providing the table, I contacted the Strategic Sealift Program Office and was referred to Mr. Jack Cameron, Director of New Construction (NASSCO). My specific question at this time was, "When does USN intend to award the options for the FY94 and FY95 new construction sealift ships?" I received the response that the first option for each yard was for two new construction ships, with the first award planned for August 94 (Avondale) and the second award planned for Feb 95 (NASSCO). My notes from this conversation were written on the bottom of the attached NDSF funding table. This table was provided to the SASC.

2. On 09 June (approx 1100), Mr. Saulnier asked the question, "For the option planned for award in Feb 95, when does that option expire, 30 Sep 95 or 31 Dec 95?" I again contacted Mr. Cameron for the answer. His response was the option expired on 31 Dec 95. I passed this information to Mr. Saulnier.

3. On 09 June at approximately 1630, Mr. Creighton Greene, PSM, SASC, called to confirm the information concerning the contract options. I called NAVCOMP NDSF/SCN analyst and her recollection was the options were calendar year options, but she requested I contact the program office to confirm. I again called Mr. Cameron and asked him the impact if the Sealift Procurement funds were delayed until FY96. His reply was that this would result in a delay of the award from Feb 95 to Dec 95, would cause a 10 month delay in the five NASSCO new construction ships, and would result in a cost escalation. I asked Mr. Cameron to provide an estimate of the cost impact, but he indicated the budget analysis would take time. He again confirmed the date of 31 Dec 95 for

the NASSCO options. I informed Mr. Greene the program office confirmed the dates and the deletion of the FY95 funds would delay the five NASSCO new construction ships approximately one year and cause a cost escalation.

4. On 10 June at approximately 0900, Mr. Cameron called me to state he had erred in his information concerning the contract option expiration dates and provided the attached memo.

M.E. FERGUSON, CDR USN.

MEMORANDUM

JUNE 10, 1994.

From: John Cameron (PMS3851).

To: Cdr. Mark Ferguson (OLA).

Subject: Strategic Sealift Option Exercise Dates.

Ref: (a) Phonecon Mr. Cameron/Cdr Ferguson of 9 Jun 94.

1. This memo provides clarification of the existing Contractual option exercise dates for the first two follow on ships for both new construction contracts awarded to Avondale and NASSCO. The option exercise dates for ships 2 & 3 for each contract is "not later than 31 December 1994". The current plan is to exercise the Avondale options with available funding provided through FY94 in the Aug/Sep 94 time frame and the NASSCO options with FY95 funds prior to 31 Dec 94. The

FY95 HASC report, which deleted the FY95 funds but in turn would make available the same amount of the FY94 \$1.2B of the carrier funds, thus would not impact the exercise of the two ship NASSCO option. Any adjudication of the stop work order resulting from the protest is not expected to shift the "exercise option date" to the right more than four and a half months. Therefore, FY95 funds are still required to exercise the NASSCO two ship option.

2. Any information that was passed to you during reference (a) that differs from this information was incorrect.

JOHN C. CAMERON,

Director,

NASSCO New Construction.

QUESTIONS CONCERNING SEALIFT AWARDS

Q1. What do the Avondale and NASSCO contracts specify as the expiration dates for options on ships 2 through 5?

A1. The contract option dates for AII and NASSCO ships are the same, and are as follows:

Ship Numbers:	Option expiration date
2 and 3*	12/31/94
4	12/31/95
5	12/31/96

NDSF FUNDING REQUIREMENTS

	FY 1993 and prior	Fiscal year—					
		1994	1995	1996	1997	1998	1999
NDSF funding	2,463.5	1,540.8	608.6	622.2	1,169.1	618.6	2.2
Conversions	5/1359.1						
New construction	2/757.2	2/581.6	2/600.8	2/603.1	4/1167.0	2/616.4	
R&D efforts		2.0	19.2	19.1	2.1	2.2	2.2
RRF procurements			43.0				
Loan guarantees		50.0					
Transfer to CWN-76		1,200.0					
End cost balance	*347.2	*54.4					

\*Balances from prior year appropriations are used to offset fiscal year 1994/1995 funding requirements. Obligated to date is approximately \$1819.1 million. Options for 2 ships will be awarded in both fiscal year 1994 and fiscal year 1995.

Note.—First option pickup is for 2 ships to 1 yard. Fiscal year 1994—August 1994; fiscal year 1995—February 1995.

EXHIBIT 2

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, June 22, 1994.

Hon. SAM NUNN,

Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to express my concern about the current version of S. 2182 that would significantly damage our long-standing, integrated lift requirements as expressed in the 1992 Mobility Requirements Study (MRS) and supported in our budget request.

My primary concern is that the proposed legislation diverts all FY 1995 funding from construction of two Large Medium Speed RO/RO ships (LMSR) to an initial down payment for another multi-purpose amphibious assault ship (LHD) and also funds two Maritime Pre-positioning Ships (MPS) that the Department of Defense did not request. I understand this committee revision was based upon erroneous information, later corrected, which was provided to you by the department. However, this diversion would place at risk the centerpiece program of MRS despite the critical shortfall cited by many CINCs in congressional testimony. Further, it changes the priorities of an essential program developed with the Joint Chiefs of Staff and approved by the Secretary of Defense.

Another concern I have is that the bill diverts \$43 million in funding from the purchase of Ready Reserve Force (RRF) RO/RO ships which are key to the surge of early arriving forces. The SASC instead funds a sub-

sidy program to incorporate defense features on future US-built commercial ships. This would sacrifice near-term readiness that supports early combat force deliveries in favor of an unproven concept designed to deliver follow-on material. At a minimum, I request the Senate provide the Department the legislative authority to acquire these ships.

If enacted, these measures will unravel our carefully constructed sealift acquisition program. This measured and studied program has enjoyed wide support among military professionals, defense executives and the Congress as both absolutely essential and fiscally responsible. The MRS, a rigorous study which included over 90 warfighting analysis cases, also received the endorsement of each member of the JCS.

Please reverse these actions to support our sealift requirements—the military strategy critically requires it. I strongly support the execution of the MRS program.

Sincerely,

JOHN M. SHALIKASHVILI,  
Chairman of the Joint Chiefs of Staff.

U.S. DEPARTMENT OF TRANSPORTATION, MARITIME ADMINISTRATION,  
Washington, DC, June 16, 1994.

Hon. SAM NUNN,

U.S. Senate,  
Washington, DC.

DEAR SENATOR NUNN: I am writing to express concern about the recent House Armed Services Committee reallocation of \$43 million in the National Defense Sealift Fund (NDSF) for a National Defense Features

Option expiration date  
6 ..... 12/31/97

\*Contract requires exercising 2 ships and has no provision to exercise only one.

Q2. What is the impact of the contract protest resolution on the option expiration dates?

A2. The Navy is negotiating an extension to the option exercise dates for NASSCO option to reflect the 4½ months stop work order which was imposed as a result of the award protest to GAO. This adjustment is in process and exact extension and cost is to be determined.

Q3. What is the amount needed to exercise LHD-7 option prior to expiration?

A3. \$1.4 billion is required to exercise the current option to produce LHD-7. (incomplete answer)

Q4. What is the cost associated with extending the option dates for the two NASSCO ships until FY96? Of extending one option each for Avondale and NASSCO until FY96? What are the contractual implications of extending the options?

A4. The costs for extending the first option for two ships for NASSCO and of extending one ship for each contractor of the first option for two ships would have to be investigated further. The contracts were not structured with those provisions.

(NDF) Program, in place of the acquisition of Roll-on/Roll-off (RO/RO) vessels for the Ready Reserve Force (RRF) in Fiscal Year 1995. This redirection of RRF acquisition funds would have a serious negative effect upon the implementation of the Department of Defense (DOD) integrated mobility plan proposed at the completion of the Mobility Requirements Study (MRS) and the Bottom-Up Review.

The MRS determined that 36 RRF RO/RO vessels, able for loading within 4 days, are required for strategic sealift. Although 12 RO/RO's were purchased for the RRF in FY 1993, seven ships are still needed to reach this fleet's RO/RO capacity. The Administration's program to add sealift capacity includes new construction, conversion of existing ships, and procuring ships available on the market today. The purchase of used ships is vital because it allows for the near term acquisition of commercial ships that are still in good condition and are useful for military operations.

This \$43 million request for FY 1995 is necessary to continue these RRF acquisitions. Any reduction in funding for the RRF would seriously delay necessary enhancements to strategic sealift. At a time when sealift mobility is an increasingly important element of U.S. strategy, it is important that we proceed with a balanced program to acquire the most cost-effective mix of sealift vessels.

For these reasons, I strongly urge you to support the use of \$43 million in the NDSF for the purchase of existing RO/RO's for the RRF in support of the DOD integrated mobility plan.

Sincerely,

A.J. HERBERGER,  
Maritime Administrator.

U.S. TRANSPORTATION COMMAND,  
Scott Air Force Base, IL, June 21, 1994.

Hon. SAM NUNN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR NUNN: The Commander-in-Chief of the United States Transportation Command is responsible for the readiness of America's Defense Transportation System—an integrated and balanced system of air, land, and sea assets. Responsibilities for readiness include both today's assets and the programs to ensure continued capability in the future. It is the latter that is of immediate and considerable concern.

The President's budget request provides for the necessary enhancements and modernization required to maintain a viable Defense Transportation System. However, if the current language contained in the Senate Armed Services Committee markup of the FY95 Defense Authorization Bill is not amended, it will seriously damage our sealift modernization program and threaten the viability of the entire Defense Transportation System.

Specifically, there are two issues of concern:

—the diversion of all FY95 funding from the construction of Large, Medium Speed Roll-on, Roll-off ships (LMSRs) to a down payment on an amphibious assault ship and two Maritime Prepositioned Ships (MPSs). This would seriously disrupt a key modernization program recommended in the Mobility Requirements Study and unanimously endorsed by the Secretary of Defense, the Chairman and the Joint Chiefs.

—the diversion of \$43 million in funding from the purchase of Ready Reserve Force (RRF) RO/ROs to provide a subsidy program for defense features on future US built commercial ships. This would sacrifice near term readiness and early surge capability for an unproven concept designed to deliver follow-on forces.

All regional CINCs cite sealift as one of their critical shortfalls. The President's budget request will provide a significant near-term improvement in our sealift capability. However, the changes contained in the Senate Bill will eliminate these improvements and seriously threaten USTRANSCOM's capability to support the transportation requirements of America's war fighting CINCs. I request your support of the President's budget request on sealift enhancement.

Sincerely

RONALD R. FOGLEMAN,  
General, USAF,  
Commander in Chief.

EXHIBIT 3

INFORMATION PAPER—JUNE 21, 1994

Subject: Impact of the Senate's Mark of the FY 95 Defense Authorization Bill on the Recommendation of the Congressionally-mandated Mobility Requirements Study (MRS).

1. Purpose. To provide information regarding the Senate Mark and the MRS.

2. Background. Our Nation's deployment to OPERATION DESERT SHIELD highlighted a significant shortfall in strategic mobility assets. Congress mandated the Mobility Re-

quirements Study to determine the Nation's strategic airlift and sealift requirements. The Mobility Requirements Study used approved scenarios which described a future where strategic mobility was the linchpin for successful power projection operations. The deploying US forces were joint and complementary, and employed decisive force to reduce the risk of high casualties. The MRS recommendations support Joint Doctrine where force projection is critical to achieving military objectives. The Senate Mark challenges this integrated strategic mobility plan and places at risk the MRS recommendations which allow for the timely deployment of decisive force and low casualties.

3. At Risk MRS Recommendations.

a. The MRS recommended the acquisition of up to 20 Large Medium Speed RO/ROs (LMSRs). When the actual ship design was finalized the number of LMSRs was fixed at 19. Eight of these ships represent the MRS recommended capability to place 2 million square feet of Army unit sets of equipment afloat, the remaining eleven LMSRs represented the MRS recommended capacity to surge three million square feet of units equipment sets from the US. The eleven surge LMSRs, when combined with the currently available (on-hand since the 1980s) eight Fast Sealift Ships (FSS) will be adequate to strategically lift the MRS recommended two Army heavy divisions from the US in thirty days.

b. The MRS recommended the acquisition through purchase off of the open market of 19 Ready Reserve Force (RRF) RO/ROs to bring the RRF RO/RO total to 36 ships. The MRS further recommended that all thirty-six ships be maintained in Reduced Operating Status—4 days (ROS-4) to meet surge sealift requirements. When combined with the eleven surge LMSRs and the eight FSSs the surge requirements—deployment of heavy forces rapidly—determined by the MRS are met. While acquisition of the additional RRF RO/ROs are necessary for surge sealift requirements, the MRS further recommended the modernization of the aging Breakbulk ships that contribute later in a deployment. Additionally, the MRS noted that alternative ship concepts such as Build and Charter, charter, and National Defense Features were possible alternatives for modernizing this slow shipping which follows surge.

c. The effect of the MRS recommendations provides the Nation with the ability to deploy two million square feet of Army Prepositioned Afloat equipment sets available for combat operations within fifteen days and the ability to surge two Army heavy divisions ready for combat operations within thirty days. The Senate Mark potentially places this surge capability at risk.

INFORMATION PAPER—JUNE 21, 1994

Subject: Senate Mark of the FY 95 Defense Authorization Bill

1. Purpose. To provide information regarding the Sealift issues concerning the Senate Mark.

2. Background. The Senate Mark of the FY 95 Defense Authorization Bill in essence eviscerates the strategic mobility sealift recommendations of the Congressionally-mandated Mobility Requirements Study (MRS). Volume I of this study, begun during the Nation's deployment to OPERATION DESERT SHIELD and completed in January 1992, identified our Nation's glaring strategic mobility shortfalls. The MRS recommended acquisition of up to 20 Large Medium Speed

Roll-On/Roll-Off ships (LMSRs) through conversion or construction in US shipyards and 19 additional Ready Reserve Force (RRF) used RO/ROs purchased off the open market (for a total of 36 RRF RO/ROs). The LMSRs and RRF RO/ROs together meet the requirement to deploy heavy forces rapidly (surge sealift). The Senate Mark eliminates the planned exercise of contract options to initiate construction of two LMSRs scheduled for FY 95 and places the options for eight more at risk. While this superficially appears to simply delay the LMSR program, the impact of the mark may force the renegotiation of the LMSR contracts and destroys confidence that funding is assured. This sets a precedent for using critical sealift funds as a bill payer for other, not requested projects.

The Senate Mark also diverts funding for two RRF RO/ROs to subsidize an unproven program that, at best, several years in the future may provide some capability to deliver late arriving materiel. In conjunction with action by the House Merchant Marine and Fisheries Committee which similarly diverts funding from previously authorized and appropriated acquisition of five RRF RO/ROs, the Senate Mark is a major blow to near-term improvement in surge sealift capability. In short, the Senate Mark puts at risk the Nation's capability to meet the timelines to successfully fight one, much less two major regional conflicts.

3. Primary Impacts.

a. The mark reduces the number of LMSRs and RRF RO/ROs validated by the Congressionally-mandated MRS. These assets are a critical element of our Nation's power projection strategy. Result: Increased risk of early casualties and loss of key facilities. Loss of deterrence value obtained through perception that US will respond rapidly and with overwhelming capability if challenged.

b. The MRS recommended eleven LMSRs be added to Military Sealift Command's eight Fast Sealift Ships for surge sealift (the remaining 9 of the 20 being recommended for afloat prepositioning). The recommendation provided this surge sealift to move two heavy Army divisions anywhere within 15 sailing days. Because of this mark and its potential risk to the eight follow-on LMSR options (3 or 5 Avondale options and 3 or 5 NASSCO options), the Army would not be able to deploy two heavy divisions in the required time. Result: Increased risk of loss of early land dominance.

c. The MRS also recommended acquisition of 19 RRF RO/ROs. This number will bring the RRF RO/RO fleet total to 36 RRF RO/ROs with all ships in Reduced Operating Status—4 days (ROS-4). These ships surge additional Army equipment to support the first two Army heavy divisions. The USMC is allocated nine of the thirty-six ships for its surge requirements. Not purchasing the remaining seven ships directly impacts both the Army's and the USMC's capacity to reinforce and sustain our deploying forces. Result: Increased risk that forces will not receive necessary support.

d. The Senate Mark redirected the funds for the purchase of the two FY95 RRF RO/ROs to buy instead a concept known as National Defense Features or NDF. This concept is based on the government paying shipyards to install NDF (e.g. special heavy duty ramps and decks, communications installation kits, etc) on ships they may build in the future for the commercial market. This means that we are not buying RRF RO/RO shipping available today and instead are allocating funds for unbuilt ships for which there is neither a valid requirement or a certified market survey. Additionally, the MRS

specifically noted that the alternative concept ships such as NDF were not a replacement for surge shipping but could be capable of replacing RRF shipping required for the middle to late delivery periods. In other words, the Senate Mark diverts funding from today's valid requirement for surge RRF RO/ROs to encouraging ship builders to build ships for which no valid requirement exists today, no commercial market survey supports, and, if built, will not meet the surge RO/RO requirement to deploy Army combat equipment rapidly to the conflict. Result: Increased Risk.

e. The Increased Risk noted after each paragraph can be directly correlated to increased American casualties. The Mobility Requirements Study's warfighting analysis demonstrated that the quicker US forces arrived in a theater the more successful they were regarding mission accomplishment and lower casualties. This mark guts DoD's ability to respond to threats to our Nation's vital interests in a timely fashion. A decreased ability to project forces results in an invitation to test our Nation's capabilities and resolve. Our ability to successfully deter threats diminishes as well.

Mr. LOTT. Mr. President, I think it is very important I be heard on this amendment. I appreciate the cooperation and the understanding of the Senator from California and the Senator from Louisiana of what I have been attempting to do here. I do think I need to further clarify the record of how we came to this point and the justification for this amendment being offered.

First, I want to talk a little bit about the DOD, Department of Defense, authorization bill as a whole. This amendment is a classic example of what we are getting into with the defense authorization and the defense funding for our country. We find ourselves more and more facing very difficult decisions, choosing between one very good, justified and needed program or another; one ship or the other; one aircraft or another. One after the other, I fear, we are making the wrong decisions or we are giving up, in an effort to deal with budget restraints, things we need for the future.

So I think this year we have reached a critical point, where we are not adequately funding the defense of our country. It has been developing now for several years. I think over the last 5 years we have reduced defense funding by about 25 percent. And we have come to the point now where we have just squeezed and squeezed until now we are affecting personnel, morale, capability, readiness. So I hope my colleagues will take a serious look at this overall bill because I think we are getting in real serious trouble and it is not going to get better. Next year will be tougher, and the next year after that, if we continue in the direction we are headed.

It is tough on the authorization committee and it is very tough on the appropriators. That is one of the reasons I think we are going to have to look at incrementally funding some of these larger, very badly needed programs if we are going to have carriers or LHD's

or some of the aircraft that we badly need. Trying to get the large amount of money that it takes for some of these badly needed ships or aircraft is difficult to do in 1 year.

This ship that everybody says they want at the Pentagon, and more important that they need, costs \$1.3 billion. Trying to get that in 1 year is awfully tough. The Appropriations Committee in their wisdom, in my judgment, funded the previous LHD, LHD-6, incrementally, in two parts. But they got the job done and the ship is being built now. But in program after program we are now in very serious trouble.

I think numbers of troops have been reduced too much. We are making decisions with regard to the National Guard that is affecting their capability. As we become more and more dependent on the National Guard and Reserves, we are at the same time cutting them back.

On Memorial Day in Kosciusko, MS, I was speaking at one of the Memorial Day services. An officer in the National Guard artillery came up to me and said, "We have a problem now because our funds are being cut back. They are not cutting as much as they should, maybe, in the administration, but we do not have adequate rounds to practice with." You do not get to be proficient in firing artillery, practicing with a tank, if you cannot have an adequate number of artillery rounds to fire. That is the point we are coming to.

In the case of aircraft—talk about sealift; yes, sealift is very important. So is airlift. The full Senate voted yesterday on C-17. I have mixed emotions about the decision. But what bothers me is will we make a decision? We have old aircraft, many of which have been grounded, that were worked to death, practically. The C-140's, during Desert Storm—they have had to have wing repairs, their engines have flamed out. Yet we are still depending on them, and Congress is still arguing over the C-17.

In instance after instance, the Armed Services Committee is wrestling with do we try to make the ones we have last a little longer? Do we go to some sort of a commercial reconfiguration, to use existing available commercial planes? Do we go on with this extremely expensive C-17, which has been nothing but a problem from day 1? It is a big, costly program and a lot of uncertainty about where we are headed.

Bombers. The Armed Services Committee, in the subcommittee I serve on, has spent a long time talking about bombers. What is going to be our capability for a long-range bomber? The administration requested, and I assume they are going to get, a significant reduction in B-52's. We are still using B-52's. We have the B-1B's that we never have quite decided what to do with or what we are going to be able to do in

the future. We have not done the necessary modifications to really make use of them. And then we have the B-2, which we have agreed, I believe, to 20. But the debate later on this very day will be do we keep that program warm? Do we keep the capability to build more B-2's? Or do we just go ahead and kill that program?

The amendment that may be offered is we are going to take that money and move it over into the base closure area, of all ridiculous places to suggest putting it.

Again, the question is are we going to have to use the old B-52's? Are we really going to modify the B-1B's? Are we going to keep the B-2 option alive? We do not know, but we are putting good programs, people's jobs, and the future of this country and its defense at stake.

On ships, we have these great battles over do we need more *Seawolves*? How many carrier groups do we need? How many carriers should we have? How many surface ships are we going to have? As a matter of fact, we now are down to producing about five or six surface ships for the Navy a year. At one point we were building for a 600-ship Navy.

Then we were told, "Well, 400." Then somebody said, "I think the position now is 330, approximately." The truth of the matter is, at the rate we are going, at the end of this decade, we will be lucky if we have 170 Navy ships. The lines are going right down.

That is one of the reasons why this ship is so important, the LHD-7. Are we going to have the ships to do the job? Check around the world now. I can show you a world map of where we have carriers or LHA's or LHD's sitting in critical places. We are going to reach the point very soon where the call will go out and the planes, the ships, the men and women will not be available, will not have the equipment they need, will not have the training they need.

That is where we are.

With base closure, I have a great deal of sympathy and concern for what has happened across this country on base closure in the first two rounds. California has been hit so hard. I sat next to the Senator from California during the last round. She had a list: "Oh, my goodness, if they do this, it is 5,000 jobs; if they do this, it is 2,000." And it is just getting whacked away. It is not just California, it is a lot of other States.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. LOTT. I will be glad to yield.

Mr. JOHNSTON. Will the Senator agree with me that the Exon-Grassley amendment, which I think takes something like a \$500 million bite this year, but takes increasingly bigger bites out of the discretionary accounts—I think it is a total of around \$30 billion over 5

years—is hurting defense, really hurting defense and agriculture probably more than any others, and that we really ought to take a look at that next year?

Mr. LOTT. As a matter of fact, I share the Senator's concern about that. The point was made repeatedly when that issue came up in the budget deliberations that it should not have been applicable to defense.

I offered an amendment on that, and the Senator from Virginia offered an amendment on that. There was real concern about the impact it would have on defense, and there is still great concern about that.

But at the same time, we have to find ways to deal with the overall budget issues. Yesterday, we passed the Treasury, Postal Service appropriations bill that was above last year's spending level. You would think maybe we could at least hold the spending at perhaps last year's level.

So you can debate what we do on the budget back and forth, but that is the problem here. The Senator is right.

We have been having to make the tough decisions. Discretionary spending is being squeezed down. The Appropriations Committee has done a great job with limited funds and with restrictions from the Budget Committee. I acknowledge that. We know the real driving force in the budget deficit is now being caused by entitlements, which the appropriators do not have direct control over.

But however we got there, we are being squeezed down in the defense spending for our country.

It is leading to these types of tough decisions. That is the only point I wanted to make. I am worried about that continued development because the world has not gone to utopia. Somebody had said on this floor last year, "Oh, have you missed it? The world has changed." No, I did not miss it. The world is still very dangerous. We do not know what is going to be the situation in the future with Russia; we do not know what is going to be the situation in North Korea; we do not know what is going to happen in Bosnia and Herzegovina. The list is long. So we have a real need to have the people and the equipment available we should need in case of emergency. It is getting harder and harder to fund that.

That is how we came to the point where we are today.

There is no question that sealift is very important. We were strapped in Desert Storm to be able to get the roll-on/roll-off ships, to get the equipment over there. The Senator from Louisiana talked about that, and he is absolutely right. We had to rely on a lot of ingenuity by the Navy. We had to get into, I am sure, foreign flag ships. We had to call out some old mariners to come in and help us do the job. It was

a scary situation. We do not have that sealift capability today that we had then. We have lost it. It has gone down probably even more. So there is a real need for these sealift ships.

Mr. President, for the last 4 or 5 years, I have aggressively supported sealift, fast sealift. I do today. There is no question about that. I thought, though, we had an opportunity in the Armed Services Committee to get the fast sealift ships with only a short delay and a way to get the needed LHD-7. At the time, it looked like a magnificent solution to a problem that we all agreed we had—the Navy, the Marine Corps, the Joint Chiefs. Everybody would like to have the sealift ships and LHD-7, and I will talk more about that in a moment.

In fact, I think the record will show I was one of the most aggressive committee members on the Armed Services Committee in supporting sealift. I worked very closely on the subcommittee with Senator KENNEDY. We continued to provide authorizations for sealift going back several years. The sealift account, in fact, was first created in the Armed Services Committee under Senator KENNEDY's leadership as subcommittee chairman, but with a lot of support from all of us in the subcommittee and in the full committee.

Much of the testimony and history in the Armed Services Committee was established approving the importance of sealift, and a lot of the questions that built that history I had the opportunity to ask. For the first 2 or 3 years, I actually was sort of tagged with the moniker "Senator Sealift"—you keep talking about sealift—because I very aggressively supported it. I was an advocate of sealift before the Army became an advocate of it, before the mobility requirement study was even started and before we learned the lessons of the gulf war. So I want the record to be clear that I feel very strongly about sealift and supported putting funds in it when they were not being spent.

I remember spending a considerable amount of time with the Chairman of the Joint Chiefs, Colin Powell, urging that the Sealift Fund Program be moved forward, commitments be made. The Senators will remember it kind of languished there for about 2 years. They were not sure how to move it forward. I remember bending the ear of Secretary of Defense, Dick Cheney, saying, "Make a decision on this program, move it, award the contracts."

Finally, it did get going, and I want it to keep going. In fact, I would like to quote from one of the reports from the Armed Services Committee in the fiscal year 1991 authorization bill. On page 18 of the report it said:

Current U.S. capabilities for intervention at a distance where there are few bases and limited infrastructure are not fully suited to U.S. needs. Today, the United States has the

greatest force projection capability of any country in the world. However, in general, Army light forces are rapidly deployable but lack sufficient firepower, sustainability and ground mobility. Army heavy forces are too heavy and too slow to deploy and in recent years, Marine Corps forces have allowed their increase in equipment to outstrip their ability already available in the inadequate amphibious lift.

To meet potential force projection missions, the United States must restructure forces in accordance with the following priorities:

It must give priority to forces that are inherently mobile and rapidly deployable, maritime based expeditionary forces, long range and technical air forces and light combat forces that can be quickly transported using amphibious lift sealift and airlift assets.

The point I am trying to make is, as far back as 1991, the subcommittee, the full committee and the report emphasized the need for this sealift capability.

I do not want to undermine this part, but I had information from the Navy, which Senator BENNETT JOHNSTON has referred to, and others, that as a matter of fact, the contract option on the two ships for the next fiscal year does not expire until December of 1995. This is not information I fabricated or intentionally used to mislead the committee. This was assurance that I had gotten from the Navy as to when that contract option would expire.

So it looked to me like there was an opportunity to use that \$600.8 million to begin the authorization to incrementally fund in two parts this LHD-7, because the LHD-7 contract expires in December 1994, this year.

Based on the information I was given about the sealift contracts, two more of the ships could be awarded in August of this year, to Avondale and two more would be available next year with a delay of only about 7½ months and provide the next two. The funds would be there for that and we could use the \$600.8 million this year for this contract. It seemed like a brilliant stroke, a way to accomplish everything that we wanted to accomplish.

With regard to the LHD-7—talking about priorities—I understand that the very top priority of the Navy is the carrier. But there is no question that the Pentagon, the Army, the Joint Chiefs feel very strongly about the sealift, but they also have testified up and down the line that we need LHD-7. Not that they want it, they need it. If we are going to have the capabilities we are committed to in the Bottom-Up Review, we must have the seventh LHD.

Let me read you some of the quotes. These are what the leaders testified before the Armed Services Committee about LHD-7.

General Mundy, Commandant of the U.S. Marine Corps, on April 12, 1994, in testimony to the Senate Armed Services Committee Regional Defense Subcommittee: "12 ARG's are the minimum required." In order to have these

12 ARG's—Navy terminology, Marine terminology—you must have seven LHD's.

General Hoar, in testimony before the committee, March 3 of this year: We need LHD-7 and 12 of the amphibious-ready groups to make sure that "we maintain the naval posture that is the backbone of our forward presence."

Admiral Owens, Chairman, JROC, testified that 12 of these amphibious-ready groups "is the number we should continue to use as our goal."

Admiral Kelso, March 1993: "An additional LHD, the seventh, would be required to fully support the 12 ARG goal."

And the list goes on with similar quotes from Admiral Arthur, Admiral Jeremiah. Everybody agrees that this is something we need in order to do the job we are committed to do.

So that is why I am so committed to the LHD, because we have a time problem. December of 1994 the contract option expires. If we let this contract option expire and wait until the year 2000 to get this seventh LHD that everybody says we need now, it will cost \$800 million more. That is what is at stake here—\$800 million more to get a ship that we have the capability to get now and that we need now. We could build two other very vitally needed navy ships for what it is going to cost us if we wait until the year 2000.

Now, let me show my colleagues what we are talking about.

This LHD is an incredible vessel. It can do a lot of what it would take a combination of other ships to do. It can do a lot of what a carrier will do. When you move an LHD into position off the coast of some strife-torn country where we have a national security interest, it has an impact. You are talking about 2,000 marines on this vessel—2,000 marines—with helicopters, 46 large helicopters, I believe is the number, and Harrier jump jets. Aircraft can take off of this deck simultaneously. You can have aircraft taking off, helicopters taking off. It has the air cushion vessel that comes out of the end. You have landing craft.

You can do almost everything with one of these ships. It has a fully equipped hospital right at this level. So we are talking about an incredible, multipurpose, amphibious warship to take Marines wherever the need exists.

That is what we say we want. That is what everybody says they need. I have discussed this particular ship with the Chairman of the Joint Chiefs, with the Vice Chairman, Chief of the Navy, Commandant, Secretary of the Navy, right down the line. They all say, yes; it is just a question of where do we get the funds. That is what I have been working on. I worked on it at the subcommittee level and at the full committee level. I came up with an idea based on information I was given by the Navy, and I realize that has pre-

sented problems. But I will continue at this very moment to work with any and all Members of the Senate and the Pentagon to try to find a way to fund this ship because we do need it; it is an incredible ship.

Now, what is the alternative?

We need the fast sealift ships, and this is just a conceptual version of the ship because we do not have it yet. It is under contract, and it is moving forward. But you are talking about basically a cargo carrier. We need them; I do not deny that. But by delaying two of these, which are not going to fire a shot, you get one of these, a very incredible marine vessel—a pretty good tradeoff. Now, if you do not have this vessel show up at the critical time, you are never going to have a need for this one.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. LOTT. I will be glad to yield.

Mr. JOHNSTON. The Senator said by delaying the two—he calls them cargo ships—fast sealift ships, you are getting one of the big ones. Actually, you get about 40 percent of the big one and you still owe about 60 percent or another \$800 million after you spend this \$600 million; is that not correct?

Mr. LOTT. That is correct. Incrementally funded, \$600 million this year and then about \$700 million in the second year. But the other side of it is, if we do not get this vessel now, we may never get it. That is a very important point that I think we have to think about and worry about. It is like an aircraft; the same is true with ships. You lose the capability, you may have lost it. It takes time certainly to get it back in place.

I wish to emphasize again the last one of these that was funded, it was incrementally funded, in the wisdom of the Appropriations Committee, in two pieces. That is all we are trying to do here, do it in two pieces. But the fact remains that for the price of those two fast sealift ships, you do get 40 percent of one of these.

Again, I emphasize, I acknowledge that the problem is, with this budget restraint we have, the cost of a large vessel like this. It is tough to do. But I just wanted to show you what was involved here, the ships we are talking about, and give you some concept of what we are talking about. I emphasize again that I support sealift. I want those ships built. I think we are going to need them. I think they are an important part of our military capability in the future. But I also know we need LHD-7 now, and the time is running out. The time is very short.

So I have worked diligently with every member of the committee and many Members of the Senate who have spoken today or will speak to try to find some other way to do it, and I am here today looking for another option, another source of funds, some way to accomplish this.

I have talked to the chairman of the Armed Services Committee repeatedly. He is familiar with the problem. He is sympathetic to the problem. But he says, as has always been the case, he is opposed to incremental funding. It is not this one. He has been consistently over the years. I acknowledge that. But I am here now acknowledging that we were given incorrect information by the Navy as to when the contract option on the sealift expired.

I state emphatically that I want sealift ships to move forward but urge my colleagues to think about the needs that we are giving up and urge that consideration and assistance be given to me and to us for the country's sake to find a way, some way, to keep the LHD program alive, some way to authorize it so that the appropriators will have the opportunity to look for a way to fund this program. They have proven in the past that they are ingenious in dealing with it. We do not know what the funding level is going to be for planes and ships and tanks and everything else. The appropriators may have a completely different mix by the time they get to their final choice. So I am trying to find a way to do here in the full Senate as I did in the Armed Services Committee, to keep that option available.

So I will yield at this point, but I do want to continue to work with my colleagues on the committees that are involved—and my colleague from Mississippi is very much involved—in trying to find a solution here, and we will be looking for that as the day goes forward.

I yield the floor at this point, Mr. President.

Mr. NUNN. Mr. President, I do not want to hold out false hope here about this ship this year, but I also want to add just the realistic picture of where we are now on this ship. That is that the House Armed Services Committee has some money in their bill for this ship. I believe it is \$50 million. I believe it is \$50 million. I am not sure whether it is \$50 or \$100 million. It is probably in the nature of long-lead item. They are incrementally I suppose funding this ship.

We normally have opposed that in conference. But it is a live issue in conference. At least by the time we get through conference, the appropriators, if they are going to find this kind of money—and I am sure the other Senator from Mississippi will be there diligently searching, and we would certainly be notified of that. But on this issue, if you were to move to this vote today, if this money were taken out today, it would be like a lot of other things in Washington. It would not be a concluded issue.

I will not make any pledges about where I would be on it. But I would certainly say it would be a live issue, and that we would certainly not—and we

never have had—have a closed mind in conference when we go to conference, or we could not complete a bill.

We certainly always listen to our appropriators, particularly if they can come up with a bag of money. Sometimes the appropriators are good at doing that. We always have to look at where that bag of money comes from. There are two questions when you are dealing with these matters, whether it is our committee or the Appropriations Committee; that is, where is the bag of money they come up with going? And the other is where does it come from?

I think Senators find very quickly if the bag of money comes from a matter that is of concern to the Senator from California or the Senator from Louisiana, then we hear from them. If it is a bag of money which comes from someone else, there may be a more delayed reaction time than the alert colleagues from California and Louisiana. Nevertheless, at some point we hear from them. And the truth of it is that this defense bill and this budget has gotten not only tight, but it is underfunded in both the President's budget, and increasingly the Congress is cutting below the President's budget.

I would like just to make a few comments and particularly describe where the committee is on this now.

Mr. LOTT. Mr. President, will the distinguished chairman yield?

Mr. NUNN. Yes. I am happy to yield.

Mr. LOTT. I appreciate the chairman's comments, and I want to say here on the floor that I appreciate his consideration and his cooperation in the full committee.

The vote of 14 to 6 would never have occurred if the chairman had really put his foot down. He made it very clear that he is opposed to incremental funding. But he also, at the time, indicated that he thought that this was a way at least to keep it alive and consider it.

While always making very clear his reservations, the fact is that this was not in the President's budget request, and finding a way to fund it was very difficult. But he, as the chairman, certainly made it clear that he has a high regard for this vessel, recognized its need, but just cannot see how we can find the authorization funds at that point, as he said.

I appreciate his consideration.

Mr. NUNN. The Senator described my position very accurately. I appreciate that. I will have more to say about the ship itself in remarks that will be made.

I will say to my friends from Mississippi, while they are both on the floor, that there is probably not a single member of our committee that at one time or another has not used the argument—I do not remember the last time I used it. I certainly do not want to pretend I have not because I probably have. There are certain options going to expire, and if we do not do

something quickly about that option the U.S. Government will forever lose that possibility. Usually the people who are pushing that behind the scenes are the people who have granted the option; that is, the contractors. The Government itself is perfectly willing to extend the option if the contractor is. So, really, all the contractor has to do is to extend an option.

Frankly, that applies to either side of this argument. Simply say to the Government that they will extend the option for another 6 months, and then you have that right to buy that ship.

Now, I understand the contractor's point of view. They have to get certain subcontracts lined up. They have certain costs that are involved. There is some inflation. There are those kind of considerations. But it is really not like you are forfeiting forever the opportunity to buy a vessel when an option comes close to expiring, because the contractor is the one who can extend that option if they choose to.

So I say that is another possibility.

Mr. President, let me just comment on a little background here because we have seen certain letters from the chairman of the Joint Chiefs and others justifiably from their perspective and being alarmed about the committee's action. I did not vote with the majority of the committee. But I do think that the majority of the committee proceeded in good faith. And I think they need a little defense against some of the charges and criticism that have been leveled.

I do not think anyone should be under the impression that the committee's action, the majority of the committee action, represents a position against sealift capability. The committee has approved over \$2.8 billion in funding in the past several years. It was our committee, as well as the House side, that basically helped lead the way in sealift.

The appropriators in our committee, and basically Congress, led the way here. It was not the Department of Defense that led the way in the sealift. It was the Congress of the United States. So the committee has clearly seen and supports the need for sealift.

I want to emphasize that our committee, as well as the appropriations committee, got out in front of this issue several years before the Department of Defense or the Joint Chiefs or the Navy or the Army saw the need. We basically had provided for strategic sealift for 3 fiscal years before the Department of Defense was willing to recognize that it was a shortfall and include it in their own budget. Senator KENNEDY, chairman of the subcommittee, and Senator LOTT as the ranking member, have been real leaders in the overall push for sealift.

So sometimes it might be good if someone over in the Department of Defense writing those letters and submit-

ting them might relate a little of history before they go wandering off to sort of consider them in statements that at least are not very informative about how these programs got started.

I believe the committee's action to provide two additional ships is enhancement to the Marine Corps maritime prepositioning of ship force—so-called MPS enhancement—is another case where the Congress will be ahead. I believe in General Shalikashvili's letter he emphasizes that we shift funds out of strategic sealift for both the vessel that the Senator from Mississippi is pushing, amphibious, and also MPS, and that simply is not true. That money for the MPS we found in other places: \$200 million. It was strictly a shift of \$600 million here between these two vessels.

So I find myself, Mr. President, in a position I am not in very much; that is, I am not in the position very often of disagreeing with the committee position. But in this case, I am not speaking for the majority of the committee, I am speaking only individually. I find that the amendment of the Senator from Louisiana and the Senator from California really has merit, and should be passed. I am aware about the misunderstanding the committee had in providing funds. I think that misunderstanding was regrettable. I do not think it was intentional on the part of anyone. The Navy simply gave wrong information, and erroneous information about when those options expire on the vessels that were taken out of the two sealift vessels, that were taken out in order to pay for this amphibious LHD-7.

I believe it was an honest mistake. But I do believe that there is an issue here that the Senator from Mississippi has already alluded to, that the Senate itself needs to focus on as they struggle with this issue. I hope we will all understand that, and that is the incremental funding issue.

I want to clearly indicate that I favor going forward with this ship. I hope we can find a way to do it. I hope we can find a way to do it responsibly. This class of amphibious ship carries helicopters, a large hospital, landing craft, and other items critical to supporting the Marine Corps in combat or in peacekeeping operations. It can operate independently of carrier battle groups. It can almost be an autonomous type of capability in certain parts of the world depending on the threat. So we need this LHD-7 to provide the needed 12 amphibious ready groups.

The committee has been concerned about amphibious for a period of time. We are working with the Navy to ensure that this program retains the required 2.5 marine expedition brigade lift capability. We are doing that to the extent that we have actually blocked the transfer of certain older amphibious vessels—at least temporarily that

were going to go to other countries and were being declared surplus—until we can determine how the Navy is going to compensate for that lack of capability even though they are older vessels. So we have been very concerned about that.

I want to say in closing my remarks why I am opposed to incremental funding.

Incremental funding is basically getting started on a ship when you do not have the money to pay for it in that particular year. The reason that is so dangerous in the case of naval vessels is because you can take \$50 million or \$100 million and start the vessel, and in the next year, and the year after, and the year after, you have to pay for it. We can conceivably start probably 20 or 30 new Navy ships, and there would be supporters right here for doing that. We could take several hundred million dollars and get started on enough ships so that, basically, we would eat up the whole Navy budget within 2 or 3 years. Then somebody would say: What in the world were you doing back there? Why did you do this?

Everybody views their ship as unique, and the one they are interested in as unique. The military services do, also. But for the last several years, since I have been chairman of this committee, I have opposed incremental funding. Sometimes it is done by appropriators, but I do not recall when we have done it in our committee, under my chairmanship. The House committee has started down that road this year on this particular vessel, because they have money in their budget for incremental funding, for beginning it, but not paying for it.

The reason I opposed this particular amendment in committee is because the two ships that the Senator from Louisiana and the Senator from California are talking about—the sealift vessels are fully paid for; \$600 million pays for those two ships. On this amphibious ship, that same \$600 million that was shifted to pay for that in the committee bill pays for only 40 percent of that vessel. That means in the next year, and the year after, we are going to have a price tag that is going to be coming due, and no matter what we may think of the priorities, we will be \$400 million into this vessel. And at that stage, it becomes almost impossible to stop.

I have had people favoring aircraft carriers in the last 2 years asking that we start with \$100 million to build an aircraft carrier. My answer has been that we on the committees dealing with defense can find the money to pay for it, but we cannot afford to start it. We have plagued the budget with entitlement programs that people feel they are entitled to by law, and discretionary money goes down, down, down every year. This week or next week will tell us how difficult it is to deal

with anyone's entitlements. Anybody who has an entitlement feels that it is basically in the U.S. Constitution. It is not, but that is the way they view it, as part of the Bill of Rights.

We do not want to get into that situation in shipbuilding. I am not saying we do not do it in other areas. We have done it in the intelligence area. We have the intelligence budget that has had so much incremental funding that the hardware and the bills we are having to pay to meet past decisions eats up a huge portion of the intelligence budget. It can happen in the space station and in the super collider. Those are the kinds of things that sound good when you are under urgent pressures but come back to haunt not only the Congress but also the Department of Defense budget.

Incremental funding removes the discipline to properly fund programs and consider the full cost in tight budget environments. Incremental funding prevents us from basically being able to stop something once we have started it. Nobody is going to want to stop a ship we have spent \$400 million on, even though a year from now we may find some other priority that is much higher. It violates the principle and central premise of good management. I think full funding, particularly on naval vessels—because they are so large and the cost is so much and you can get started with such a small amount of money in the first year—more than probably any other category, is a valid management principle in naval vessels.

If we do not have some principle of full funding, what you do is give the services incentive to basically get a foot in the door on everything. Believe me, there are people in the military services that would love to start whatever program they are in favor of with incremental funding. And you also give them incentive not to come up with a correct cost estimate, because they probably will not even be around by the time the bills become due.

Incremental funding also keeps programs alive and contentious year after year. Most of all, it locks the Congress and the defense budget into commitments made in previous years.

So I think we should not start down this slippery slope of incremental funding on naval vessels. It is interesting that the first lecture I ever got on this subject was from a Senator from Mississippi by the name of John Stennis, who believed very deeply that if we started breaching that principle, we were going to regret it. I think that is absolutely correct.

So, Mr. President, I urge support of the Johnston-Feinstein amendment. I do so with every intent to work with both Senators from Mississippi in trying to find a way to make sure we keep this program going. I do not hold out hope that it can be done easily, or this

year, but I would not foreclose any option as long as it sticks with the basic principle of trying to find a responsible way to fund the vessel.

Mr. President, in this case, not speaking for the committee, only individually, I urge adoption of the Johnston-Feinstein amendment.

Mr. INOUE. Mr. President, the amendment proposed by the Senators from California and Louisiana presents to the Senate a most difficult choice. The Senators are asking us to undo an action taken by the Armed Services Committee. They seek to restore \$608 million in funding requested by the President for the sealift fund and eliminate the same amount which the committee proposes to use to fund a portion of the amphibious assault ship requested by the Marine Corps, the LHD-7.

As chairman of the Defense Appropriations Committee, sensing that we may have to face this soon, I have given this matter very careful deliberation, and I have decided to support this amendment. I urge my colleagues to join with me. Allow me to explain my reasoning and to underscore my conclusion.

Mr. President, this issue juxtaposes the interests of the Marines to the interests of the Army. The smaller post-cold-war Army is increasingly dependent on improving its sealift capacity, while the Marines are trying to ensure that they will have 12 large-deck amphibious assault ships.

Mr. President, I have to point out to my colleagues that this is the type of choice that both the Armed Services Committee and the Defense Appropriations Subcommittee are facing and will face again and again—two worthy programs, two requirements which should be filled. However, the fiscal constraints require us to choose between them.

So let us consider the merits of each case. First, the LHD-7. The Marine Corps argues that it needs 12 large-deck amphibious assault ships to project power for two major regional contingencies. The corps points out that eventually some of its aging LHA ships will need to be replaced and that the LHD is the only ship class capable of meeting this requirement. The Marine Corps points to the Bottom-Up Review, which decided to increase the size of the Marine Corps—above the base force plan—as a sign that the Defense Department has ratified its force structure.

Furthermore, the Marines argue that if Congress fails to appropriate sufficient funds to purchase the LHD-7 this year, the Government will lose a price contract option. Under the Navy's plan, the LHD-7 would not be funded until the year 2000. The Marines and Navy both agree that the cost of waiting until then to purchase the ship will drive the cost up substantially, perhaps as much as 33 percent.

Last year, at the initiative of the Appropriations Committee, the Congress appropriated \$50 million to initiate advanced funding for the LHD-7. The conferees of the defense appropriations bill noted that they expected the Navy to request funds in fiscal year 1995 for the balance of the ship before the Navy obligated the \$50 million appropriated.

However, instead of requesting the additional funds, the Navy sought to rescind \$50 million from this appropriations, and, Mr. President, as you know, we denied that request.

The Defense Department reviewed this issue in its fiscal year 1995 budget and determined that it could not afford to purchase the LHD-7 in fiscal year 1995. It argues that 11 large deck carriers fulfill 96 percent of the forward presence requirements of the Navy and Marine Corps. It also notes that the first LHA ship will not need to be retired until the year 2011, and therefore the Department recommends that the Navy and Marines wait until the turn of the century to build the LHD-7.

Mr. President, on sealift, I believe there is not much disagreement. If Desert Storm proved one point, it was that sealift is essential for U.S. forces. The only equipment that reached the theater in any sizable amount in the early days of the crisis was from equipment prepositioned on ships. It took 4 months to move all the remaining equipment needed into theater, primarily because there was insufficient sealift to respond more quickly. We were lucky, very lucky, that we had time to respond. But we also learned that the next time we might not be so lucky and we need to improve our sealift capability and we need to do it now.

Mr. President, it is ironic that Congress, before Desert Shield, had already recognized the problem and had created a sealift program to bolster our capability. I might add this congressional initiative, which the media would probably refer to as pork barrel, was designed to redress the growing shortfall and our program was initially opposed by DOD. However, after Desert Storm, DOD recognized the need and the Defense Department has embraced the program since that time.

The fiscal year 1995 budget requests \$608.6 million to continue the sealift program. Of this amount \$546.4 million is to acquire additional sealift ships. I must say that I believe this is one of the most critical needs of all of DOD.

Why then did the Armed Services Committee delete the funds for the program? In fairness to the proponents of the LHD and those members in the committee who voted to cut sealift and add funds for the LHD, may I respectfully suggest that it appears that they were misinformed.

Sources within the Navy had misinterpreted the contractual requirements for the Navy sealift program.

They believed that the contract options for the next sealift ships could be delayed until December 1995. Had that been the case, the Navy could have used fiscal year 1996 funds to award that contract and could have used the 1995 funds for other purposes—in this case, the incremental payment for the LHD-7. After the committee action, the Congress was informed that the initial information was incorrect. The contract options on the sealift ships cannot be delayed until December 1995. A new contract would be required if funds were delayed until 1996, with higher costs most likely.

More importantly, the delayed award would mean a longer time until the needed ships became available. Mr. President, most respectfully, we cannot afford to wait. We need to press on with sealift now.

Mr. President, I realize this is a tough choice to make between meeting the goal of the Marines or the need of the Army. If additional funds were available, I believe the Department would like to do both. Unfortunately, that is not the case. We are functioning under strict fiscal constraints and additional funds are not available.

I concur completely with my friend from Mississippi when he says that we have cut too deeply and too fast. Having served in the great war 50 years ago, and having seen my Nation's Armed Forces dwindle down to almost nothing before June 25, 1950, when we had to send men into Korea untrained and unequipped and then suffering 10,000 casualties that were not necessary, I do not wish to see a repeat. But we are faced at this moment with decisionmaking time.

I must add one other technical concern that I have with the committee's position. As the Senator from Louisiana and the Senator from California have pointed out, the \$600 million that has been set aside for the LHD is not sufficient for the Navy to award a contract for that ship. As everyone agrees, the LHD-7 is expected to cost about \$1.3 billion or \$1.4 billion. The committee position argues that we could fund the ship incrementally. As the chairman of the Armed Services Committee stated, I too would like to state that I oppose this incremental payment plan. The Congress has steadfastly argued that ships, because of their high cost and limited total numbers purchased, should be fully funded.

Yes, Congress did on one other occasion in the recent past allow for incremental financing to be used, but it was only with the understanding that the Navy would fully fund the balance of the ship in the next year.

Mr. President, we know that DOD does not plan to budget for the balance of the ship next year. The 1996 budget is already underfunded by \$6 billion. This committee recommendation will only worsen that situation.

The Navy cannot award a contract for the ship unless it has the full \$1.3 billion or \$1.4 billion, or sufficient funds to cover its termination costs. The Navy would have to demonstrate that it intends to fund the ship before it proceeds with obligating the funds. Since it is very unlikely to do so, these funds could not be used.

Mr. President, as I said at the outset, this is a most difficult choice for us, but I believe the evidence lies in favor of supporting sealift and delaying the LHD for another time.

If I may at this juncture, as chairman of the Defense Appropriations Subcommittee, I will do my best, as I have done in the past, to look for sufficient funds at least for long lead time, and I can assure my colleagues and my beloved colleagues from Mississippi that the LLD will not be forgotten. This is the word that I give to my good friends. But at this juncture in this debate, I would have to urge my colleagues to support the amendment submitted by my dear friend from California and my colleague from Louisiana.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I have come to the same conclusion as the Senator from Hawaii has. On the other hand, I support overwhelmingly the LHD-7.

I thought about this last evening, and I am here to suggest to the Senate that there is a way to do both. We do need to make certain we do not lose the fast sealift that is under contract now. It is absolutely essential to our defense, but we also need to find the money to assure that this LHD-7, which we provided long lead time money for, does meet its construction schedule.

I think the money is there. I am glad to see that the chairman of the committee is here. He is my good friend. He may disagree with me. But I think we need to make a structural change in an authorization bill to at least just literally take the money that is necessary from another area and commit it now to the LHD-7. As the Senator from Hawaii said, we can achieve that.

The area that I would take the money from is the area of the FFRDC activities. Those have already been reduced slightly by the Armed Services Committee, but I propose that they be reduced by 10 percent more, really. I propose a total reduction in the FFRDC in the level of about 19 percent. It would take \$250 million from the \$1.3 billion requested for these federally funded research and development centers.

I know that there will be a large scream heard around the world when I suggest that. But I believe that we are dealing with industrial base here as well as we do when we deal with things like the *Seawolf*. This LHD-7 is part of the national shipbuilding industrial

base, and we need to send a signal that it will be continued, too. I think we can send that by reducing the amount that is committed to the federally funded research and development centers.

Those centers have played an interesting and valuable role during the period of the buildup of our forces and during the period of the expansion of our industrial base. Now that we have reduced our industrial base—as a matter of fact, we are reducing it too fast in many places—we do not have the luxury of continuing the federally funded research and development centers at the level proposed in the bill.

I am not critical of the Armed Services Committee—as a matter of fact, they are below the budget request—nor am I critical of the administration for requesting that amount. But there is no question now that we can reduce the amount that is committed to these federally funded research and development centers.

We had a period of time when our procurement reached a peak really, in about 1987, for defense of about \$120 billion. Now we are going to be spending about \$44 billion in procurement in 1995. That is a 60-percent cut over an 8-year period.

The federally funded research and development centers have had a very slight cut compared to the amount we are committing for procurement. From my point of view, I think we need to find a way to reduce these amounts.

I am going to have another amendment later to deal with the FFRDC's in terms of the compensation. I might say, I call attention of the Senate to a recent report in Science and Government, an independent publication that lists the salaries paid by these FFRDC's to the people who are working in terms of this type of analysis. Most of them are, in fact, retired from either the defense industry or from Government in general or from other industries. They are senior people who have a great deal to add to the review of our defense concept. But there is no reason for the kind of compensation that is being involved in those activities, particularly for people who I believe already are very adequately compensated in terms of their retirement years.

But that is just a sideline to this. What I am really saying to the Senate is, why should we argue, those of us who believe in a strong defense, why should we argue over whether we complete the contracts on the fast sealift or whether we put money to the LHD-7? We need both. I do not think there is anyone that has really reviewed the defense structure who would say we do not need both.

The LHD-7, I understand, has an initial operating capacity at about 1999 or 2000. The amendment I suggest will adequately fund that, because it would

be structural, it would be taking out of the budget from now until that time about \$1.2 billion to \$1.3 billion. It would announce right now that we are not going to exceed that level during the coming period for FFRDC's.

Again, I say to the Senate to consider this. I do not know whether to offer this amendment right now or let the people react to it. But it does seem to me that, when we have reduced procurement by 60 percent, we should not be continuing at the 90 percent level of paying people to review the procurement policies. It is to me wrong to commit that kind of money. I think it is time now for us to make the decision that we should take money from these review organizations and from the think tanks and put it into steel, put it where it will be needed to aid our country in terms of our new concepts of trying to have the ability to have a mobile force, mobile but more modern, and I think LHD-7 is essential to that.

I do agree with the chairman of the committee, we cannot afford to cancel this fast sealift contract. My hope is we actually work this out before we are through and have an amendment that not only commits ourselves to the fast sealift, which is the intent, as I understand it, of the pending amendment, but commits ourselves equally to the LHD-7 and funds it now.

We can fund it now. There is no question that the money would be there if we just take the actions necessary to reduce another portion of this budget proportionally—not even proportionally; it would be one-third of the amount that the procurement has been reduced.

I believe that the FFRDC account is an excessive amount, and I am hopeful the Senate will consider reducing that and committing that to the LHD-7 and the fast sealift according to the current contract. We can do both within the budget, within the amount recommended by the committee and within the ceiling established by the President's budget and not be inconsistent with the Bottom-Up Review. It is something that could be done right here and now. We really do not need to argue as to which system should go forward now. We need both.

Mr. COCHRAN addressed the Chair.  
The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me first thank my distinguished colleague from Alaska for his strong argument in favor of moving forward with both of these programs. It is consistent with the findings of the Armed Services Committee in their report. It is consistent with the strong arguments that have been made earlier today by my State colleague Senator LOTT, who points out the reason why the issue was raised in the first place in the authorization committee.

I want to just read a portion of the committee report to confirm the fact

that this committee has reviewed these programs and has come down strongly in favor of both of them. It starts out by discussing the fact that in written reports and testimony before their committee—Senator LOTT talked about questions and answers he elicited from various witnesses who appeared before the committee on this subject—that the Navy has indicated it is immensely important to the fulfillment of commitments and to the Navy's future that this LHD-7 be built. There is an option to build the ship that is available now, and it must be exercised by the end of December of this year.

I am going to read now from page 34 of the committee report:

In written reports and testimony at committee hearings, a series of senior military leaders, including the Vice Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the U.S. Central Command, the Chief of Naval Operations, and the Commandant of the Marine Corps, have confirmed the strong military requirement for LHD-7 as the anchor for a twelfth amphibious ready group.

Now, even though the chairman of the committee, in his statements about this amendment, has indicated some reluctance to try to go forward with both programs at this time under the funding constraints, the committee which he chairs has come down very strongly in favor of doing just that.

It further provides on the same page:

Assuming appropriations of the necessary funds, the committee authorizes LHD-7 with the understanding that the Navy will exercise its contract option for LHD-7 before the option expires, and include the residual increment of funding for the ship in its fiscal year 1996 budget.

The Senate should support that. That is a clear, unequivocal commitment. And based on the evidence before the committee, through its hearings and through discussion and markup, this is what the committee decided.

They have come to the floor with this bill and with this report, and now, if what I am hearing is correct—and maybe I misunderstood some statements—they are backing away from it.

They are backing away from the commitment that is spelled out in an unambiguous statement as I have ever read in any committee report before this Senate. Let us help the authorization committee fulfill its commitment and its desires as expressed in its report and in its bill.

I am quick to add that I am just as supportive of the sealift program as any Senator in this Senate. At every opportunity since I have been on the Defense Appropriations Subcommittee, I have questioned witnesses before our subcommittee about that program, have urged that additional funds be made available for that program, and have in every way possible supported full funding of the effort to do what we have to do to be able to transport men, material, and equipment to places

where our military should be when our national security interests are threatened.

So there is no question about needing the sealift money, the \$600 million. We thought it would not be needed this year. Senator LOTT spelled out in his remarks why that suggestion for deferment of the exercise of options should be put into next year's bill—because the Navy said that the option did not expire until next year. Now we find out the Navy misspoke or they were mistaken in that assumption.

Let me just simply add my concerns to those expressed by Senator STEVENS. There has to be a way to do this, and that is the point here. Whether we agree to accept this amendment or accept it in some modified form is really beside the point. The point is, we need to proceed with both programs, and we need to figure out a way to do that. And before we vote on this amendment, we need to reach that agreement.

We have other things happening right now. For example, the Appropriations Committee is meeting in full committee to mark up the appropriations bills—for the Department of Agriculture, for the Department of Energy, for the Corps of Engineers—for next year. I need to be at that meeting, so I am going to leave the floor for a little while. But I certainly hope the Senate will not act on this amendment until we "come reason together," as a former majority leader of the Senate would say, and decide how we are going to proceed to build both LHD-7 and the sealift ships that are provided for in this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CHANGE OF VOTE

Mr. MITCHELL. Mr. President, on rollcall vote No. 158 yesterday, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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 ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and we move to the Feingold amendment, the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. Do I hear objection? The Chair hears none, and the amendment is laid aside. The Senator from Wisconsin is recognized.

#### AMENDMENT NO. 1841

(Purpose: To delay procurement of the CVN-76 aircraft carrier)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. SIMON, Mr. HARKIN, Mr. BUMPERS, Mr. SASSER, and Mr. WELLSTONE, proposes an amendment numbered 1841.

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

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

The amendment is as follows:

On page 22, between lines 9 and 10, insert the following:

#### SEC. 122. CVN-76 AIRCRAFT CARRIER PROGRAM.

No contract (including a contract for advance procurement of long lead items) may be entered into for procurement of a CVN-76 aircraft carrier on or after the date of the enactment of this Act and before October 1, 1999. Any such contract (other than a contract for procurement of long lead items) that has been entered into before the date of the enactment of this Act shall be terminated.

Mr. FEINGOLD. I thank the Chair. I thank the chairman of the committee for his courtesy in working with me to arrive at a time to bring up this amendment.

I offer this amendment on behalf of myself, Senators SASSER, SIMON, BUMPERS, HARKIN, and WELLSTONE. I rise again today to oppose the procurement of the Navy's CVN-76 nuclear aircraft carrier. Our amendment prohibits the expenditure of additional funds on the CVN-76 aircraft carrier until after fiscal year 1999 and, by implication, what this amendment does is assumes that our carrier force will be reduced from its current level of 12 to 11 carriers.

This amendment will reduce spending in this bill in this coming year by a total of \$3.6 billion. This amendment alone will reduce this authorization bill by \$3.6 billion.

Mr. President, the CVN-76 is the largest single military procurement reported out by the Armed Services Com-

mittee this year. Obviously, the question with this amendment is, should we do this? Should we go forward with it? I think it is time we face some hard facts. We simply do not have the resources to continue large program procurements indefinitely without having, out on this Senate floor, a serious and open debate on their value in the post-cold-war world.

The often cited statistics that our defense expenditures have fallen consistently since the 1980's are true, but they tell only half of the story. That is because, Mr. President, we won the cold war. We are in a new era. It is an era that is, of course, dangerous in its own right, but it is in many ways profoundly less dangerous than was the cold war era.

We should be able to expect defense expenditures to decline accordingly while the Pentagon adapts to the new threats of the post-cold-war era.

As my colleague from Iowa, Senator HARKIN, has pointed out, this bill proposes to spend more on defense than all other major military powers combined and four times the amount of all potential adversaries combined, including Russia and China.

Now, I do not think we need to tell anyone in this body that \$3.6 billion is real money even for the Federal Government, particularly as we face threatening Federal deficits. We, in Congress, should be held responsible for allocating that money wisely to combat any threats to our national security. And, of course, our national security does include protection from external military threats.

Mr. President, it also includes threats to our economic health and well-being. It also includes, in my mind—

Mr. NUNN. Will the Senator from Wisconsin yield for a brief question?

Mr. FEINGOLD. I will yield.

Mr. NUNN. What I would like to propose is 45 minutes on each side on this amendment. I understand that has been generally acceptable to the Senator from Wisconsin.

Mr. FEINGOLD. That is acceptable.

Mr. NUNN. And I understand it is acceptable to the minority—90 minutes equally divided.

Mr. President, I ask unanimous consent that there be 90 minutes equally divided for debate on Senator FEINGOLD's amendment with the time equally divided and controlled in the usual form, with no amendment in order thereto or to any language which may be stricken; that when the time is used or yielded back, the Senate, without intervening action, vote on or in relation to the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. Do I hear objection?

Mr. LOTT. Reserving the right to object, Mr. President, and I do not intend to do so, I would like an opportunity to review the unanimous consent request.

Mr. President, in the absence of the ranking member, who is attending a hearing that the Armed Services Committee is having at this time on Bosnia, it is my understanding that this is an acceptable unanimous-consent request, and I will not object.

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

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair and the ranking member for working out the time agreement.

Let me just return to my initial point. That is, of course, that national security includes external threats, but it also includes our own economic well-being in this country. And for me and for all the Members of this body, it has to include things like the ability to walk safely in the streets of Milwaukee, WI, without the fear of murder or assault.

Mr. President, \$3.6 billion could cover so many causes which also need funding. It could be used to increase the DoD's readiness account, which many feel is underfunded; for less than \$1 billion we could cover our arrearages at the United Nations; for \$45 million a year, it is estimated we could provide the disability payments to those veterans who are afflicted with Persian Gulf war syndrome, an issue that I know the Armed Services Committee is addressing. For just \$413 million, Mr. President, of this \$3.6 billion, we could endow the Byrne Grant Memorial Fund to send State and local law enforcement agencies to assist in antidrug operations and for prevention programs such as D.A.R.E., a drug awareness program for youth; \$3.6 billion could fund the Ryan White AIDS fund, research on Alzheimer's, combating cryptosporidium, which is a parasite that has invaded our water supplies in our State of Wisconsin and Milwaukee. And yet that amount is still only one-fiftieth of the amount we are wasting on paying the interest on the Federal debt this year.

Mr. President, we must carefully consider whether all of these causes are less of a priority than building a 12th carrier in the post-cold-war era.

This is the central question today. If we believe that a strong defense is essential for our country, and I do; if we believe that the Navy is an essential element in that defense, and I do; if we believe that this country deserves a strong shipbuilding industry, and I do; then when is the best time to build the next nuclear super carrier—not whether we will build one, but what is the best time? Some say it must be built in fiscal year 1995, claiming that delays in its construction will weaken the national defense and threaten the shipbuilding industry. But I do not agree with that.

Of course, there are some of my colleagues who oppose other excesses in

this bill who may still want to support the CVN-76. After all, they can say that the President of the United States made it very clear in the State of the Union that he supported no more defense cuts, and he got a standing ovation. I did not join in that ovation, but certainly there were many who agreed.

Mr. President, I came to this body last year with a strong personal conviction that is really very simple. If the Government does not need to spend money on some project, then it should not spend the money. We cannot afford it, with a \$4.5 trillion debt, that was \$4,591,908,053,166 trillion as of last Friday, as we find out in the Chamber; every day we are in session we get the new report.

Consequently, Mr. President, I do not believe that there can ever be a magic number, a dollar total etched in stone that shields any department or agency budget from the careful scrutiny of Congress. That is why I opposed firewalls in the budget debate and why I, frankly, believe that President Clinton was wrong to say "no more defense cuts" in his State of the Union Address.

In that same vein, I am reminded of the views expressed by my colleague from Nebraska, Senator EXON, during our debate on defense firewalls in the budget resolution. He claimed that they would undercut the role of the authorizers and appropriators in this body. I would extend that Exon argument to conclude that this doctrine of no more defense cuts will undercut the entire congressional role in budgeting. It will impair our constitutional efforts to provide for a defense befitting our available resources, as well as all threats, foreign and domestic.

So, Mr. President, today many say that we must build that CVN-76 and that we have to do it in fiscal year 1995. But I am not convinced that the case has been made strongly enough to warrant a huge \$3.6 billion expenditure next year, in order to sustain a 12-carrier force, when it is very arguable that there are other more pressing demands on our very thin budget.

Does this make me or the proponents of this proposal any less committed to national security? Certainly not. Nobody opposes the strongest defense America can afford. Nobody opposes strengthening our forces to gird against any kind of attack, and nobody supports exposing our troops to unnecessary threats or leaving them anything less than being fully prepared for any kind of conflict. Rather, these kinds of debates ask and should turn on how to define national security. How do we balance all the demand and priorities our Nation faces each year, and how do we best reach what are really our similar goals?

Mr. President, the key to this is that less than a year ago, the then Secretary of Defense Les Aspin released

the results of a comprehensive review of post-cold-war military requirements to ensure the security of the Nation.

That so-called Bottom-Up Review assumed that the United States might be faced with the requirement to fight two nearly simultaneous major regional conflicts or MRC's. And the assumption was that they would be fought without the help of our allies, although we had to have the help of our allies on many occasions. This whole report and analysis is based on the notion of the two MRC's without the help of allies.

To quote from page 51 of that report.

\*\*\* the analysis confirmed that a force of 10 carriers would be adequate to fight two nearly simultaneous MRC's. That assessment was based on many factors, from potential sortie generation capability and arrival periods on station to the interdependence of carrier-based aviation and its criticality if land-based air elements are delayed in arriving in the theater.

The Bottom-Up Review also states that, according to a different rationale, 12 carriers are needed—not 10 but 12—to maintain a peacetime presence in the Mediterranean Sea, the Indian Ocean, and the Western Pacific. Even the Armed Services Committee this year criticized the Navy for dragging its feet on a mandated study of alternatives for providing this peacetime presence since we do not have information, although it should have been provided to the committee.

But for the moment, let us focus on the number of 12 carriers as the Pentagon's requirement for peacetime operations.

Repeating again, the Bottom-Up Review itself said that 10 was sufficient for two simultaneous MRC's without allies.

Mr. President, the Navy will begin fiscal year 1995 with a force of 12 carriers: 5 conventionally powered and 7 powered with nuclear reactors. The Navy plans to retire two of its conventional carriers before the year 2000. Two nuclear carriers, the *Stennis* and the *United States*, are currently under construction, and will both be in operation by 2000. Now, to replace the *Kitty Hawk*, which will be retired by 2003, the Navy wants to begin building an additional nuclear-powered, *Nimitz*-class carrier, called CVN-76, next year. My amendment will terminate plans to procure the CVN-76 next year, and would, in effect, delay procurement of the next carrier until fiscal year 2000, when the Navy plans to procure still another nuclear carrier.

The authors of the Bottom-Up Review considered options which closely parallel the provisions of my amendment. They recognized that delaying CVN-76 procurement until fiscal year 2000 would produce significant savings in the near term. Yet they rejected postponing procurement of the CVN-76 because of the excessive costs of building carriers frequently enough after

fiscal year 2000 to sustain a 12-carrier force. They appropriately called these excessive costs a procurement "bow wave." I agree, if we keep 12 carriers, that this bow wave could be excessive; it is also unnecessary. Under the provisions of my amendment, I would expect that the carrier force would drop from 12 to 11 in the year 2003 when the U.S.S. *Kitty Hawk* is retired.

Mr. President, my amendment would provide a carrier-force level equal to the 12 requested by the Pentagon for peacetime through the remainder of this century and 11 thereafter while saving \$3.6 billion in fiscal year 1995. This amendment is a very moderate proposal which respects the Pentagon's own analysis of national security needs. Many outside experts challenge the 12-carrier requirement in today's post-cold-war world; after all, we had 12 carriers for much of the cold war and even through World War II. Alternative analyses from independent authorities like the Defense Budget Project, the Rand Corp., and the Brookings Institution conclude that post-cold-war requirements range between 6 and 10 carriers—not 11 and not 12. The Rand study, for instance, determined that 4 to 5 carriers would be needed for each of the two MRC's for a total of 8 to 10 carriers. The Brookings study considered three alternative scenarios to the Bush-Cheney baseline scenario for which the Cheney Pentagon claimed it needed 12 carriers. One Brookings scenario posited the emergence of a post-Soviet Russia which, in retrospect, was overly optimistic. Another Brookings scenario posited the existence of a strong post-cold war arms control environment in which advanced weapons technologies would be tightly controlled. Under both of these scenarios, the authors of the study determined that six carriers would be sufficient. The third Brookings scenario assumed the evolution of a reformed Pentagon culture and an enlightened understanding of the role of moral authority, diplomatic skills, and economic assets alongside military assets. It also provided a larger measure of active-duty ground forces and air forces to ensure favorable MRC outcomes and to permit rotation and reinforcement of deployed forces. Under that scenario, the authors determined that nine carriers were needed. Mr. President, my colleagues need not embrace any of these alternative assessments in order to support my amendment because my amendment permits a carrier-force level which exceeds all of these alternatives even after the year 2003. We would go from 12 to 11 carriers.

The question here today is whether a 12th supercarrier after 2003 is worth \$3.6 billion in the fiscal year 1995 budget. What exactly do we get for our \$3.6 billion investment in a twelfth supercarrier?

I have found the answers to those questions pretty hard to pin down. Let

us begin with some hidden additional costs that we will know will happen if we build this 12th supercarrier. We know from the GAO analysis that we will get an additional bill each year after that supercarrier is in operation for about \$1 billion; \$1 billion per year as the operating costs for a 12th carrier battle group.

The story that many CVN-76 supporters would prefer we ignore in this debate is that along with the procurement of CVN-76 goes substantial operating costs as well as procurement costs not just for the CVN-76 itself but also for the aircraft in its airwing and the ships that have to escort this powerful and very valuable warship. And make no mistake about it, Mr. President, CVN-76 is a very powerful warship which would be coveted by any military commander in the world. By the way, which of the navies of the world have carriers on a par with U.S. supercarriers? Certainly there must be some potential opponent out there that shares our thirst for supercarriers and can threaten us. The answer, Mr. President, is none, no one. No country has that. There is no ship in the history of the world that has the kind of power of the U.S. supercarrier and, even without CVN-76, we will have 11 supercarriers.

CVN-76's power comes from its airwing, the dozens of aircraft which make up the supercarrier's central mission—the projection of airpower. Buying yet another supercarrier will get us more airpower but let us be specific, Mr. President. Spending \$3.6 billion on CVN-76 will provide approximately only 60-days per year during which a supercarrier will be operating in the world's critical ocean areas. Sixty additional peacetime days during which naval aircraft would be immediately available in case of the sudden and unexpected outbreak of hostilities. Without the CVN-76, its supporters would like to paint a picture of oceans devoid of Navy ships and an Oval Office photograph of the President powerless to respond to the aggression of dictators around the world.

It is time to replace that imagery of a world without CVN-76 with some facts. By 2003, the Navy will have not only 11 supercarriers but 11 other aircraft carriers as well. These additional 11 carriers are specialized for marine operations and described in Navy literature as multipurpose amphibious assault ships, capable of operating helicopters and aircraft like the Harrier, a light attack aircraft. These additional 11 carriers are not supercarriers; they are much smaller but they are as capable as any foreign aircraft carriers. According to the Center for Naval Analyses, advanced aircraft technologies soon will permit similar smaller carriers to generate as many long-range aircraft sorties as CVN-76 and twice as many shorter range sorties as CVN-76—twice as many sorties.

These important concepts foretell powerful and more economical ways to deploy 21st century naval airpower but they are not in the images that today's CVN-76 supporters paint. Indeed, we would do better to spend at least part of the \$3.6 billion in researching and developing more appropriate vehicles for the future than countering today's threats with excess supercarriers.

CVN-76 supporters also seem not to mention—and maybe even ignore—other powerful ships which the Navy has described as suitable to operate jointly or independently as flagships of maritime action groups which would and can provide long-range antisurface and strike capabilities. In 2003, the Navy will have over 20 Aegis cruisers and even more Aegis DDG-51 destroyers. The Navy proudly reminds us that during Desert Storm, Aegis cruisers fired 105 Tomahawk cruise missiles at Iraqi land targets, controlled tens of thousands of aircraft sorties, and even detected and tracked Iraqi Scud missiles. Soon, we are told, these cruisers will have a theater ballistic missile defense capability. Yet somehow they are off the books when we consider ships to patrol peacetime waters for several weeks each year in order to fill the relatively minor gap created not to go forward with building the CVN-76 and decide to live with 11 rather than 12 carriers.

So let us not be coaxed into believing that the nuclear supercarrier is the only response to every crisis in today's world. When we look at the danger of reducing our supercarrier force from 12 to 11 in 2003, to say that we must respond to every crisis with a supercarrier is to ignore our entire true record of the post-World War II experience. In 1978, for instance, Barry Blechman and Stephen Kaplan of Brookings found that during the first three decades of the cold war, when effective crisis management was paramount to nuclear deterrence, that the Navy responded to 177 crises. Of these responses, carriers were involved in only about 60 percent of the crises. A 1991 study by the Center for Naval Analyses revisited the same question but in more detail. They found that between 1946 and 1990 Navy responded to 207 crises in which carriers were involved only 68 percent of the time.

Let us look at the other 32 percent of the cases—the one out of three cases in which a supercarrier was not needed and often was not even the best-suited ship to the mission at hand. During Desert Storm, for instance, there were six supercarriers involved. Yet, the first naval strikes were not aircraft but cruise missiles launched from the battleship U.S.S. *Wisconsin*. Even after the end of the war, the later strikes on Iraq were cruise missile strikes, presumably because the mission did not justify risking the lives of American pilots. Another example was the daring rescue

of United States and Soviet diplomats from Somalia in January 1991, coincidentally during the buildup for Desert Storm. The marines were inserted by specialized helicopters from the U.S.S. *Trenton*, an amphibious ship, in spite of the fact that the region was bristling with supercarrier activity. Once again, the supercarrier was not the right ship for the mission. An amphibious ship was simply better suited to this operation than a mammoth supercarrier.

Mr. President, the military utility of replacing the U.S.S. *Kitty Hawk* with CVN-76 is not worth \$3.6 billion. But there is another image which CVN-76 supporters paint as well and it has to do with preserving the shipbuilding industry. I recently received a strong and thoughtful letter from a consortium of nine Wisconsin companies who are vendors to the shipyard which builds our supercarriers, the Newport News Division of Tenneco. The Wisconsin consortium expressed what they called their profound disappointment on learning that I was opposed to the CVN-76 this year. I appreciate their views on this matter and understand the special sensitivity that changes from Washington can further threaten Wisconsin shipbuilders and suppliers.

Since 1981, Wisconsin shipbuilding has not been a growth industry. In spite of the Navy buildup we have seen severe impacts on many suppliers, and the demise of one of our three shipyards, Bay Shipbuilding in Door County. Door County alone has experienced some of the highest unemployment rates in Wisconsin because of the loss of Bay Shipbuilding. Furthermore, one of the two remaining Wisconsin shipyards is also in Door County, where projected labor force decline accounts for 5 percent of that county's entire work force. So I am not insensitive to the shipbuilding industrial base argument.

However, Mr. President, I would like to use the words from this letter to set the dire image portrayed by CVN-76 proponents.

Any delay in funding would lead to the deterioration of the nuclear-shipbuilding industrial base. The labor force required for the construction of the carrier is both highly specialized and highly skilled. If funding for the carrier is delayed, this quality, specialized labor force will be dispersed, making it difficult if not impossible to reconstitute for future, high-technology shipbuilding programs.

Mr. President, let us assume for the moment that the assessments in the letter about the specific impacts on Wisconsin business are substantially accurate. I must say, however, that to conclude that the production of CVN-76 this year will alleviate these pressures misses perhaps the most important problem we face. The fact is that America's shipbuilding industry is gravely ill. So ill, in fact, that remedies like building another supercarrier are likely to be insufficient

and, based upon past experience, might even do more harm than good to the industry.

The American shipbuilding industry has struggled since the end of World War II. By the late 1970's, the industry was so uncompetitive in the world market that it received Government price subsidies approaching 50 percent of the U.S. ship construction sold overseas. President Reagan stopped those subsidies in 1981 but offered his naval buildup as an alternative market. That was an attractive temporary fix for the 1980's but did little to help the American industry adapt to the world market. Meanwhile Germany, Japan, and Korea have set the pace in international shipbuilding. Now the cold war is over. The Navy shipbuilding boom market of the 1980's is now a bear market. Did that Navy business make America's shipbuilding industry more competitive? Apparently not.

Today this industry is in such bad shape that, even with CVN-76 construction, the Pentagon recently forecasted that several shipyards may be on the verge of failing over the next 5 years. In other words, without strong actions by the private as well as public sectors, the industry's only option will be to restructure and contract in response to reduced Navy business. Under those conditions, building CVN-76 in fiscal year 1995 is like rearranging the deck chairs on the *Titanic*. We need, instead, to have a concerted effort that rationally and aggressively intervenes with a wide range of remedies. Unfortunately, the Pentagon is giving us more confusion that coherence; more smoke than light.

For instance, the Navy says that a delay in CVN-76 procurement would risk the loss of specialized shipyard skills along with critical vendors. Yet the GAO recently testified before the House Armed Services Committee that:

DOD and the Navy have not provided information needed to judge the overall cost/benefit implications of moving to nuclear shipyard consolidation. DOD has not identified which critical vendors and which skills would be lost, the cost of reconstituting those vendors and skills, or alternative ways of preserving them. Without these industrial base assessments it is difficult to determine the optimum approach to achieve the Navy's force and modernization objectives in the most cost-effective manner.

We do not know what the impact of not building the CVN-76 would be on critical vendors. There is not even a consensus within the Department of the Navy as to how you define critical vendors.

The Bottom-Up Review claimed that the loss of specialized shipyard skills could be reconstituted. Last fall, they speculated that a delay to the year 2000 would cost \$2.1 billion to recoup. Last spring, a Navy shipbuilding expert privately admitted to my staff, though, that the number was more like \$1.5 billion. Last month, Tenneco lobbyists claimed the cost was \$400 to \$500 million for a 1-year delay—yet this week

some proponents of the CVN-76 are talking about an estimate of \$300 million to delay CVN-76 to the year 2000—assuming that the force remains locked at 12. Suffice it to say, Mr. President, that the Pentagon is still searching for a serious assessment of the industrial base impact of delaying the procurement of CVN-76. Meanwhile, by simply pushing for the procurement of CVN-76 this year, the Navy shirks the gravity of the underlying industrial situation and prescribes a remedy which is too expensive and may not actually help.

There are, however, many options which are cheaper and more promising than doling out a \$3.6 billion jobs bill to Newport News. There is even cause for some cautious optimism about these options. To begin with, Mr. President, this is a defense conversion problem that is more promising than many we face in other American industries.

There is a booming international commercial market of between 13,600 and 17,800 ship orders in the 10-year period ending in 2001. Last year, President Clinton seized the moment by inaugurating the first comprehensive national plan for strengthening America's shipyards. His program seeks to end foreign subsidies, eliminate unnecessary domestic regulations, provide loan guarantees for overseas orders, assist in international marketing, and improve shipyard competitiveness through a program called Maritech. Newport News is an aggressive participant in this program. They were recently awarded a substantial contract to transform their operation into a world-class commercial shipbuilder by 1996. This is a very promising step and the overseas markets have taken notice. The Greek shipping firm, Eletson, has announced intentions to buy up to four Double Eagle tankers contingent upon successful modernization at Newport News. There is also talk at Newport News of some promising leads on other international military orders.

The Eletson-Newport News deal is very promising but not enough. Commercial business alone or along with CVN-76 will not redeem the situation. The nuclear shipbuilding industry probably will not survive without restructuring in order to adapt to the reduced Navy demand for nuclear ships. The Pentagon's own analysis in the Bottom-Up Review concluded that a consolidation into one facility at Newport News would save about \$1.8 billion through the end of the decade and would permit the delay of CVN-76 construction. So if we need to restructure to survive and restructuring permits us to do without CVN-76, then why are we being asked to build CVN-76 in fiscal year 1995. The most obvious step, instead, is to immediately consolidate nuclear shipbuilding operations which currently take place in two separate and each underutilized shipyards. Yet the Bottom-Up Review and the Armed

Services Committee avoid recommending that option. Consequently we will probably be asked this week to vote on *Seawolf* construction at one shipyard and then to vote on CVN-76 construction at the other shipyard as if the two issues were not part of the same underlying problem. Let me restate this critical point. Consolidation alone could solve the nuclear shipbuilding problem according to the Bottom-Up Review at substantial savings in the billions yet we are asked instead to buy CVN-76 in fiscal year 1995 and a third *Seawolf* in fiscal year 1996 in order to preserve our nuclear shipbuilding industrial base.

Furthermore, even without consolidation, there are other options which will at least mitigate the impact of delays to CVN-76 construction. To begin with, Mr. President, let me remind my colleagues that there are more than two shipyards involved in the critical Navy shipbuilding industrial base. The Pentagon counts a total of 16 facilities: 12 private shipyards which do construction and repairs and 4 public Navy yards which do repairs. The Pentagon lists a total of 97 new construction orders currently on the books. Newport News is unquestionably the largest and most diversified shipyard in America. Again, I would remind my colleagues that the authors of the Bottom-Up Review believe that Newport News could survive, even if the CVN-76 were delayed, if all future carrier and submarine construction were consolidated there. But even if that were not the case, then let the other Navy orders for construction and overhauls be optimally allocated according to our total national security needs including the welfare of our shipbuilding industry and its supplier base. We need a thorough and rational review of these industrial base questions rather than simply continuing to build ships that we do not need at prices that we cannot afford.

In conclusion, Mr. President, we do not need a 12th supercarrier. We do not need to buy CVN-76 next year. The shipbuilding industry is so gravely ill that another carrier may not be enough to save it without the consolidation of nuclear shipyards—a move which would make CVN-76 unnecessary for industry survival.

I have outlined three sources of relief to offset the impact of not building CVN-76, Mr. President. Let me summarize them in order to help clarify a very complex problem. First, we need to step out of the way of the private sector and do what we can to foster the prompt consolidation of the nuclear shipbuilding industry. The BUR claims this alone would mitigate the impact of a CVN-76 delay.

Second, we need to set up a BRAC-style process for the reallocation of Navy work among private and public yards nationwide in a manner that best serves America's economic security—

the foundation of our national security. Finally, we need to continue strong support for defense conversion projects like Maritech, including the ongoing work at Newport News to become a class-commercial shipyard by 1996 in order to compete in today's booming international commercial market. Otherwise, to quote one shipbuilding executive, "We are just prolonging the misery."

This is a hard fact of the end of any war—even a cold one. I was recently in Angola, a country locked in 17 years of a vicious civil war. While there I visited a prosthetics factory for amputee victims of landmines. The factory is a wartime industry. When the war is over, the demand for prosthetics will hopefully decrease, and the workload in the factory will go down. The factory may even close, and some technicians will lose their jobs. Would we suggest a subsidy for the prosthetics factory in postwar Angola to keep the technicians employed? No. Similarly, the military-industrial-scientific complex in this country must right-size itself when its mission no longer fits our needs.

When all is said and done, however, I do not believe that we can delay CVN-76 procurement for 5 years or consolidate the nuclear industry without significant nationwide economic impacts. Some of those impacts may even be a shifting of individual companies and workers from one sector of the industry to another. These could be significant disruptions which could affect Wisconsin among other States. I have often said that in our search for cuts in unnecessary Government Programs, no State should be immune. But in order to be true to that commitment, the people of Wisconsin as well as the rest of America know that some dislocations are part of a concerted plan to improve our economy as well as our national security. We must not settle for doling out Navy public works projects. We need to make a commitment to actually turn the industry around. That is exactly the goal stated by President Clinton—to provide a healthy shipbuilding industry in order to provide for our military and economic welfare. I am committed to that goal and opposed to building the CVN-76.

Mr. President, I have more time, but I would like to use it later, after I listen to my colleagues speak. Let me simply say at this point that this is a modest proposal. It is not the 6 that some have suggested, it is not 6 supercarriers and not 7, it is not 9, and not even 10. It is just one less, and an opportunity in next year's budget to save \$3.6 billion.

I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Mr. President, I yield myself such time as I may use.

Mr. President, I applaud the Senator from Wisconsin for his commitment to fiscal responsibility. I share that concern and have worked with him on a number of projects to accomplish that particular end. I do not question his motives in this particular case, but I believe that in this particular instance, attempting to save money in this particular way would be a little bit like eating our seed corn.

Mr. President, the Senator from Wisconsin has nonetheless raised a question on the floor that is important regarding when—if you accept the literal reading of the amendment, sometime after 1999—to build the next nuclear aircraft carrier—the CVN-76. This is obviously not an idle question or one of small import.

As the Senator from Wisconsin has indicated, it is a significant item in the President's budget request for fiscal year 1995, no question about it. Construction of the carrier has been requested, delayed, restored, debated, authorized, appropriated, both with and without authorization, and discussed in such strategic and financial detail that even a keen observer might be confused as to where we stand.

Where we stand is as the sole remaining superpower in the world.

Where we stand is as a Nation dependent on sea power to protect American interests abroad and to reliably project military force where and when it is needed.

Where we stand is at a point of decision, not solely on one ship but on the future of America's ability to ever build another nuclear aircraft carrier.

Let one point be clear, Mr. President: To delay CVN-76 to the year 2000 or beyond is to kill not only this carrier, but to cripple America's ability to ever build another one. I will not stand here and try to tell the Senate that CVN-76 is inexpensive. This is a big ticket item. But proper defense in this day and age is never inexpensive—although, I add that I would rather pay in dollars to maintain our strength and to deter a war than to pay in lives because that deterrence failed.

The facts are these: It will never be less expensive to build another carrier. America's interests and the threats to them are not shrinking, they are growing. A smaller Navy will require more capable ships, not less capable ships. They are going to have to be able to maintain the same levels of power projection that are needed to address those particular threats if we simply maintain the status quo. The endurance and flexibility of carriers has been proven time and again to be the most efficient and reliable way to meet those requirements.

I contend, Mr. President, that few in this body are more conscientious of the value of the Federal dollar than I am. The question, before we spend any dollar, should be: What do we get for this? What is its value?

Building CVN-76 on schedule yields sensible answers to those questions. First, America would get the finest ship possible, built with the best technology in the world and ready to meet any challenge. Challenges to America's interests did not evaporate with the end of the cold war. A look at the globe will show that instability and conflict are scattered as widely today as they ever have been.

In a sense, our challenge today is even greater than 10 years ago when then Navy Secretary John Lehman laid down the maritime strategy for offensive operations against the Soviet Union—the strategy, I might add, which called for a Navy nearly twice the size envisioned in the Bottom-Up Review. Then we knew where the challenges lay; today, they could be literally anywhere.

The world has not shrunk, so the patrol areas for aircraft carriers are every bit as large as they were 10 years ago or 50 years ago. To assert that the end of the cold war means the carrier force can be safely cut ignores that reality.

Second, completion of CVN-76 on schedule would allow the Navy to maintain its carrier fleet at strength, avoiding the crises of overworked crews and very high operational tempo, which already affect the readiness of our deployed forces.

A number of Navy captains and admirals have told the Armed Services Committee that current extended deployments are destroying morale and clobbering retention of skilled sailors and naval aviators.

The lengthy maintenance required by older carriers are a real driver in that OPEMPO.

I urge my colleagues to remember that we are here today because the Bottom-Up Review found a need—not a desire, not a wish, but a military need—for 12 aircraft carriers.

The Navy and the administration are not looking for places to spend money willy-nilly.

The President requested this ship because the Navy needs it to maintain America's presence and deter aggression; if need be, to fight a war; and to train our sailors and naval aviators.

Consider, Mr. President, where that 12-carrier fleet is.

At any given time, one carrier is off the coast of Florida for training. That leaves 11. One carrier is in the Service Life Extension Program, being rebuilt so that the taxpayers can get an extra decade of service out of an existing hull. That is 10. Two carriers are in nuclear refueling or major overhaul. That leaves eight. Four are enroute to or from their patrol areas, or in their homeport building up for the next deployment and giving the crews some brief rotation ashore. That, in effect, at any given time, leaves four carriers to cover the world.

If we start cutting the number in the fleet, what capability do we lose? Should we stop training? Obviously, we cannot do that. Should we cancel rotations home and just keep the men and women of the fleet at sea 12 months a year? That obviously would not fly either. Should we cancel maintenance and just run the carriers into the ground? In some instances we are getting pretty close to doing that already.

In short, Mr. President, there is good reason to keep the fleet at 12. Building CVN-76 on schedule does that.

Third, completing CVN-76 on schedule keeps America's only facility capable of building these aircraft carriers open and operating efficiently. Whatever alternative opponents may have in mind can scarcely keep that vital, highly skilled work force anywhere near intact.

In a recent letter to Senators, the Senator from Wisconsin suggested "combining" nuclear submarine and surface ship construction in one yard might be the best way to preserve that unique work force.

I have to confess that that idea is not without appeal because Virginia is home to the only shipyard capable of doing just that.

But the same Bottom-Up Review the Senator cites so approvingly rejected this particular notion outright.

Fourth, about half of the funding for the ship has already been appropriated; indeed, some construction has begun.

I might suggest that to interrupt construction so that we can wait a few years, to pay more inflation-depleted dollars to rejuvenate the capability to build the ship and then to build the ship is simply not a fiscally responsible course.

Our Nation abides between two great oceans, which have given our Nation protection from so many of the conflicts which affected other areas of the globe. But those same oceans insulate America from many of those places where American people and American national interests can be found.

That is why, Mr. President, since the earliest days of our Republic, our Nation has maintained her maritime strength. And that is why, in these times of global upheaval and instability, we should not let that strength lapse.

Delaying the completion of the CVN-76 to the next century would not only represent a lapse of strength, it would be a sign to the world that the United States is prepared to stand aside and let other nations determine the course of world events.

It is my hope that those who might be tempted to strike the carrier authorization would look hard at four key issues: Military utility; operational tempo; maintenance of an industrial base recognized as vital by the Bottom-Up Review; and the financial consequences to the Government of such a delay.

I know that if these factors are viewed objectively, completing CVN-76 on schedule makes sense from every angle.

With that, Mr. President, I suggest that the option that is presented by my friend, the distinguished Senator from Wisconsin, while appealing in terms of the dollars which appear to be saved in the near term, is not cost effective and puts our ability to respond to the challenges that we face around the world today at risk and a risk that I do not think that we ought to take under the circumstances.

With that, Mr. President, I yield to my distinguished senior Senator and colleague from Virginia whatever time as he may take to address this same question.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Thank you, Mr. President.

Mr. President, I thank my distinguished colleague from Virginia. We worked on this since the very first day he joined the Armed Services Committee.

I would like to reminisce a moment. In 1969 I was privileged to go to the Department of Defense as an Under Secretary of the Navy, and a great son of Wisconsin was the Secretary of Defense, Melvin Laird.

Few men or women in my lifetime have had a greater impact on my career and my thinking than Secretary Melvin Laird. He had served in the U.S. Navy in World War II, indeed, with distinction and bore the wounds of that war. He understood the full meaning of seapower.

I recall so well sitting with him one day with John Stennis. I was sort of in the background. Senator Jackson had come into the room. Secretary Laird was here visiting in the Congress. He had been a Member of the House of Representatives for many years, and he had been the ranking member of the Defense Subcommittee on Appropriations in the House.

They were talking about carriers. The story was along the lines that every President, when awakened in the middle of the night and has to reach for that telephone instinctively says, "Where are the carriers?" Where is that island of the United States from which we can project immediate response in the cause of freedom? Where are those carriers?

Let me point out some testimony that was given to the Senate Committee on Intelligence earlier this week, Mr. President.

This first chart represents global instability. I want to make certain my friend from Wisconsin can see this. There are charts used by the Director of the Defense Intelligence Agency, General Clapper, who testified this week to the Senate Intelligence Committee.

He indicated in the clearest of terms the conflicts that were of security interest to our country and those of our allies in 1989. Using the following criteria, these marks on this world chart were established. The first were political instability with violence, significant political instability with violence but without sustained combat not regarded as a threat. Second were civil war insurgencies, sustained combat levels ranging from small guerrilla operations to major combat. The latter were in the yellowish categories. The ones with the tinge of red were in the secondary category.

The point is there were roughly 30 conflicts in 1989 in which this Nation in varying levels had an interest.

Then to my astonishment the second chart was raised showing 1994.

These charts were not prepared for this debate on the aircraft carrier. These charts were prepared for a briefing to the Senate of the United States regarding the worldwide situation. The same criteria that I enumerated for 1989 were used for 1994. And it shows that today there has been roughly a doubling. This accounts for roughly 60 instances worldwide of some type of disturbance ranging from major combat to sustained internal civil war.

So often we refer as a baseline to the cold war, which was in the late eighties and reflected by 1989 or shortly before, and how the world has changed.

But it has changed, Mr. President, in that the threats are no longer centralized in terms of the Soviet Union or the Warsaw Pact. The threats now are fragmented. They are worldwide, but in many respects they are just as dangerous, if not more so, to the security of our country and that of our allies.

I did not realize, as closely as I try to follow this situation, the quantum increase in that brief period of but 5 years.

I say to my friend from Wisconsin, given the declining defense budgets, given in some respects the declining budgets in the field of intelligence, what is the justification that we could use in terms of a threat analysis—and indeed it is not that a budget analysis should ever determine the magnitude and the sizing of the Armed Forces of the United States; it is the threat to the security of this country and that of our allies.

I ask most respectfully of my colleague from Wisconsin, do you have any analysis that indicates that the worldwide threat is different than the charts—and I can put them back up if you so desire—than that brought forth by the Defense Intelligence Agency, an agency totally independent of sea power, carriers, or industrial base, an agency within the overall umbrella of our central intelligence network which has the task, the sole purpose of which is keeping the President, the Congress, and other policymakers fully advised

as to the threat poised against our country and that of our allies?

I ask the question of my colleague.

Mr. FEINGOLD. Mr. President, in response to the question of the Senator from Virginia, I first grant his premise.

Mr. WARNER. I cannot hear the Senator.

Mr. FEINGOLD. I certainly grant, Mr. President, the notion that the world is a dangerous place; that the actual number of locations where there may be a conflict or crisis may be more than it was in 1989.

I rely, as I am sure the Senator from Virginia does, at least in part, on the Bottom-Up Review itself, which was obviously aware of the world situation in recommending and saying that we could handle the international situation, including two major regional conflicts, with 10 aircraft carriers in wartime and it suggested 12 in peacetime.

I do not dispute the assumption that there are serious problems out there. But we are suggesting there are other ways to achieve that.

Mr. WARNER. The problem is growing in number and not diminishing. Do you accept that?

Mr. FEINGOLD. The number of problems, yes, but I am not ready to concede that we are in a situation yet where it is more dangerous than the cold war. But I do not think I would care to debate whether or not it is more dangerous or less.

The question is, what is the best way, technologically and militarily, to deal with the threat that we face? My response is that, according to the Bottom-Up Review, they prefer and recommend 12 for peacetime but only 10 for wartime. And I believe that we could get the capacity of the additional carrier through the alternative means that I have suggested.

And, of course, I also would like to point out, in response, that we do not even have complete coverage of all the major oceans, even with the 12. That is not even contemplated. I have not even heard my colleague propose that. There is a gap even under the current proposal. Currently, there are 4 months in each of the two major oceans when we have no carrier coverage, even with the 12 carriers.

So I do not dispute your claim that the world is a troubled place, but I do not see what that has to do with whether we need 12 or 11 aircraft carriers when there are alternatives.

Mr. WARNER. Mr. President, if I may, I respectfully disagree with my distinguished colleague's analysis for the basis of cutting in his amendment such cuts as he directs. It is an unusual amendment in its language, but we will not bother to address that at this time.

I would just like to add a few concluding remarks, Mr. President. I am prepared to yield the floor if there are other colleagues who seek recognition at any time, because I intend to remain here until this debate is completed.

But the issue of aircraft carriers is vital because it gets to the very heart of our military power and how we use that power as a nation.

The amendment before us seeks to reduce the size of our Navy in a substantial way. No one disputes that a nuclear-powered aircraft carrier represents an awesome military capability. Its power and its mobility make it an effective instrument, both as a diplomatic tool and as a military tool.

No one disputes that the Navy's carrier construction program has been run efficiently over the past decade or more. There are not charges of cost overruns in this program. In fact, it is a model of efficiency.

The challenge to the carrier is the age old question of how much is enough? Senator FEINGOLD says we do not need it. The President of the United States, however, says, we do need it. And each of his principle advisers state we do need it. And now before us is a bill crafted very carefully by the Senate Armed Services Committee which likewise states unequivocally we do need it.

The question before the Senate is, should we vote here to kill the carrier and challenge the fundamental defense strategy and defense structure of the United States? That is the question.

I would argue such a fundamental shift is not called for and should not be undertaken, and there is nothing that has been presented—with all due respect to my colleague from Wisconsin—which would justify such a reversal of policy.

However, that is what this amendment seeks to do. In one quick flash, the junior Senator from Wisconsin is seeking to alter a fundamental part of our overall national security.

The Senator seeks to do this against the recommendations, as I said, of the President, the Secretary of Defense, and the committee of jurisdiction in the Senate.

Mr. President, for every academic study that can be quoted arguing for a smaller carrier force, there are other studies of at least equal merit, if not greater, that argue for a robust carrier force of at least 15 aircraft carriers.

I do not intend to engage in a duel with those who oppose the aircraft carriers, throwing quotes back and forth from academic studies. I do, however, want to point out that the Department of Defense and the Department of the Navy have engaged in rigorous analyses on the carriers almost continuously since the 1970's. They have studies on all aspects of carrier operational questions, industrial base questions, and they are all available should anyone desire to take the time to study them.

You could fill a small library with all the studies which support a defense strategy which relies on naval power and a larger carrier force. These are not all studies from cold war periods.

They are studies which had as their purpose determining the best strategy for the so-called "new world" order.

One of these studies was done recently by the Institute for Foreign Policy Analysis from Cambridge, MA. Dr. Davis, the author of the study, is a respected analyst on defense issues. The title of the study is *Aircraft Carriers and the Role of Naval Power in the 21st Century*.

In the Executive summary, I find this quote.

The cost to the Nation of reducing the number of carriers below 12 will, in the long run, far outweigh any near term defense saving that some think can be derived.

The National Academy of Sciences completed a study in 1991 entitled "Carrier 21, Future Aircraft Carrier Technology," which analyzes the relevance of carriers in the future. The National Research Council completed a study in 1988 entitled "Implications of Advancing Technology for Naval Operations in the 21st Century," and that study concluded, "In the near future, carriers will be called upon continuously to fulfill this important national role and mission."

The mission referred to was " \* \* \* to exercise military power in instances when the President has needed such an instrument."

Mr. President, the opposition to carriers doesn't quote from these and other credible studies. They rely on the analysis of others who don't support robust naval power for the United States.

In the interest of balance I believe Senators ought to be aware that there is a great deal of analysis which supports the important role of carriers and the need for 12 or more carriers.

Dr. Davis' study is worth reading for every Senator interested in this issue and therefore I ask unanimous consent that a short five page executive summary of just one of those studies be interested in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, the Feingold amendment seeks to alter U.S. defense strategy and reject the recommendation of the President and the Senate Armed Services Committee. I urge its defeat.

Mr. President, I see our colleague here, a distinguished carrier pilot himself in a former career. I hope he will at this time seek recognition and add to this debate.

#### EXHIBIT 1

##### EXECUTIVE SUMMARY

(By Dr. Jacqueline Davis)

The defining events of the 1990s—the end of the Cold War, the war in the Gulf, and the dismantling of the Soviet empire—have had a profound effect upon U.S. security planning. Reflected in the Defense Department's "Bottom-Up Review," the Clinton adminis-

tration is undertaking a major reassessment of defense force structure and logistical support networks designed to meet the challenges of the post-Cold War world, while taking into account public sentiment for greater defense economies now that the Soviet threat has dissipated.

#### NEW RISKS

But the breakup of the Soviet Union does not mean that U.S. interests are free from risks. There have emerged new risks in the global security environment—risks that may require the employment of U.S. forces. As the one nation that remains uniquely capable of projecting substantial power beyond its shores—and, hence, having at least some impact on the shape of the post-Cold War world—the United States may find it necessary to deploy its forces to regions where vital U.S. interests may not be at stake, but in which broader humanitarian and democratic values are being challenged. Indeed, the deployment of U.S. contingents to such widely varied crisis settings as Somalia, Northern Iraq, Liberia, and recently Macedonia, has already demonstrated the importance of maintaining flexible forces able to respond to a variety of requirements. As peacekeeping and peace-making operations assume a greater priority in U.S. foreign policy planning, and missions of humanitarian relief and disaster assistance—both at home (as in the case of clean-up operations after Hurricanes Andrew and Iniki) and overseas as well—become the norm rather than the exception in the employment of U.S. forces, civilian and military planners will be compelled to find imaginative solutions to the problem of developing a range of force packages for use in multiple contingencies.

#### THE AIRCRAFT CARRIERS' ENABLING CAPABILITIES

Inevitably, the challenges of security in the 1990s will place greater emphasis on "jointness," both among the U.S. Services and in connection with allied and coalition planning. Because the aircraft carrier platform is large enough to integrate a mix of Marine, Army and Air Force assets with its own considerable striking power, it will be central to U.S. joint planning in the future—both for peacetime forward presence missions and wartime operations. By virtue of its geography, the United States is a maritime nation whose welfare and global role depends on unimpeded access to the world's sea lines of communication (SLOCs). Even though they may be relatively little direct threat to U.S. navigation on the open seas (now that the Soviet Union has been dismantled), the potential for conflict in key regional theaters is very real—conflicts that could escalate into open warfare either involving the engagement of U.S. forces, or posing a threat to U.S. (and allied) commercial and strategic interests, or both. With the proliferation of weapons technologies and the growing lethality of the forces of potential regional adversaries, the capability of the aircraft carrier battle group will provide to a joint commander or theater CINC an important enabling force to facilitate crisis response, sustained military operations, conflict escalation, and war termination.

In future theater contingencies—the primary planning focus of the new strategic guidance that is emerging from the Pentagon—there is likely to be a premium placed on those U.S. and allied forces that can: deploy to a theater of operations in a timely fashion; prevent minefields from being laid in the sea approaches to the area; protect sea-lift assets en route and at the point of

arrival and departure; deliver firepower against an array of targets whose interdiction would give the adversary's leadership pause to reflect on the utility of proceeding further with its warfare objectives; and, offer a range of flexible options, in terms of strike planning, escalation control, and war termination.

Against any range of theater scenarios, the aircraft carrier and its associated systems' assets (including its battle-group combatants, but also its deployment of long-range precision-guided missiles and new generation sensor-fuzed munitions) contribute an unparalleled capability to meet any of these objectives, while providing a tangible demonstration of U.S. capability and will—thereby offering U.S. policymakers a unique crisis management and deterrent tool.

Pressured by defense budget cuts, which would be even more severe in the out years, the number of aircraft carrier platforms in the active inventory of the Navy is likely to be a subject of contentious debate. As a capability that could aptly be described as a moveable piece of "sovereign America," the aircraft carrier can steam to a crisis location without raising tensions in countries that are not involved. Operationally, it would also not be encumbered by the political debate that often accompanies requests for the overflight of national territory, or that is inherent in requests for access to local basing facilities. The aircraft carrier platform, moreover, can bring to the scene of a crisis tangible evidence of U.S. resolve, and provide the basis for coordinating joint and combined operations if a given situation warrants the use of military force.

#### CARRIER FORCE LEVELS

For all these reasons, it would be foolhardy for the United States to reduce its carrier force to a level that could not provide for a flexible forward presence policy. In view of the political-psychological mindset that forms a central aspect of national security decision-making, it may be more difficult to commit (and mobilize) U.S.-based forces for regional crisis deployment missions than it would be to put carrier-based assets already near or on in the area in question on alert status. Planning a force structure to fight in two major regional contingencies "nearly simultaneously" (to use Secretary Aspin's recent formulation) requires a prudent planner to retain the Navy's preferred minimum number of twelve carriers in the force structure. Reducing the number of carriers in the U.S. fleet to ten would result in significant deployment gaps, increased time at sea for sailors, and an inability to react to crises with the flexibility that is necessary to ensure a timely and effective response. Even with a twelve-carrier force, key regions—notably the Mediterranean, Persian Gulf, and the Western Pacific—could only be covered about eighty percent of the time.

In its search to make prudent decisions about force structure (while recognizing the need to achieve some, reasonable defense economies), the Clinton administration needs to appreciate the risks associated with a decision to reduce the number of carrier platforms below twelve. The costs to the nation of doing so will in the long run far outweigh any near-term defense savings that some think can be so derived. By themselves, the intangibles associated with the deployment of a credible forward presence posture centered around twelve carrier battle groups by far exceed (in value) the hoped-for defense economies of cutting the carrier program—and this includes the costs of building a new carrier, CVN-76, to bring to nine the number of *Nimitz*-class carriers.

## DEFENSE INDUSTRIES BASE ISSUES

CVN-76 construction carries profound and far-reaching implications for the ability of the United States to sustain a nuclear shipbuilding industry. Construction of a nuclear-powered aircraft carrier entails special skills and a comprehensive base of second- and third-tier suppliers—all of whom are not common to the construction of a nuclear-powered submarine. A decision not to fund the new carrier, or to push off its funding until after fiscal year 1995, will likely result in the disappearance of critical job skills that are crucial to the nuclear carrier shipbuilding industry. If new carrier construction were delayed, or stretched-out—an alternative that is apparently being considered—the result is likely to be a far more expensive program, due to the need to accommodate the loss of key suppliers and to recreate and qualify skilled teams to do the work. Overhaul and refueling work on existing carriers simply would not provide enough work for major component suppliers in the industry to justify their staying in business. Thus, any decision delaying or canceling the construction of CVN-76 will have major implications for both the domestic economy and the defense industrial skill base. Moreover, such a step would affect adversely our ability to reconstitute and mobilize forces if confronted with a major global contingency or the need to fight in two theaters simultaneously.

One option that might be pursued is an incremental funding strategy for CVN-76. Under such an arrangement, the critical vendor base could be sustained through the authorization of funding on three or four "ship sets" of highly specialized equipment for the carrier (e.g., nuclear cores, special reactor pumps, and hydraulic plants). Such funding, in the form of another year of advanced procurement funding for CVN-76, would be a second-best means of preserving the vendor base; yet it would maintain the option to build the tenth nuclear carrier, and would moreover be consistent with the administration's domestic and global priorities.

## BOTTOM-LINE ASSESSMENT

Viewed in this context, the carrier emerges as central to sustaining and adequate forward presence capability, and assuring a flexible maritime instrument for responding to the variety of potential local conflict and crisis situations—ranging from humanitarian assistance to peacekeeping, conflict management, and war termination. Clearly, the preferred option would be maintaining twelve carriers in the Navy's force structure—with earlier rather than later investment in CVN-76 production and development. At the very least, it is necessary to secure and sustain a degree of incremental funding sufficient to maintain the vendor base critical to future U.S. carrier construction. If CVN-76 is not funded, the United States may be forfeiting its future ability to build aircraft carriers in a cost-effective and timely manner. The operation implications of failing to move ahead with CVN-76 will undermine the Navy's ability to maintain adequate global presence, and could well hamper any President's ability to respond to unfolding crises swiftly and in an appropriate manner.

Mr. ROBB. Mr. President, may I inquire as to how much time is left on the side of the proponents of CVN-76?

The PRESIDING OFFICER. The Chair will advise the Senator that the time controlled by the Senator from Wisconsin is 25 minutes remaining; the

time controlled by the Senator from Virginia is 19.5 minutes.

Mr. ROBB. Mr. President, I reserve the remainder of our time to give the Senator from Wisconsin an opportunity to respond, and then I am going to ask the Senator from Arizona, who has more than a little expertise in this particular area, to discuss the question.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. Mr. President, I yield myself a bit of the remaining time to respond again to the questions posed about the world situation; whether that post-cold-war situation justifies maintaining a 12 supercarrier force.

I do not think it is accurate to suggest that simply because there are more locations of conflict, that necessarily means that the supercarriers are the right response. It ignores the comments that I had the chance to make earlier about alternatives. Before I mention those, let us just remember, though, that even in many conflicts in the past, carriers were not always used. As we mentioned, the report from the Center for Naval Analyses, "The Use of Naval Forces in the Post-Cold-War Era," pointed out that from 1986 to 1990, in 32 percent of the cases of crises just of the kind the Senator from Virginia was pointing out on the map, we did not even use a carrier.

So the assumption that the carrier always has to be there whenever there is a problem—take, for example, Rwanda—it is not clear that is the way we are going to respond to the situation in Rwanda, even though you can tote it up as a number, another place in the world where there are problems.

The issue here is not whether the world is a troubled place. It sure is. The issue is whether the supercarrier is the best way to handle situations, understanding that we have not even used the carriers in all situations in the past.

I am curious to know what response my colleagues would have to the alternatives that have been suggested. Remember, what I am suggesting here, Mr. President, contrary to the statement of the Senator from Virginia, is not to get rid of all super carriers—certainly not to get rid of all carriers, certainly not to get rid of all supercarriers. This side is not opposed to supercarriers. We are suggesting eliminating 1 of 12. And that lost capacity of 60 days in each of two oceans can, according to credible sources, be made up for by the year 2003 with alternates—11 amphibious carriers and dozens of Aegis cruisers and destroyers.

It is my intention by this amendment to save us money, but also to achieve that capacity by other less expensive means that would in effect come from having the 12th carrier. That is my response to the chart. The

world is a terribly difficult place, but that does not necessarily mean that 12 as opposed to 11 carriers is the right, most efficient, or most effective response to the problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I might make one response before I yield to the Senator from Arizona. I understand the proposition that has been stated by the Senator from Wisconsin. But if we use this criteria—whether or not we actually use the specific weaponry or capability at any given context—I guess the ultimate would be we have not used nuclear weapons since the end of World War II. But having them has a very significant deterrent effect, and certainly maintains the peace in a way that I think all would agree accrues to our long-term benefit without actually using them.

With that, Mr. President, I have actually been on board, at one time or another, just about all of the carriers, certainly the ones that are in commission today, and many of those that have been retired. But the only Member of this body who has flown combat missions off of those aircraft carriers is the Senator from Arizona, to whom I yield 5 minutes at this time.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, I have a question for my friend from Wisconsin, and I ask it: Has he ever been on board an aircraft carrier?

Mr. FEINGOLD. No, I have not.

Mr. MCCAIN. Let me suggest to the Senator from Wisconsin that, at minimum, before he recommends a fundamental change in the structure of our military establishment as envisioned by the Bottom-Up Review—which really was the best minds that we have available, including Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff; Les Aspin, former chairman of the House Armed Services Committee, Secretary of Defense, and the best minds we could get together—came up with the belief with which, frankly, I do not totally agree—but that the United States would have to maintain an 11-plus-1 carrier force.

In all due respect to the Senator from Wisconsin, I suggest at least he go out and visit an aircraft carrier and find out what they do from those people. Perhaps it might be useful, before recommending such a fundamental change in this Nation's defense strategy, that he go out to an aircraft carrier, that he meet with the men and women who are on board—and there are men and women now—find out what their mission is, find out from the people what they are expected to do and can do in a contingency. And I would strongly suggest he might find out they do not believe, and he would

not believe after he was there, that Aegis cruisers can take the place of an aircraft carrier.

An Aegis cruiser is a very valuable piece of military equipment. It is excellent for air defense. It really is superb. But its ability to project power over hostile shores is almost zero.

I do not know where the Senator from Wisconsin is getting his information, but to suggest that Aegis cruisers and amphibious vessels somehow replace the fundamental capacity—and the reason why we spend so much money for these aircraft carriers is their ability not only to project power, but to project sizable power into very hostile environments, which is the unique aspect about the aircraft carrier.

I know the argument has already been made the American empire is shrinking. We are withdrawing from Europe. Every day, we see more bases being closed. We even reduced our forces in Korea. Everywhere the empire is shrinking back, which leaves us with less and less ability to project this Nation's power in crises which we see pop up all over the world. There are 40 conflicts taking place in the world today as we speak.

Does the United States have to be involved in them? Rwanda? No, I do not think so. But I think the United States, as the last remaining superpower, had better have the capability to do so.

The amendment of the Senator from Wisconsin is going to lose. Let me recommend to the Senator, before he proposes another amendment next year on the same issue or perhaps on the appropriations bill, that he go out on an aircraft carrier. That might be a nice beginning. And that he go and visit the people that have been involved in this. Ask them what is the best for them—they are an all-volunteer force—the best way to carry out the protection of this Nation's vital national security interests. Then come back, maybe, and talk to people like Gen. Colin Powell—who is an Army officer, I might inform my friend from Wisconsin—and others who have the experience, who have the knowledge, who have spent their very lives—and I am not speaking of this Senator, but others—in defense of this country. They will tell the Senator that 11 plus 1 is the bare minimum of what we need for aircraft carriers.

I believe my time is nearly expired, but I oppose this amendment. I think it is wrong. I think there are a whole lot of areas the Senator from Wisconsin and I would agree on that need to be cut back, that are not vital in the post-cold-war era. I ask him to get a briefing on the Bottom-Up Review that I mentioned earlier in my remarks. And I ask him to consider carefully that the alternatives he and others are suggesting clearly are not compatible with this Nation's vital national security interests and our strategic requirements.

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

The Chair recognizes the Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona for his comments, but I must say to the Senator from Arizona, I did not feel it was essential that I travel to Bosnia before I voted on the arms embargo. It would be nice if I had. I wish I had the opportunity to spend a lot of time in the California desert wilderness before we voted to protect that. But I think that is a bit of an unrealistic expectation.

We, as Senators, have a few things to do, and if we cannot rely on documents produced by our Government, such as the Bottom-Up Review—that is exactly the source of much of the information I am using here, and things like a GAO report on Navy carrier battle groups—it is this report that suggested that there are alternatives, that there are amphibious ships that can assist us in these situations.

I think this is important because we try to have an argument here and we say, Can we get away with 11 rather than 12? What does the other side say? That the Senator from Wisconsin is proposing eliminating all aircraft carriers; that he is saying that the alternatives are the same; that they can do the same thing as any aircraft carrier.

No statement we made has suggested that. It remains the case, though, that in many instances, supercarriers are not needed and are not used. The question is that difference between the 11 and 12 carriers and whether there are alternatives, as suggested by this GAO report, that can make up for that difference and save us some money.

So it is very easy to exaggerate what this amendment is all about. It is not the elimination of the carrier. It is not the six. It is not the seven. It is not the 9 or the 10 or the other proposals that have been made by some. It is suggesting, very consistent with the Bottom-Up Review itself, that we have the 11, which is more than is needed, for two simultaneous war situations, and it is one less than the 12 suggested by the Bottom-Up Review. But we have outlined some of the alternative ways that that difference can be made up with less cost to our country. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield 4 minutes to my distinguished senior colleague from Virginia.

The PRESIDING OFFICER. Senator WARNER is recognized for 4 minutes.

Mr. WARNER. Mr. President, what the amendment does do is to create a giant scrap heap of rusting steel in which the American taxpayers have invested close to a billion dollars. That is not an insignificant action in consequence. It will put roughly 120,000

people, not just in the Commonwealth of Virginia but spread over 42 States throughout the country—it will put them out of work, all in the name of—I am not sure what.

It seems to me that that person who is the Commander in Chief of the Armed Forces of the United States should have a voice in this. I was privileged when I was aboard the U.S.S. *Theodore Roosevelt* on March 12, 1993, when our President saw fit to visit a carrier. He said the following. I quote the President of the United States, President Clinton:

They are operating on station in strategic locations around the world protecting our interests and promoting stability, ready to meet the call. They have been doing this for most of the 20th century. When word of a crisis breaks out in Washington, it is no accident that the first question that comes to everyone's lips is: "Where is the nearest carrier?"

He continues:

This means building the next new Nimitz class carrier in the mid-1990's as planned. But it also means retiring the older, less capable carriers. The breakup of the Soviet Union and the dramatically reduced possibility of this type of conflict allows some reduction in carriers, although they still play a vital role in meeting regional threats. With few carriers, we will have to be more flexible on the deployment schedule and operating tempo in order to ensure that sailors are not required to endure longer tours of sea duty than now expected.

That was in an interview with *Defense Week*, July 13, 1992.

One of my most vivid recollections of the war in Vietnam was in the fall of 1972, when as the Secretary, I was privileged to go out and visit our fleet. At that time, some of the carriers operating off station had been there for 7 months—7 months, Mr. President. It tested the mental endurance and the physical skill of those brave sailors, and particularly the airmen.

We were coming to a point where we were going to go beyond the physical endurance of those sailors to operate. The rotation base, the ability to replace those carriers had been shrunk.

This carrier comes to sea roughly in 2003, and this decision is trying to project ahead what is going to face the United States of America in that time period.

The Bottom-Up Review carefully went over that under the direction of the President of the United States and with the subsequent approval of the President of the United States. The Bottom-Up Review said 11 carriers plus 1 training carrier.

So the analysis has been made, the Commander in Chief of the U.S. Armed Forces has made his decision, and I say, with all due respect to my colleague from Wisconsin, we have not heard a case to overturn the decision of the President, the Secretary of Defense, the Armed Services Committee of this body.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield myself 1 minute. I just might observe, in response to the remark made a few minutes ago by the Senator from Wisconsin, I understand and agree with his suggestion that we cannot always have participated actively or visited the sites or the activities that we are forming some judgment about. But in this particular case, and the way this body normally operates, we do yield to the committees of original jurisdiction a certain amount of responsibility to try to ferret out the most important questions and, in this particular case, this is not only the No. 1 priority for the Navy, it is not only done on the basis of the need through the Bottom-Up Review for the 11 plus 1 that has already been suggested, it is not only a matter of preserving the industrial base, it is not only a matter of saving taxpayer money, but with all of the disagreements that we have in the Senate Armed Services Committee, this provoked no disagreement whatever.

There was no dissent on this matter, even though there was considerable dissent with some of the things we will be discussing later on today, within the committee of original jurisdiction where extra time and staff expertise on a bipartisan basis was devoted to trying to make certain that this was appropriate as recommended by the President, by the Defense Department, by the Joint Chiefs and by the Navy.

Mr. WARNER. Will the Senator yield 1 minute to me?

Mr. ROBB. I yield 1 minute to the senior Senator from Virginia.

Mr. WARNER. Mr. President, in my statement, I referred to the impact of what this amendment would do. I want to emphasize that 42 States have subcontracts, and there are roughly 120,000 jobs that will be impacted directly by this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 19½ minutes remaining; the Senator from Virginia has 7 minutes remaining.

Mr. FEINGOLD. Mr. President, I yield myself such time as I need at this point.

The senior Senator from Virginia asked why are we doing this? In the name of what? One answer is in the name of \$3.6 billion. That is a pretty good answer to my constituents back home, at least as an opener, as an ante. That is money.

I have had the experience in only a year and a half of meetings with the Navy on a number of occasions—they were excellent meetings; the competence and ability of the people I had the meetings with was really very im-

pressive—I had trouble ferreting out what is the top priority.

I had a very impressive group from the Navy in my office who told me the Trident II missile was the top priority when that was being discussed and questioned. That was the one they really cared about. That was No. 1.

I said, "Why can't we get rid of Project ELF in Wisconsin; nobody wants it there; it doesn't seem to have much to do with national security anymore?" They said, "No, we need that, too."

I understand their job is to protect this country. Now we are told that this additional carrier, 12 rather than 11, is the top priority. It is just a little difficult for me as a Member of this body. I might add to what the junior Senator from Virginia said, he may be on the committee but I still have to vote on it, I still have to discuss it. This is my opportunity to raise some questions and have a vote.

The Senator is right; he is going to win this vote. He does not look very worried. I understand there is even a pool in my office as to whether I will get 10, 15 or 20 votes. But I still think we have to talk about it.

The reason is that this is a very large expenditure, that every Senator should be involved in looking at it.

This item alone, if we cut this \$3.6 billion, would bring this bill before us under the level of fiscal year 1994. Right now it is ahead. I think it is \$2.4 billion over the 1994 level.

And I also know that sometimes you cannot get something done in the first attempt. I have already watched, over the years before I came here and since I have been here, the very difficult efforts to question the superconducting super collider, which have succeeded, the effort to question whether or not we need the whole space station program, which did not succeed last year but may well succeed now. And I know that this one is tougher because if we do not stop it now, basically next year a lot of it will be spent and it will be very hard to stop this program.

But perhaps this process will lead to what I think is an achievement of a much greater scrutiny of these programs. There needs to be more of this discussion out in the Chamber. So I would very respectfully disagree with the junior Senator from Virginia; that the ultimate place to ask these questions after we review the hard work of the committee is out in the Chamber and to discuss them.

I just want to remind my colleagues what kind of dollars we are talking about—\$3.6 billion in 1995 alone. And the senior Senator from Virginia is correct; we have already spent almost \$1 billion on this program. But when the argument then is we should keep going and spend the other \$3.6 billion, I do not need to say that that is good money after bad.

There is more money involved here, though. Once this is up and operating, once we have the 12 supercarriers in the year 2003, the operating costs are \$1 billion a year. So we have already put together those billions each year—the \$3.6 billion next year—and it does not even take into account the very significant associated costs of the air wing and the protective ships that have to go with such an important piece of machinery as a supercarrier.

Mr. President, this is about something very real. In fact, I would even suggest to the Senators on the other side of this amendment that there are other military programs that could perhaps benefit from cutting this. I would prefer the money be used to reduce the deficit entirely. But perhaps there are chemical/biological defense programs, counter proliferation, base cleanup, chemical weapons destruction, other things that are underfunded in the military could obtain some of these funds that are going to be devoted to having 12 rather than 11 supercarriers.

In fact, in a meeting we had on this subject with some people who have analyzed this, the point was made there had been a cut in some recent development for antimine technology, minesweepers. We may be cutting spending on the very items that can protect the 11 carriers. Is it better to have 12 carriers that are vulnerable to mine attack or is it better to have 11 that are invulnerable?

Those are the real choices here, not between the Defense Department and the rest of the issues but within the defense concept. Spending this much money now on this particular supercarrier means, as the chairman of the committee indicated earlier on another amendment, that there will simply be less money available for other critical items for research and development that may ultimately have far more to do with national security than one supercarrier could ever have.

So, Mr. President, I recognize the partisan risks as well as the other risks of proposing an amendment like this, but I at this moment would like to appeal to my colleagues on the other side, some of whom I have worked with very closely, to try to find ways on a bipartisan basis to cut spending. We saw that happen in the Exon-Grassley amendment. I thought it was one of the best hours in the Senate, when we were able, on a bipartisan basis, to vote to say we can do better, we can cut \$26 billion out of the budget.

I think we can do the same thing that the senior Senator from New Hampshire was trying to do on the Treasury bill. I voted to recommit the Treasury bill with that Senator from the other party. One of the reasons was that it was \$1 billion over last year. That is not reason enough, but it is an important reason. Another was that it

appeared to me we were restoring positions that we had just cut last year. And there were also items on that appropriations bill that were off budget. So I supported Senator SMITH on that item because he made an impassioned plea that we cannot just talk about across-the-board spending cuts, that we cannot just project a time in the future or say that all of the cuts have to come from entitlements or it will not mean anything. The real hard work is getting out here and having members of both parties vote, drop those party lines and say this one does not make sense; it is in the national interest to save the \$3.6 billion and use it for other priorities.

Mr. President, I wish to reiterate this is not an attack on the idea of having supercarriers. Obviously, they are very important to our country. I do not even want to sign on to those analyses based on that assumption that may not come true that talk about six or seven. Our proposal does not even bring the number of supercarriers by the year 2003 down to 10, the level that the Bottom-Up Review itself says is sufficient for two virtually simultaneous major regional conflicts where we do not even have allies. I am not even trying to do that. We are just trying to see if we can go from 12 to 11.

I would like to take this opportunity to read the rest of what President Clinton said on the *Roosevelt*. He did make the statement that the senior Senator from Virginia pointed out. I might add before reading the rest of his comments, President Clinton during the campaign proposed we have only 10 supercarriers. Some of my friends here in this body are always criticizing him for breaking his promises. He is not doing that here, but I am doing better than he did in the campaign. I am only saying 11. But what did he say? He did say that, "when word of a crisis breaks out in Washington, it is no accident that the first question that comes to everyone's lips is: Where is the nearest carrier?" I do not dispute that that is what the President said. But in the same speech he also said this:

A changed security environment demands not less security but a change in our security arrangements \* \* \*. You have changed your crew and your equipment to reflect the new challenges of the post-cold-war era \* \* \*. That enables you to operate perhaps with fewer ships and personnel but with greater efficiency and effectiveness. This isn't downsizing for its own sake; it's right-sizing for security's sake. The changes on board the *Theodore Roosevelt* preview the changes I believe we must pursue throughout the military.

So said the President—not downsizing for its own sake, not downsizing because the carriers are not important, but right-sizing in combination with other technologies, other military capability to still achieve the peacetime capacity that the Bottom-Up Review has recommended.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield 2 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN] is recognized for 2 minutes.

Mr. COHEN. Mr. President, first let me state that I have no parochial interest whatsoever in this particular ship. I do not know the 30 or 40 States that my colleague from Virginia has mentioned. I have no such interest in this particular aircraft carrier, but I do have an interest in the security it provides for this Nation.

I was interested to hear the Senator from Wisconsin say that candidate Clinton campaigned on the basis of having 10 carriers. I might point out that candidate Jimmy Carter campaigned on the basis of pulling 5,000 troops out of South Korea. And only when he became President and found that would have destabilized the region did he respond to the Senator from Georgia [Mr. NUNN], Senator Hart, Senator GLENN, myself, and others who urged him not to take that action which would have been precipitous and dangerous at that time, too.

President Clinton campaigned on no MFN for China. He found out after his year and a half in the White House that it was important to have MFN for China.

So we should not hark back to what candidates campaigned on and try to hold us to that particular standard. The fact of the matter is that a candidate who then becomes a President finds that more information makes them wiser in their deliberations.

I have heard it said in the past that "ideals without technique is a menace," and "technique without ideals is a menace." The same might be said about power: "Power without diplomacy is a menace or can be a menace." But diplomacy without power is the equivalent of capitulation in most examples. We have to have both power and diplomacy. And the aircraft carrier is the single most important component of providing us with both power and diplomacy.

We debated the issue of the C-17 yesterday at length, talking about the kind of airfields that we may be called upon to fly into in a hostile environment. These are our floating airfields. These are our fields that we have to fly off from and back to in a time of crisis. And if we have to err, we ought to err on the side of caution for the 12-carrier battle groups rather than the 11 that is being suggested by our colleague from Wisconsin.

So I urge the defeat of the amendment being offered.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, I yield such time as remains to the senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. THURMOND. Mr. President, I ask unanimous consent for 1 more minute.

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

Mr. THURMOND. Mr. President, I rise to oppose Senator FEINGOLD's amendment to delay procurement of CVN-76 until fiscal year 2000.

The Senator asserts that our Nation does not really need CVN-76. My observation is that the chairman of the Joint Chiefs, every military secretary, former Secretary of Defense Aspin, and Secretary of Defense Perry, believe our Nation does need CVN-76. Further, the Congress has already expressed support for CVN-76 by approving \$832 million in fiscal year 1993, and appropriating, subject to authorization, another \$1.2 billion in fiscal year 1994 for this carrier.

Senator FEINGOLD asserts that the Bottom-Up Review confirmed that a force of 10 carriers would be adequate to fight two major regional conflicts, and that we can drop from 12 carriers to 11 or even 10 without weakening our defenses.

I would observe that the Bottom-Up Review rejected a force of 10 carriers and recommended 12 because they serve not just as instruments of war but as instruments of deterrence and diplomacy as well.

For the past 50 years, carriers have been used to preserve the peace. They have been called on more than 140 times since World War II to meet crises and protect our Nation's interests. As our overseas bases are reduced, the need for their mobility and power will become greater, not less. Witness the intense use in Bosnia and Somalia during the past year, not as relics of the cold war but as naval linchpins of its turbulent aftermath.

Senator FEINGOLD argues that the risk to our nuclear and shipbuilding industrial bases of delaying CVN-76 until fiscal year 2000 is acceptable. I do not agree. The Bottom-Up Review and other Navy assessments estimated that at least \$2.1 billion and some 7 years would be required to restore the nuclear shipbuilding base if we let it lapse. Even a year's delay would cost \$400 million or \$500 million.

Additionally, many thousands of jobs could be adversely affected. The possible damage to the Nation's economy is more than I care to risk when I know that a strong need for CVN-76 exists right now.

Senator FEINGOLD's proposed legislation can harm our Nation's defense, will damage the nuclear shipbuilding

industrial base, will risk the possibility of losing the ability to build nuclear aircraft carriers, and will weaken our Nation's ability to carry out its primary mission.

I urge my colleagues in the Senate to vote against it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Mr. President, the Senator from Virginia reserves whatever time is remaining. I am prepared to yield back time depending upon the actions of the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin has 9½ minutes.

Mr. FEINGOLD. Mr. President, at the very end of the debate on this amendment, there have been very candid major arguments that the world is a very dangerous place—which I concede—that it is best to serve on the Armed Services Committee to debate this amendment, to even debate this issue, and that it probably is a little better if you tour a carrier.

But what I have not heard specifically are responses to the arguments that I have tried to make in support of the amendment, and virtually no recognition by the other side of just what \$3.6 billion means to this country; what it means to kids in this country who have AIDS; what it means to cities that have their water virtually poisoned because we do not have the funds to clean up that water supply; what it means to families that have members who have Alzheimer's disease and cannot afford long-term care.

These are situations that need help and that could really use some of that \$3.6 billion. But I do not leave it at that. I have also not heard a serious response to the question of: Is there not within the military itself a better use for some of these funds than to stay at 12 rather than having 11 carriers?

I repeatedly mentioned during the debate the fact that credible sources, including the GAO and others, have talked about real alternatives, Aegis cruisers, and others, that can provide the same kind of assistance that a carrier can in some situations.

I concede to the Senators from Virginia, not in all situations, but that in many situations it is possible that a lighter, different type of carrier or different type of ship could help provide the help that is needed without having to have the 12 carriers.

So we have not heard a single specific response other than saying the world is dangerous, and you have to have 12, you cannot have 11. It makes you wonder how we are going to survive without 15. Presumably there is no upper limit to how many carriers are needed to be absolutely secure.

Finally, Mr. President, I really do not see how I can stand here on the Senate floor and rely entirely on the committee when we do not talk seri-

ously about what \$3.6 billion means in lost research and development in future military capability. The world has changed. The cold war is over and military technology and the dangers in the world have changed. The senior Senator from Virginia made that point very well. Many believe that it has changed so much that the carriers themselves may not be as relevant to crises situations as they have been in the past. I have not reached that conclusion. But there are those who say that.

What we need to do here in the U.S. Senate is to start talking about what \$3.6 billion means in terms of national security, including economic national security and the other issues which I have mentioned.

Just take that \$3.6 billion and ask yourself: Are we really going to save more lives in a military situation by spending it on an additional carrier, or should we be doing a whole number of other things for readiness that this country may desperately need as we try to deal with those multiplying situations that the senior Senator from Virginia has identified, many of which I will argue may not be needed and conducive to a supercarrier at all?

Mr. President, \$3.6 billion in one bill, in 1 year, will not even bring down the level of carriers from 12 to 11 until the year 2003. This is not an attack on the military. It is a strong suggestion that we can find another way to provide the same level of national security with less money and in a way that is more appropriate for the new era that we have entered since the end of the cold war.

I yield the floor.

Mr. BOND. Mr. President, I join in opposition to this amendment and express my support of the \$2.4 billion funding authorization for the CVN-76. This funding was recommended by the Senate, approved by the House Armed Services Committee and the full House, as well as the Senate Armed Services Committee. It should also have the approval of the full Senate.

The pending amendment is about our ability to project force, not just today but into the next century. Approval of the pending amendment would severely impede our ability to project force and pursue our interests around the world.

American troops are leaving forward bases around the world and returning to the United States. We are giving up air and naval facilities around the world, further limiting our options in terms of projecting force. All of this is happening at a time when regional conflicts and threats to U.S. interests are multiplying at a staggering rate. One just has to read this morning's newspaper to see that we need to maintain the capability to get U.S. airpower to hotspots all over the globe.

Just looking at the past few months, we now have ships enforcing the em-

bargo off Haiti, we have a carrier on call to respond to developments on the Korean Peninsula, we have had carriers operating in support of the no-fly zones in Bosnia and Herzegovina and Iraq. And that is while we are in a peacetime situation. The carriers are the most-used tool of a President seeking to send a message to a foreign leader or to respond quickly to a foreign crisis.

The importance of our carrier force is well-illustrated by looking at our experience in the gulf war. In that conflict, we had the good fortune of deploying our forces to a country with some of the best airfield facilities in the world, with the result that we were able to deploy a large amount of our land-based air forces. Despite that fact, we still sent six carriers to the gulf and all were heavily involved in the conflict.

The Bottom-Up Review found that a 12-carrier-force is the smallest that this country can deploy. If we are to deploy a force that size, then we must buy CVN-76. Personally, I have been one who has expressed some concern about many of the recommendations for force levels in the BUR. I think that in many places it recommends force cuts that go too far. With regard to carriers, I am not convinced they have made realistic assumptions about how many carriers would be needed to respond to a major regional contingency. I believe that is an important point even though the recommendation for 12 carriers is based on peacetime needs to maintain U.S. presence around the world because we cannot afford to make a mistake in terms of equipping our forces for the two MRC contingency. It certainly would be a mistake for the Senate to go beyond the BUR cuts, especially with regard to a system as critical as the carrier fleet.

It is also important to consider the impact of this amendment on the men and women who operate the ships in the carrier battle group. There is no question that our obligations around the world are not getting smaller. In fact, we are likely to see more conflicts in the coming years. That means we will have to continue to keep the carriers deployed. If we fail to replace aging carriers and allow the fleet to shrink, the result will be that the length of deployments will grow. We tried that in the seventies. It was bad for morale and it resulted in large numbers of qualified sailors leaving the Navy.

Our aircraft carriers and the aircraft they carry are a central part of our overall military force. They are and will continue to be the first to fight in any conflict. And they remain one of our most powerful tools for diplomacy and avoiding conflict. The point is—we use them a lot. That means we must invest in recapitalization of the force—we must regularly buy new ships and new aircraft.

When it comes into service in the year 2003, CVN-76 will replace the *Kitty*

*Hawk*, which will have served for 43 years. I would say we got our money's worth out of *Kitty Hawk* and that it's time to replace her.

I would like to turn for a moment to one of the arguments that has been made by the principal sponsor of this amendment—that no one else in the world has a supercarrier like that of the U.S. Navy, and that, by implication, we don't need another one. To that, my response is that I agree with the first part of his statement—I want our sailors and naval aviators to have the most capable systems in the world. I want them to have the best ship, the best airplane, and overwhelming power. I don't want them ever to have to be in a fair fight. I want them to have a bigger force, better weapons, and better training so that they have a better chance of winning and returning home safely.

Mr. President, it is clear to me that we need CVN-76. It takes 7 years to build a nuclear aircraft carrier. If we are to be able to deploy this ship when it is needed in the next century, we must get started now. For that reason and the other reasons stated above, I urge Senators to oppose the amendment before us and fund the new carrier.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Mr. President, let me just conclude by saying that I understand the appeal for an alternative means of spending. For almost any matter that we consider, there are attractive alternatives. But, in this case, the Department of Defense, the Navy, the President of the United States, and the Armed Services Committee considered a number of alternatives, considered options, and decided that this was the most important way that this particular money could be spent at this particular time.

I recognize that this is an appeal for those who want to get their fiscal responsibility quotient up, as I frequently do in other areas, to vote against the authorization of the carrier. But in this particular case we will be responding to the needs of our Commander in Chief, the services, and the committee of original jurisdiction.

With that, all time having been yielded back, I move to table the amendment offered by the Senator from Wisconsin and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—72

Akaka	Glenn	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Bond	Grassley	Murkowski
Boren	Hatch	Murray
Breaux	Hatfield	Nickles
Bryan	Heflin	Nunn
Burns	Helms	Packwood
Campbell	Hollings	Pell
Chafee	Hutchison	Pressler
Coats	Inouye	Reid
Cochran	Johnston	Riegle
Cohen	Kassebaum	Robb
Coverdell	Kempthorne	Rockefeller
Craig	Kennedy	Roth
D'Amato	Kerrey	Sarbanes
Danforth	Kerry	Shelby
Daschle	Levin	Simpson
Dole	Lieberman	Smith
Durenberger	Lott	Stevens
Faircloth	Lugar	Thurmond
Feinstein	Mack	Warner
Ford	Mathews	Wofford

NAYS—24

Baucus	Dorgan	Metzenbaum
Boxer	Feingold	Moseley-Braun
Bradley	Gregg	Moynihan
Brown	Harkin	Pryor
Bumpers	Jeffords	Sasser
Byrd	Kohl	Simon
Conrad	Lautenberg	Specter
DeConcini	Leahy	Wellstone

NOT VOTING—4

Dodd	Exon
Domenici	Wallop

So the motion to table the amendment (No. 1841) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1840

Mr. JOHNSTON. Mr. President, what is the regular order?

The PRESIDING OFFICER. Amendment No. 1840.

Mr. JOHNSTON. Mr. President, amendment No. 1840, that is the Johnston-Feinstein amendment?

The PRESIDING OFFICER. It is the Johnston-Feinstein amendment.

Mr. JOHNSTON. Mr. President I understand that we are ready to go to a voice vote on that amendment.

Mr. LOTT. Mr. President, I ask the distinguished Senator from Louisiana to yield at this point.

Mr. JOHNSTON. For a question?

Mr. LOTT. Yes; for a question.

Mr. JOHNSTON. Yes; I yield for a question.

Mr. LOTT. Mr. President, I would like to say to the distinguished Sen-

ator from Louisiana that I understood from the Senator from Georgia that he was going to try to get up an amendment at this point right away.

We are running some numbers and trying to get information from the Pentagon on a solution that we think might be acceptable on this problem. I had indicated to the Senator from Louisiana that I would like to go ahead and get this matter resolved, but I would like to get a colloquy before we go to a final vote from the Senator from Georgia, the chairman of the committee, and see if we could get these numbers before we get a recorded vote.

In addition, my colleague from my State is not here at this point. I would like to get a chance to get him back to the floor before we would do that, if the Senator would be willing to give me just a few moments more.

Mr. JOHNSTON. Mr. President, I certainly want to accommodate my friend from Mississippi.

Do I understand that, as far as this amendment, that is, the restoration of the money for the fast sealift, that that essentially will be agreeable and the Senator is trying to work out the funding for the LHD-7?

Mr. LOTT. That is correct.

Mr. JOHNSTON. So that we can safely breathe easier on the refunding of the fast sealift?

Mr. LOTT. I think that the answer to that is yes, we want to get that done.

But we are trying to see if we can come to some agreement on how to continue the opportunity for the LHD-7. So that is where we are right now.

Mr. KOHL. Mr. President, I am troubled by the vote which took place in the Armed Services Committee to divert more than \$600 million in funds designated for sealift to build a seventh amphibious assault ship of the LHD-7 *Wasp* class.

I am concerned about any further delay in awarding contracts for two large, medium roll-on and roll-off ships to preposition heavy equipment for the Army. The Army has made clear that this move will seriously hamper their efforts to meet longstanding lift requirements. The Chairman of the Joint Chiefs of Staff has weighed in noting that this diversion of funds to the LHD flies in the face of the conclusions of the mobility requirements study and that the committee's decision was based on erroneous information.

We now have the ability to correct that error. Initially, the members of the Armed Services Committee were led to believe that the Navy would have another year to exercise its options to initiate the sealift contracts. That is not true. The contract option on these two sealift ships expires this year, possibly requiring a renegotiation of the contract.

I understand that the LHD option is expiring as well, but we are designated

to building the LHD-7 down the road. The Pentagon has made the difficult decision that exercising the sealift option at this time is the higher priority.

Mr. President, funding the LHD the way we have in this bill is bad policy. I am deeply concerned about the bad precedent we have been setting by partially funding LHD ships. For some time now, we have operated under the rule that we will not partially fund big ticket items so we know up front what we're buying and how much we're paying for it. The LHD-6 was the first major departure from this practice. It was a mistake. By proceeding in this fashion, we are watering down the full funding provision even further.

I have subcontractors in my State who suffer if these sealift ships are not built. But, frankly, there are Wisconsin winners and losers on both sides of this issue. There are LHD subcontractors in my State who have told me they will be hurt significantly if they do not begin work on the LHD this year.

Thus, on the merits alone, supporting these Sealift ships is the right thing to do. It is in the best interests of our national defense and it is sound fiscal policy.

I want to thank the Senators from California and from Louisiana for their work on the issue. I urge my colleagues to support this amendment.

Mr. SHELBY. Mr. President, I rise in opposition to the amendment offered by the Senator from Louisiana. I take this action, not because I believe that the Fast Sealift Program is unnecessary, instead because the LHD Program is more necessary.

The LHD is an amphibious assault ship that can perform functions similar to a carrier. It carries all types of Navy and Marine helicopters, Harrier jump jets, landing craft, amphibious vehicles, a fully staffed hospital, and landing craft. More importantly, it can carry 2,000 marines into harms way.

The LHD's are already in the fleet with three more currently in production. Funding for the LHD-6 was provided in two stages. First, in fiscal year 1993 and then last year in fiscal year 1994. We are now at a point where an option exists that would save the Navy about \$800 million if the purchase is begun this year. We will also be able to provide the Marine Corps with the critical amphibious lift to support validated requirements for 12 amphibious ready groups.

The LHD-7 is currently in the Navy shipbuilding plan for the year 2000. I am afraid that there is no way that we can guarantee that this high priority will be funded at the turn of the century. That is why we are seeking funding for the LHD-7 this year.

The House Armed Services Committee has funded the LHD-7 at a level of \$100 million in its defense authorization bill for fiscal year 1995. It also fully funds the sealift fund at \$600.8

million. Therefore, I believe that there is a chance to compromise here or in the conference with the House of Representatives.

The committee, by a vote of 14-7, approved this initial step in funding the LHD-7. There has been much discussion in this Chamber that we gutted the Sealift Program. At the time the committee voted we were under the false impression that the options for the next two sealift ships would not expire until the end of next year. I do not believe that we can at this point determine that had we been provided correct information the vote would have been the same. What we do know, however, is that the committee was voting to begin funding the LHD-7 now in order to save \$800 million.

Mr. President, I intend to vote against the Johnston-Feinstein amendment and urge my colleagues to vote against this amendment.

Mr. JOHNSTON. Mr. President, I have a copy of a letter from the Deputy Secretary of Defense, John Deutch, to Senator SAM NUNN, the comport of which is to say we object to the committee's action because it would force the Department to buy a ship we currently do not need and defer funding for the very ships we do need.

I ask unanimous consent that the text of that letter be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,  
Washington, DC, June 23, 1994.

HON. SAM NUNN,  
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: While we largely applaud the Defense Authorization Bill your Committee has reported, the Department strongly objects to the actions taken to accelerate construction of the LHD-7 amphibious assault ship, especially at the expense of the Department's ongoing program for sealift modernization. The Committee's recommendation on the LHD-7 is seriously flawed for two reasons.

First, the Department is opposed to incremental funding for major weapon systems. Full funding of investment programs is a bedrock premise for the funding integrity of defense programs. It was imposed by the Congress and embraced by the last six administrations. Unfortunately, departures from this principle have come from the legislative branch in recent years. We supported Congress' actions on the CVN-76 last year only because we had already been appropriated \$800 million in advance procurement and had budgeted the full amount for construction in the very next year of our five year plan. The LHD-7, however, is not included in our plan until the end of the decade. We cannot accept this intentional erosion of the full funding principle, especially at a critical time when defense resources are stretched nearly to the breaking point.

Second, the Committee is recommending we buy the wrong amphibious ship at this time. The LHD is an impressive ship and contributes directly to our lift capacity for helicopters and landing craft. These are the two areas, however, where current amphib-

ious capacity exceeds requirements. Amphibious shipping currently is deficient in capacity to carry vehicles, but this is the one area where the LHD-7 makes only a limited contribution. Instead, the Department is proposing a new class of amphibious ships designed precisely to address this shortfall. Buying an LHD at this point will likely divert funds from the amphibious ship the Marine Corps truly needs in the future and it diverts FY 1995 funds from the acquisition of critically needed, surge, sealift ships that will contribute to the force mobility so essential in today's national security environment. We object to the Committee's actions because it would force the Department to buy a ship we currently do not need and defer funding for the very ships we do need.

For these two reasons, we must ask that the Committee reconsider its actions, reverse the unwarranted cut to our sealift program, and avoid a needless distortion of the Department's amphibious modernization requirements.

Sincerely,

JOHN DEUTCH.

Mr. HEFLIN. Mr. President, I rise today to convey my strongest personal support for funding of the LHD-7 amphibious assault ship as a fiscal year 1995 procurement. The ship is unquestionably needed, and the cost of delaying the construction of this next ship in the WASP class is unacceptably high.

World events have demonstrated the need for flexible and responsive forward deployed forces capable of crisis response, peacekeeping, and humanitarian relief missions. The Navy/Marine Corps team of expeditionary naval forces, deployed as Amphibious Ready Groups aboard the LHD series of ships, is uniquely well qualified to perform these vital functions.

Mr. President, there seems to be some confusion here as to what we are debating. Some say the debate is about what type of ship is needed. Others say the issue is the cost of letting existing contract options expire. Still others point to the impact of SASC action on the fielding schedule of the sealift ships. My point is that regardless of which question you ask, funding the LHD-7 as a fiscal year 1995 procurement is still the best answer.

Let me begin by saying that the Department of Defense is clearly on record validating the need for the LHD-7, the regional CINC's testified to the Armed Services Committee that they need and want the LHD-7, and that the Marine Corps considers the ship to be critical to their ability to meet the Nation's naval forward presence needs. Amphibious lift is not the same as sealift. The issue is more than just lift; the issue is also an adequate number of the right types of ships with the right capabilities for flexibility and utility. The Marine Corps deploys its forces in Amphibious Ready Groups which use the big deck LHD-7 as their centerpiece. All of the relevant studies, the Roles and Missions Report, the Bottom-Up Review, and the Navy White Paper " \* \* \* From the Sea"

agree that 12 Amphibious Ready Groups are needed, and the LHD-7 is critical to that requirement.

The next issue is cost. Much has been said with regard to the fact that the contract option will expire on the two sealift ships if we delay them. The fact is, we face the expiration of contract options on all three ships this year. The question ought to be, since we can't afford to exercise all three—which one is going to cost us the most to let go? Just remember, every time a Senator says that the option will expire if we don't purchase those two sealift ships next year, what he or she is saying is that we will be forced to spend approximately \$100 million more than planned to build these two ships a year later. That is what the contract option saves us, about \$100 million.

Exercising the LHD-7 contract option, however, will save us over \$700 million. Now, this is important—the savings to be achieved by purchasing the LHD-7 in 1995 are greater than the \$600 million price tag of the two sealift ships. In fact, we could use those savings to purchase two more sealift ships than the Navy has planned.

Let me say that again. Using the funds now within the Navy POM, the Congress has two choices:

First, delay the LHD-7 and subsequently build only 20 sealift ships, or for the same amount of funding; and

Second, accelerate the LHD-7 and build not 20, but 22 sealift ships.

The financial choice is clear, the LHD-7 option should be exercised this year and the less costly sealift ship option should be allowed to expire.

The last argument presented by the opponents of LHD-7 is schedule. They feel that the delay of these two sealift ships is unacceptable. Well frankly, this argument just doesn't hold water.

First, the two sealift ships are already delayed approximately 5 months due to schedule slippage in the initial two boats. Pushing back the funding for these two ships until next year, will only delay the two ships in question an additional 7 months.

Second, the Navy's sealift program can hardly be described as schedule driven. It takes a shipyard approximately \$350 million and 36 months to build a new sealift ship. The other option, doing a conversion of an existing ship, costs only \$225 million and takes only 18 months. If the Navy really needed the ships as fast as they could be provided, they could have contracted for more conversions. This would have saved hundreds of millions in taxpayer money as well. But the Navy decided not to build the cheaper ships, and that an 18-month delay in the construction of each ship was acceptable.

By delaying purchase of the two sealift ships until 1996, we push back their completion date until 1999, 7 months behind schedule. If the Navy feels that

this is unacceptable, then instead of contracting for two new ships in 1996, they could buy two additional conversion ships which, as I've said, can be built much faster. In fact the Navy could actually accelerate its schedule for fielding sealift ships by buying the LHD-7 in 1995 and two conversion sealift ships in 1996.

In conclusion, I ask my colleagues to remember these key points when making their decision.

First, delaying the two sealift ships and acquiring the LHD-7 will save the Navy and the taxpayer hundreds of millions of dollars. This is because the cost of letting the LHD-7 option expire is seven times larger than the cost of letting the option on the two sealift ships expire.

Second, delaying the two sealift ships will have a negligible impact on the Navy's schedule and the Navy has the option of getting back on schedule by purchasing two more conversion ships in 1996.

Third, the requirement for the LHD-7 is just as valid as the requirement for the sealift ships.

The choice is clear. I, therefore, encourage my fellow senators to join me in defeating this amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent we temporarily lay aside the pending amendment.

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

The Senator from Arizona.

#### AMENDMENT NO. 1842

(Purpose: To terminate certain Department of Defense reporting requirements)

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

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], proposes an amendment numbered 1842.

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

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

The amendment is as follows:

On page 223, beginning with line 14, strike out all through page 227, line 11, and insert in lieu thereof the following:

#### SEC. 1042. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) IMMEDIATE TERMINATION.—Except as provided in subsection (c), notwithstanding the date set forth in subsection (a) of section 1151 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1758; 10 U.S.C. 113 note), the reporting requirements referred to in subsection (b) are terminated effective on the date of the enactment of this Act.

(b) APPLICABILITY.—Subsection (a) applies to each reporting requirement specified in enclosures 1 and 2 of the letter, dated April 29, 1994, by which the Director for Administration and Management, Office of the Secretary Defense, citing the authority of the provision of law referred to in subsection (a),

submitted a list of reporting requirements recommended for termination by the Department of Defense.

(c) PRESERVATION OF REQUIREMENTS.—(1) The reporting requirements set forth in the provisions of law referred to in paragraph (2) shall not terminate under subsection (a) of section 1151 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1758; 10 U.S.C. 113 note.)

(2) Paragraph (1) applies to the following reports:

(A) Reports required under the following provisions of title 10, United States Code:

(i) Section 2662, relating to reports on real property transactions.

(ii) Section 2672a(b), relating to reports on urgent acquisitions of land.

(iii) Section 2687(b)(1), relating to notifications of certain base closures and realignments.

(iv) Section 2690(b)(2), relating to notifications of proposed conversions of heating facilities at United States installations in Europe.

(v) Section 2804(b), relating to reports on contingency military construction projects.

(vi) Section 2806(c)(2), relating to reports on contributions for NATO infrastructure in excess of amounts appropriated for such contributions.

(vii) Subsections (b) and (c) of section 2807, relating to notifications and reports on architectural and engineering services and construction design.

(viii) Section 2823(b), relating to notifications regarding disagreements between certain officials on the availability of locations for suitable alternative housing for the Department of Defense.

(ix) Subsections (b) and (c) of section 2825, relating to notifications regarding improvements of family housing or construction of replacement family housing.

(x) Section 2827(b), relating to notifications regarding relocation of military family housing units.

(xi) Section 2835(g)(1), relating to economic analyses on the cost effectiveness of leasing family housing to be constructed or rehabilitated.

(xii) Section 2861(a), relating to the annual report on military construction activities and family housing activities.

(xiii) Subsections (e) and (f) of section 2865, relating to notifications regarding unauthorized energy conservation construction projects and an annual report regarding energy conservation actions.

(B) Reports required under the following provisions of title 37, United States Code:

(i) Section 406(i), relating to the annual report regarding dependents accompanying members stationed outside the United States in relation to the eligibility of such members to receive travel and transportation allowances.

(ii) Section 1008(a), relating to the annual report by the President on adjustments of rates of pay and allowances for members of the uniformed services.

(C) Reports required under the following provisions of law:

(i) Section 326(a)(5) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2368; 10 U.S.C. 2301 note), relating to reports on use of certain ozone-depleting substances.

(ii) Subsections (e) and (f) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2687 note), relating to notifications regarding negotiations for payments-in-kind for the release of improvements at overseas military installations to host countries and an annual report

on the status and use of the Department of Defense Overseas Military Facility Investment Recovery Account.

(iii) Section 1505(f)(3) of the Military Child Care Act of 1989 (title XV of Public Law 101-189; 103 Stat. 1594; 10 U.S.C. 113 note), relating to reports on closures of military child development centers.

(iv) Subsections (a) and (d) of section 7 of the Organotin Antifouling Paint Control Act of 1988 (Public Law 100-133; 102 Stat. 607; 33 U.S.C. 2406), relating to the annual report on the monitoring of estuaries and near-coastal waters for concentrations of organotin.

Mr. McCAIN. Mr. President, this amendment that I believe is going to be accepted is a very simple one. This amendment calls for the immediate termination of reports that we require the Department of Defense to submit annually to Congress. The Department of Defense identified and reviewed approximately 549 congressionally-mandated reports and produced a list as required, and of that list there was 106 reports that were presented by the Secretary of Defense for termination.

The Senate Armed Services Committee determined that 20 of those reports are necessary and they have been taken out of this list that I am submitting.

As I am sure my colleagues can tell, the focus of the amendment is to eliminate the excessive time and money that is spent on outdated, needless, reports.

An example of some of these reports is we require a report on the debarment of persons convicted of fraudulent use of "made in America" labels. This report was found to be essentially moot since there is no law requiring conviction for the fraudulent use of these labels. We have mandated a report titled "Collator Acquisition." Since all copying and duplicating equipment now come furnished with sorters, I do not think there is any doubt that this report is needless.

The list of unnecessary reports is extensive, but the key criterion for justifying the termination of these reports is descriptions such as "project completed," "redundant requirement," and "obviously could be replaced by internal reports."

You know, I had the privilege and pleasure of getting to know former Secretary of Defense Dick Cheney. Secretary Cheney mentioned to me there were a number of frustrations he experienced that he had very little appreciation for when he went from being a Member of Congress to be Secretary of Defense. One of the most wasteful in his view, and time consuming—and consuming of the taxpayers money—were these reports. There are presently now 549 mandated by the Congress to be submitted by the Department of Defense. We have literally hundreds of employees at the Secretary of Defense's office, in the Pentagon Building, whose only job is to generate these reports.

I believe many of them are necessary and many of them are required in order to keep the Congress apprised of the progress of the Department of Defense in carrying out our requests, orders, authorization, et cetera. But there are many which have been identified—as I say 86 of them—that I think should be removed immediately.

I mentioned a couple of them. Another one is Annual Plant Inventory Report; Jobs Which Exceed JCP Duplicating Limitations; Notice of Intent to Apply New Printing Processes; Collator Acquisition Report, et cetera—which just are not necessary.

Mr. President, if any of my colleagues feel there are any of these that are necessary after the staff of the Senate Armed Services Committee has reviewed them, I would be more than happy, within the next 24 hours or 48 hours—however long before this bill is finished—to put that report back in, eliminate it from this list. I have sent out a "Dear Colleague" to all my colleagues today, listing these reports that are in this amendment to be terminated. I would be more than happy to leave them in if there is any question whatsoever.

So I ask the distinguished managers of the bill if this amendment is acceptable to them? That way I think we can dispense with it in short order.

Mr. President, I ask unanimous consent the list of congressionally mandated reports recommended for termination, and a cover letter from D.O. Cooke, Director of Administration and Management at DOD, be printed in the RECORD.

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

OFFICE OF THE SECRETARY OF DEFENSE  
Washington, DC, April 29, 1994.

Hon. JOHN McCAIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR McCAIN: Enclosure 1 is the list of recurring Congressionally Mandated Reports recommended for termination by the Department of Defense (DoD) as required by Public Law 103-160, Section F, "Record-keeping and Reporting Requirements," Section 1151. Enclosure 2 is a list of reports recommended for termination because we were unable to find a DoD sponsor.

Your staff was involved in the early planning stages of this reports review and their participation was greatly appreciated. Overall, 549 Congressionally Mandated Reports were identified, loaded into a system, validated for sponsorship, and sent to the DoD Components for review. As you can see from the results, the Components put a lot of thought and effort into the review, and have recommended 106 reports for termination.

The systematic management of Congressionally Mandated Reports was long overdue and steps have been taken to institutionalize the management of these reports. This includes quarterly updating of the data base using on-line legal searches, validating sponsors, reviewing reporting requirements periodically, and disseminating information about the reports on a regular basis. Thus, in the future, Congressionally Mandated Reports that have outlived their usefulness can be eliminated in a timely manner.

Please let us know if we can be of further assistance in the regard. My point of contact on this effort is Mr. Robert S. Drake, who may be reached at (703) 604-4569.

Sincerely,

D.O. COOKE,  
Director.

Enclosures: As stated

CONGRESSIONALLY MANDATED REPORTS  
RECOMMENDED FOR TERMINATION

Title: Acquisition: Interests in Land When Need is Urgent.

Brief: The Secretary of a military department may acquire any interest in land that—(1) he or his designee determines is needed in the interest of national defense, (2) is required to maintain the operational integrity of a military installation; and (3) considerations of urgency do not permit delay necessary to include the required acquisition in an annual Military Construction Authorization Act. The Secretary of a military department contemplating action under this section shall provide notice, in writing, to the Committees on Armed Services of the Senate and House of Representatives at least 30 days in advance of any action being taken.

Justification for Termination: "Urgent" land acquisition report for ASCs; incompatible with efficient management (the 30-day defeats the statute's "considerations of urgency authority").

Title: Depot Level Repairables (DLR).

Brief: Level of funding and types of spares.

Justification for termination: The requirement for the OP-31 DLR display is found in the DOD financial management regulation (7000.14-R). H.R. 2521 DOD appropriation bill, 1992, Senate appropriations required the Army budget to identify these operating costs. There is no internal Army requirement for this data. This data does not assist the Army in the internal budget process. Therefore, having reviewed this exhibit and the requirement to submit the data, the requirement is unnecessary. If this were a one-time requirement or no longer needed at OSD, OMB, CBO, or the Congress, then the Army recommends termination.

Title: Minority Group Participation in Construction of the Tennessee-Tombigbee Waterway Project.

Brief: The Secretary of the Army, acting through the Chief of Engineers, is directed to make a maximum effort to assure the full participation of members of minority groups, living in the states participating in the Tennessee-Tombigbee Waterway Development Authority, in the construction of the Tennessee-Tombigbee Waterway Project, including actions to encourage the use, wherever possible, of minority owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

Justification for termination: This project has been completed.

Title: Real Property Transactions—Lease of Rental Property by GSA for DOD in Excess of \$200,000.

Brief: No element of DOD shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of \$200,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of DOD, until the expiration of 30 days from the

date upon which a report of the facts concerning the proposed occupancy is submitted to the Committees on Armed Services of the Senate and the House of Representatives.

Justification for termination: Individual reports to ASCs of land actions: Incompatible with efficient management (threshold of \$200,000 is .00001% of proposed FY 95 budget) and unnecessary (statute is not an authority; any action must meet another statute's requirements).

Title: Real Property Transactions—Reports to Congressional Committees.

Brief: The Secretary of a military department, or his designee, may not enter into any of the following listed transactions by or for the use of that Department until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and the House of Representatives: (1) an acquisition of fee title to any real property, if the estimated price is more than \$200,000; (2) a lease of any real property to the U.S., if the estimated annual rental is more than \$200,000; (3) a lease or license of real property owned by the U.S., if the estimated annual fair market rental value of the property is more than \$200,000; (4) a transfer of real property owned by the U.S. to another Federal agency or another military department or to a State, if the estimated value is more than \$200,000; (5) a report of excess real property owned by the U.S. to a disposal agency, if the estimated value is more than \$200,000; and (6) any termination or modification by either the grantor or grantee of an existing license or permit of real property owned by the U.S. to a military department, under which substantial investments have been or are proposed to be made in connection with the use of the property by the military department.

Justification for termination: Individual reports to ASCs of land actions: Incompatible with efficient management (threshold of \$200,000 or .00001% of proposed FY 95 budget) and unnecessary (statute is not an authority; any action must meet another statute's requirements).

Title: Real Property Transactions—Reports to Congressional Committees.

Brief: The Secretary of each military department shall report annually to the Committees on Armed Services of the Senate and the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than the small purchase threshold under section 2304(g) of this title but not more than \$200,000.

Justification for termination: Annual compilation for ASCs of land actions: Incompatible with efficient management (reports actions less than \$200,000 or .00001% of proposed FY 95 budget) and unnecessary (statute is not an authority; any action must meet another statute's requirements).

Title: Written Agreement Requirement Regarding Water Resources Projects.

Brief: The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon to Congress. This shall not apply to any project the construction of which was commenced before January 1, 1972, or to the assurances for future demands required by the Water Supply Act of 1958, as amended. Following the date of enactment, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, Chief of Engineers or by a nonfederal interest

where such interest will be reimbursed for such construction under the provisions of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each nonfederal interest has entered into a written agreement with the Secretary of the Army/COE to furnish its required cooperation for the project. The agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.

Justification for termination: This annual report simply provides the total number executed (according to six types of agreements) and states whether maintenance of any projects has been found to be deficient. However, the inventory requires substantial effort to track agreements, and report relevant data. When this requirement was new Congress was curious as to its effectiveness. However, over 2,000 agreements have been executed since 1972, and Congress has shown no interest in this report. This report has outlived its usefulness.

Title: Administration of Military Construction and Military Family Housing Activities.

Brief: The SECDEF shall submit a report to the appropriate committees of Congress each year with respect to military construction and military family housing activities. Each report shall be submitted at the same time that the annual request for military construction authorization is submitted for that year. Otherwise, information to be provided in the report shall be provided for the two most recent fiscal years and for the fiscal year for which the budget request is made.

Justification for termination: The report data is available on an as needed basis from each of the services.

Title: Architectural and Engineering Services and Construction Design.

Brief: Within amounts appropriated for military construction and military family housing, the Secretary of the service concerned may obtain architectural and engineering services and may carry out construction design in connection with military construction projects and family housing projects. Amounts available for such purposes may be used for construction management of projects that are funded by foreign governments directly or through international organizations and for which elements of the Armed Forces of the United States are the primary user. In the case of architectural and engineering services and construction design to be undertaken for which the estimated cost exceeds \$300,000, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services not less than 21 days before the initial obligation of funds for such services.

Justification for termination: Design and project fees are up since enactment of this requirement. Notification process delays execution.

Title: Biological Defense Research Program—RDT&E Conducted by DOD During Previous Fiscal Year.

Brief: The SECDEF shall submit to Congress an annual report on research, development, test, and evaluation conducted by DOD during the preceding fiscal year for the purposes of biological defense. The report shall be submitted in both classified and unclassified form and shall be submitted each

year in conjunction with the submission of the budget to Congress for the next fiscal year.

Justification for termination: Is now covered as a subset to the title 50 report requirement for a comprehensive CB defense report. The title 50 report is a comprehensive report now called the Department of Defense annual report to Congress on the research, development, test and evaluation of the chemical/biological defense program. The information in this report can now be integrated into the newly required CB defense annual report to congress, required by Public Law 103-160, the National Defense Authorization Act for fiscal year 1994, title XVII. Therefore, Atomic Energy recommends integrating the information required by title 10 and title 50, into the new FY 1994 authorization act requirement for a comprehensive annual CB defense report.

Title: Construction—Contingency.

Brief: The SECDEF may carry out a military construction project not otherwise authorized by law, or may authorize the Secretary of a military department to carry out a project, if the SECDEF determines that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or national interest. The SECDEF shall submit a report in writing to the appropriate committees of Congress on that decision. Each report shall include the justification for the project and the current estimate of the cost of the project, and the justification for carrying out the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees.

Justification for termination: This requirement is redundant. The only difference is in justifying construction and in a 21-day wait period.

Title: Construction Projects for Environmental Response Actions.

Brief: The SECDEF may carry out a military construction project not otherwise authorized by law (or may authorize the Secretary of a military department to carry out such a project) if the SECDEF determines that the project is necessary to carry out a response action under the comprehensive environmental response, compensation, and liability act. When a decision is made to carry out a military construction project, the SECDEF shall submit a report, in writing, to the appropriate committees of Congress on that decision. Each report shall include the justification for the project and the current estimate of the cost of the project; and the justification for carrying out the project.

Justification for termination: Environmental cleanup requirements are contained in the annual DOD budget justification material provided with the DOD budget each year. Cleanup requirements are identified in the DERP annual report to Congress required by PL 103-160.

Title: Contracts: Consideration of National Security Objectives.

Brief: If the SECDEF determines that entering into a contract with a firm or a subsidiary of a firm is not inconsistent with the national security objectives of the U.S., the head of an agency may enter into a contract with such firm or subsidiary after the date on which such head of an agency submits to Congress a report on the contract. The report shall include the following: (i) the identity of the foreign government concerned; (ii) the nature of the contract; (iii) the extent of ownership or control of the firm or subsidiary concerned or, if appropriate in the

case of a subsidiary, by the foreign government concerned or the agency or instrumentality of such foreign government; and (iv) the reasons for entering into the contract.

Justification for termination: Report was required when SECDEF waived prohibition against awarding contract to firm or controlled by country in support of national terrorism. Report places unwarranted prior restraint on the procurement prerogatives of executive branch of Government because it must be submitted before a contract is awarded.

Title: Core Logistics Functions Waiver.

Brief: The SECDEF may waive in the case of such logistics activity or function and provide that performance of such activity or function shall be considered for conversion to contractor performance in accordance with OMB circular A-76. Any such waiver shall be made under regulations prescribed by the SECDEF and shall be based on a determination by the SECDEF that government performance of the activity or function is no longer required for national defense reasons. Such regulations shall include criteria for determining whether government performance of any such activity or function is no longer required for national defense reasons. A waiver may not take effect until the SECDEF submits a report on the waiver to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Justification for termination: This reporting requirement is eight years old—is no longer required and should be deleted. PL 100-320, OMB circular A-76 provides proper safeguards for contract conversions.

Title: Debarment of Persons Convicted of Fraudulent Use of "Made in America" Labels.

Brief: If the SECDEF determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the SECDEF shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting with DOD. If the SECDEF determines that the person should not be debarred, the SECDEF shall submit to Congress a report on such determination not later than 30 days after the determination is made.

Justification for termination: Recommend termination. Provision is essentially moot since there is no specific law requiring conviction for fraudulent use of "Made in America" labels. DDP will accumulate any reports and make them available when necessary.

Title: Defense Enterprise Programs: Milestone Authorization—Program Deviations.

Brief: If the SECDEF receives a program deviation report under 10 USC 2435(b) with respect to a defense enterprise program for which funds are authorized the SECDEF shall notify the Committee on Armed Services of the Senate and House of Representatives of the receipt of such report before the end of the 15-day period beginning on the date on which the secretary receives such report.

Justification for termination: Defense enterprise programs have not been an effective management tool for the Department. The section 800 report recommends cancellation of this legislation.

Title: Defense Enterprise Programs: Milestone Authorization—Submission of Baseline Descriptions.

Brief: The SECDEF may designate defense enterprise programs in each military depart-

ment to be considered for milestone authorization. Not later than the end of the 90-day period beginning on the date that a defense enterprise program is designated, submit to the Committees on Armed Services of the Senate and House of Representatives the baseline description and request, from Congress, authority to obligate funds in a single amount sufficient to carry out the stage for which the baseline description is submitted.

Justification for termination: As stated above, all defense enterprise programs should be cancelled. Current acquisition reform activities include and subsume intent of this legislation.

Title: Determination of Availability of Suitable Housing for Acquisition in Lieu of Construction of New Family Housing.

Brief: Before entering into a contract for the construction of family housing units authorized by law to be constructed at a location within the United States, the Secretary concerned shall consult in writing with the Secretary of Housing and Urban Development as to the availability of suitable alternative housing at such location. The Secretary of Housing and Urban Development shall advise the Secretary concerned in writing as to the availability of such housing. If the Secretary of Housing and Urban Development does not advise the Secretary concerned as to the availability of suitable housing within 21 days of the date on which the request for such advice is made, the Secretary concerned may enter into a contract for the proposed construction. If the Secretary concerned and the Secretary of Housing and Urban Development disagree with respect to the availability of suitable alternative housing at any location, the Secretary concerned shall notify the appropriate committees of Congress, in writing, of the disagreement, of the Secretary's decision to proceed with construction, and the justification for proceeding with construction.

Justification for termination: Unnecessary. Can be replaced by internal reports, if needed by DOD.

Title: Elimination of Use of Class I Ozone-Depleting Substances in Certain Military Procurement Contracts.

Brief: No DOD contract awarded after June 1, 1993, may include a specification or standard that requires the use of a class I ozone-depleting substance or that can be met only through the use of such a substance unless the inclusion of the specification or standard in the contract is approved by the senior acquisition official (SAO) for the procurement covered by the contract. The SAO may grant the approval only if the SAO determines (based upon the certification of an appropriate technical representative of the official) that a suitable substitute for the class I ozone-depleting substance is not currently available. Each official who grants an approval shall submit to the SECDEF a report on that approval or determination. The SECDEF shall promptly transmit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to him by the SAO. The SECDEF shall transmit the report in classified and unclassified forms.

Note: Beginning on October 1, 1993, and continuing for 8 calendar quarters thereafter, the report will be submitted to the Armed Services Committees not later than 30 days after the end of the quarter. Beginning on January 1, 1997, and continuing for 4 years thereafter, the report will be submitted not later than 30 days after the end of the year.

Justification for termination: The production of halons was phased out in January

1994. Only recycled/reclaimed products may now be procured. Production of class I ozone depleting substances, refrigerants, and solvents will be phased out on January 1, 1996. Report uses a large quantity of DOD resources and provides no useful management tool for DOD or Congress.

Title: Energy Savings at Military Installations.

Brief: The SECDEF shall designate an energy performance goal for DOS for the years 1991 through 2000. To achieve the goal designated, the SECDEF shall develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy savings. The SECDEF shall provide that the selection of energy conservation measures under the plan shall be limited to those with a positive net present value over a period of 10 years or less. The SECDEF shall provide that 3/4 of the portion of the funds appropriated to DOD for a fiscal year (FY) that is equal to the amount of energy cost savings realized by the DOD, including financial benefits resulting from shared energy savings contracts and financial incentives described for any FY, beginning after FY90 shall remain available for obligation through the end of FY following the FY for which the funds were appropriated, with additional authorization or appropriation. The SECDEF shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of DOD as well as the private sector. The SECDEF shall permit and encourage each military department, defense agency, and other instrumentality of DOD to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation. Not later than December 31 of each year, the SECDEF shall transmit an annual report to Congress containing a description of the actions taken to carry out energy savings at military installations and the savings realized from such actions during the FY ending in the year in which the report is made.

Justification for termination: This reporting requirement has been superseded by the Energy Policy Act of 1992 which established conservation goals for the year 2000 and requires annual agency reports to Congress through the Department of Education.

Title: Environmental Restoration Costs for Installation to be Closed under 1990 Base Closure Law.

Brief: Each year, at the same time the President submits to Congress the budget for a fiscal year, the SECDEF shall submit to Congress a report on the funding needed for the fiscal year for which the budget is submitted, and for each of the following four fiscal years, for environmental restoration activities at each military installation separately by fiscal year for each military installation.

Justification for termination: Already contained in the Defense Annual Environmental Restoration Program report to Congress required by PL 103-160.

Title: Environmental Restoration Requirements at Military Installations to be Closed.

Brief: The SECDEF, after consultation with the Administrator of the Environmental Protection Agency, may extend for a 6-month period of time in which the requirements must be met with respect to a military installation, within the scope of the Federal facility agreement governing clean-up at the installation. The SECDEF submits

to Congress a notification containing a certification that, to the best of the Secretary's knowledge and belief, the requirements cannot be met with respect to the military installation by the applicable deadline because one of the conditions set forth exists; and a period of 30 calendar days after receipt by Congress of such notice has elapsed.

**Justification for termination:** Status of these installations is contained in the DERP annual report to Congress required by PL 103-160. EPA consultation is obtained by detailed coordination and teamwork between the EPA, state regulators, and DOD in the development of each closing installation's BRAC cleanup plan.

**Title:** General and Flag Officer Quarters—\$25K annual maintenance limit.

**Brief:** Limit of total repair and maintenance to \$25,000/year unless included in budget justification.

**Justification for termination:** This report can be replaced by an internal report if DOD so deems it necessary.

**Title:** Improved National Defense Control of Technology Diversions Overseas.

**Brief:** The SECDEF and the Secretary of Energy shall each collect and maintain a data base containing a list of, and other pertinent information on, all contractors with DOD and the Department of Energy, respectively, that are controlled by foreign persons. The data base shall contain information on such contractors for 1988 and thereafter in all cases where they are awarded contracts exceeding \$100,000 in any single year by DOD or the Department of Energy. The SECDEF, the Secretary of Energy, and the Secretary of Commerce shall submit to Congress, by March 31 of each year, beginning in 1994, a report containing a summary and analysis of the information collected for the year covered by the report. The report shall include an analysis of accumulated foreign ownership of U.S. firms engaged in the development of defense critical technologies.

**Justification for termination:** Recommend termination. Are no existing data bases to identify which contractors are foreign controlled. Will place additional burdens on contractors and DOD.

**Title:** Improvements to Military Family Housing Units.

**Brief:** Funds may not be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units that are to be converted into or are to be used as a single family housing unit, if the cost per unit of such improvement will exceed (A) \$50,000 multiplied by the area of construction cost index as developed by the DOD for the location concerned at the time of contract award, or (B) in the case of improvements necessary to make the unit suitable for habitation by a handicapped person, \$60,000 multiplied by such index. The Secretary concerned may waive the limitations if such Secretary determines that, considering the useful life of the structure to be improved and the useful life of a newly constructed unit the improvement will be cost effective, and a period of 21 days elapses after the date on which the Committees on Appropriations of the Senate and of the House of Representatives receive a notice from the Secretary of the proposed waiver together with the economic analysis demonstrating that the improvement will be cost effective.

**Justification for termination:** This report is unnecessary. Can be replaced by an internal report and is not needed for management purposes.

**Title:** Improvements to Military Family Housing Units—Construction in Lieu of Improving.

**Brief:** The Secretary concerned may construct replacement military family housing units in lieu of improving existing military family housing units if—(A) The improvement of the existing housing units has been authorized by law; (B) The Secretary determines that the improvement project is no longer cost-effective after review of post-design or bid cost estimates; (C) The Secretary submits to the Committees on Armed Forces and Appropriations of the Senate and the House of Representatives a notice containing (i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the Armed Forces in the same paygrade or grades as the members who occupy the existing housing units and (ii) the replacement housing units are intended for members of the Armed Forces in a different pay grade or grades, justification of the need for the replacement housing units based upon the long-term requirements of the Armed Forces in the location concerned.

**Justification for termination:** This report is unnecessary. Can be replaced by an internal report.

**Title:** Kinds of Contracts: Multiyear Contract Certification.

**Brief:** A multiyear contract may not be entered into for any fiscal year for a defense acquisition program that has been specifically authorized by law to be carried out using multiyear contract authority unless each of the following conditions are satisfied: (1) The SECDEF certifies to Congress that the current 5-year defense program fully funds the support costs associated with the multiyear program; and (2) the proposed multiyear contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

**Justification for termination:** Multiyear contracts are more difficult to sustain in post-cold war defense environment where emphasis is being placed on maintaining technology base capabilities. Comptroller must provide a justification package with the budget when any multiyear production contracts are requested. Beyond this requirement, all other reporting requirements associated with multiyear contracts should be terminated.

**Title:** Leasing—Foreign Leasing Cap Added to Semi-Annual Report.

**Brief:** Modifies semiannual reports on foreign leasing cap to include a column indicating the prior year's reported cap by location.

**Justification for termination:** This report is unnecessary. Can be replaced by DOD internal report, if needed for management purposes.

**Title:** Lobbying Activities Under the Byrd Amendment.

**Brief:** This report involves lobbying activity, and is provided by A&T.

**Justification for termination:** Reports on lobbying are currently running less than 10 a year. The reports are forwarded from each activity to the Director of Defense Procurement (DDP), consolidated, and sent to Congress. There is no reason these reports cannot reside at DDP. In addition, the reports being furnished are of little value, the main deterrent to the law being the prohibition on the expenditure of appropriated funds for lobbying. Over the past four years, no questions or queries have been received from Congress on the content of any of these reports.

**Title:** Long-Term Leasing of Military Family Housing To Be Constructed.

**Brief:** The Secretary of a military department may enter into a contract for the lease

of family housing units to be constructed or rehabilitated to residential use near a military installation within the United States under the Secretary's jurisdiction at which there is a shortage of family housing. The budget material submitted to Congress by the Secretary of Defense shall include materials that identify the military housing projects for which lease contracts are proposed to be entered in such fiscal year.

**Justification for termination:** This report is unnecessary. It can be replaced by a DOD report, if needed for management purposes.

**Title:** Low-Rate Initial Production of Naval Vessel and Satellite Programs.

**Brief:** With respect to naval vessel programs and military satellite programs, low-rate initial production is production of items at the minimum quantity and rate that (a) preserves the mobilization production base for that system, and (b) is feasible as determined pursuant to regulations prescribed by the SECDEF. For each naval vessel program and military satellite program, the SECDEF shall submit to Congress a report providing (a) an explanation of the rate and quantity prescribed for low-rate initial production and the considerations in establishing that rate and quantity; (b) a test and evaluation master plan for that program; and (c) an acquisition strategy for that program approved by the SECDEF, which includes the procurement objectives in terms of total quantity of articles to be procured and annual production rates.

**Justification for termination:** In today's environment lower rates are being established for many types of environments besides naval vessels and satellites. Test and evaluation master plans and other normal acquisition oversight activities provide effective monitoring and oversight for all major programs. Special treatment for naval vessels and satellites is unnecessary. This reporting equipment should be terminated.

**Title:** Major Defense Acquisition Program Defined.

**Brief:** The SECDEF may adjust the amounts (and the base fiscal year) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the secretary transmits a written notification of the adjustment to the committees on armed services of the Senate and House of Representatives.

**Justification for termination:** This provision was utilized in the most recent update of DOD 5000.1 and DOD 5000.2. Annual reports are unnecessary.

**Title:** Management of Certain Defense Procurement Programs.

**Brief:** The SECDEF shall submit to Congress, at the same time as the budget for any fiscal year (FY), a statement of what the effect would be during the FY for which the budget is submitted on the stretchout of a major defense acquisition program if either of the following applies with respect to that program: (1) the final year of procurement scheduled for the program at the time of the statement is submitted is more than 2 years later than the final year of procurement for the program as specified in the most recent annual selected acquisition report for that program; and (2) the proposed procurement quantity proposed for the same FY in the most recent annual selected acquisition report for that program.

**Justification for termination:** Any necessary information should be included in the SAR (submitted under title 10 USC 2432). No additional report should be necessary.

**Title:** Manufacturing Technology.

**Brief:** National MANTECH plan. (class and unclass). SecDef Mantech.

Justification for termination: Report recommended for termination according to 1993 legislation.

Title: Notification of Prime Contract Awards to Comply With Cooperative Agreements.

Brief: The SECDEF shall notify Congress each time he requires that a prime contract be awarded to a particular prime contractor or that a subcontract to be awarded to a particular subcontractor to comply with a cooperative agreement. The SECDEF shall include in each such notice the reason for exercising his authority to designate a particular contractor or subcontractor, as the case may be.

Justification for termination: Recommend termination. Less than a handful have been reported, and all but one part of the Arms Export Control Act. DOD has no need for such information and no one else is monitoring the reports.

Title: Promotion of Energy Savings at Military Installations.

Brief: Decision to carry out a military construction project for energy conservation. SecDef report.

Justification for termination: This is a notification requirement only and could be eliminated.

Title: Relocation of Military Family Housing Units.

Brief: The Secretary concerned may relocate existing military family housing units from any location where the number of such units exceeds requirements for military family housing to any military installation where there is a shortage. A contract to carry out a relocation of military family housing units may not be awarded until (1) the Secretary concerned notifies Congress of the proposed new locations of the housing units to be relocated and the estimated cost of and source of funds for the relocation, and (2) a period of 21 days has elapsed after the notification has been received by those committees.

Justification for termination: This report is unnecessary. Can be replaced by DOD report, if needed.

Title: Reporting Requirement—Domestic Leases.

Brief: Details of all new or renewed leases entered into that exceed \$12,000, including certification that less expensive housing was not available.

Justification for termination: This report is unnecessary. It can be replaced by a DOD report, if needed.

Title: Requirement for Authorization of Number of Family Housing Units.

Brief: The Secretary of an Armed Force may not construct or acquire military family housing units unless the number of units to be constructed or acquired has been specifically authorized by law. The Secretary of the Armed Force must provide to the appropriate committees of Congress written notification of the facts concerning the proposed acquisition; and a period of 21 days elapses after the notification is received by those committees.

Justification for termination: This report is unnecessary. Can be replaced by a DOD internal report, if needed.

Title: Reverse Engineering.

Brief: Status on the program's progress. (The requirement for this report was originated by Congress during the pilot reverse engineering program (1985-1988) to measure its effectiveness and to determine whether a permanent program should be established. The pilot program was successfully concluded in April 1988. Since that time, the

services have been reverse engineering items on an as-needed basis, which is the intent. House Report 100-1002, which applauded the results of the pilot program, asked the department to maintain statistics and provide annual reports.

Justification for termination: Reverse engineering has now been recognized and the report has outlived its usefulness. The services maintain statistics for their own use, and if that information is ever required, it could be obtained. The effort required to consolidate this information and process the resultant report to Congress is not commensurate with the value of the report).

Title: Review of Contracts.

Brief: All contracts entered into, amended, or modified pursuant to authority contained in this act shall include a clause to the effect that the comptroller general of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. If the clause is omitted, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served, by the omission of the clause, the agency head will submit a report to Congress in writing.

Justification for termination: Recommend termination. This report is required when agency head determines that public interest would best be served by omitting the clause permitting examination of functional and other records as otherwise required for inclusion in contract where relief has been granted.

Title: Revisions to Contract Claims: Certification Regulations.

Brief: The SECDEF may propose, for inclusion in the Federal acquisition regulation, regulations relating to certification of contract claims, requests for equitable adjustment to contract terms and request for relief under PL 85-804 that exceed \$100,000. If at any time the SECDEF proposes revisions to the relations, the SECDEF shall ensure that the proposed revisions are published in the Federal Register and, at the time of publication of such revisions, shall submit to Congress a report describing the proposed revisions and explaining why the regulations should be revised.

Justification for termination: Recommend termination. Any revisions to regulations will be published in the "Federal Register." No value is added to the regulation writing process.

Title: Selected Acquisition Reports for Certain Programs.

Brief: The SECDEF shall submit to the Committees on Armed Services of the Senate and House of Representatives a selected acquisition report for each of the following programs: (1) the advanced technology bomber program; (2) the advanced cruise missile program; and (3) the advanced tactical aircraft program.

Justification for termination: This report may be deleted. The program was terminated by the SECDEF. Selected acquisition report is no longer needed.

Title: Support of Science, Mathematics and Engineering Education—Master Plan.

Brief: At the same time that the President submits to Congress the budget for each of fiscal years 1993 through 1997, the Secretary of Defense shall submit to Congress a master

plan for activities by the Department of Defense during the next fiscal year to support education in science, mathematics, and engineering at all levels of education in the United States. Each plan shall be developed in consultation with the Secretary of Education. The activities of the plan shall contribute to the achievement of the national education goals. Each such plan shall (a) define the programs of the military departments and defense agencies and, (b) allocate resources for such programs.

Justification for termination: Requirement for annual report unnecessary because it is overly burdensome and adds no value to DOD SME education efforts. DOD has always had an inherent interest in the SME education of our Nation's students and will continue to develop programs which will enhance the training of our future scientists and engineers.

Title: The Pacific Environmental Leadership Effort (PELE).

Brief: Progress report on implementation of PELE. SECDEF report.

Justification for termination: Will be addressed in the annual report to Congress on the status of the DOD legacy resource management program (Senate Report 103-153, pages 83-84). Recommend deletion.

Title: Waiver of 5-Year Prohibition on Persons Convicted of Defense-Contract Related Felonies.

Brief: A person who is convicted of fraud or any other felony arising out of a contract with DOD shall be prohibited from working in a management or supervisory capacity on any defense contract, or serving on the board of directors of any defense contractor, for a period as determined by the SECDEF, of not less than 1 year from the date of the conviction. The prohibition may apply with respect to a person for a period of less than 5 years if the SECDEF determines that the 5-year period should be waived in the interest of national security. If the 5-year period is waived, the SECDEF shall submit to Congress a report stating the reasons for the waiver.

Justification for termination: Recommend termination. The requirement is an unnecessary administrative burden. There have not been any requests for waiver. In the event of waiver, information will be maintained at the office of the Director of Procurement.

Title: Waiver on Prohibition on Contracting With Entities That Comply With the Secondary Arab Boycott of Israel.

Brief: It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person consistent with the policy, DOD may not award a contract for an amount in excess of the small purchase threshold to a foreign entity unless that entity certifies to the SECDEF that it does not comply with the secondary Arab boycott of Israel. The SECDEF may waive the prohibition in specific instances when the SECDEF determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each fiscal year, the SECDEF shall submit to Congress a report identifying each contract for which a waiver was granted during that fiscal year.

Justification for termination: This reporting requirement is an unnecessary administrative burden. Waivers and foreign entity certifications of noncompliance with boycott become part of permanent contract file and can be made available for review at any time.

Title: A-10s for the U.S. Forest Service—Reasons for Dissatisfaction.

Brief: Reasons for dissatisfaction with the Forest Service plans to ensure A-10s will not be obtained by a foreign government.

Justification for termination: The U.S. Forest Service is no longer interested in acquiring these aircraft.

Title: A-10s to U.S. Forest Service—Excess to Air Force needs.

Brief: A-10 are excess to Air Force needs.

Justification for termination: The U.S. Forest Service is no longer interested in acquiring these aircraft.

Title: Activation or Moving a Printing Plant.

Brief: JCP requires their authorization before establishing or moving printing plants.

Justification for termination: Include in printing program plan.

Title: Annual Map and/or Chart Plant Report.

Brief: JCP form 4 reports map and chart printing plant operating costs and production.

Justification for termination: Include in printing program plan.

Title: Annual Plant Inventory.

Brief: JCP form 5 reports the inventory of printing equipment in each printing plant.

Justification for termination: Include in printing program plan.

Title: Coal—Kaiserslautern Military Community.

Brief: Progress made toward agreements on the use of U.S. anthracite coal.

Justification for termination: This reporting requirement was levied because of Congress' concern that the Air Force would not actively pursue heating supply agreements with local German authorities in Kaiserslautern. Since obtaining sole source authority, we have pressed hard to complete negotiations, as indicated in quarterly reports submitted to date. We have demonstrated our willingness to complete cost effective agreements and a quarterly progress report is no longer necessary. Also, if negotiations are successful, we are required to formally notify Congress prior to contract award.

Title: Collator Acquisition.

Brief: JCP form 3 reports acquisition of power operated collators for use in other than authorized printing plants.

Justification for termination: Copying and duplicating equipment now come furnished with sorters.

Title: Commercial Printing.

Brief: JCP form 2 reports printing procured from commercial sources other than the Government Printing Office or its contractors.

Justification for termination: Include in printing program plan.

Title: Equipment Acquisition or Transfer.

Brief: JCP requires their authorization before acquiring or transferring printing equipment.

Justification for termination: Set capacity and allow managers to move or acquire equipment up to capacity.

Title: Equipment Installation Notice.

Brief: JCP requires notification before the installation of new equipment.

Justification for termination: Include in printing program plan.

Title: Excess Equipment.

Brief: JCP form 7 reports the inventory of excess equipment in each printing plant. (An annual submission of this report also occurs).

Justification for termination: Include in annual plant inventory in printing program plan.

Title: Jobs Which Exceed JCP Duplicating Limitations.

Brief: Consolidated duplicating center and facilities report jobs which exceed limitations imposed by the JCP.

Justification for termination: Include in printing program plan.

Title: Notice of Intent to Apply New Printing Processes.

Brief: JCP requires notification before utilizing newly developed or improved processes.

Justification for termination: Include in printing program plan.

Title: Notice of Intent to Contract Printing Services.

Brief: JCP requires notification before including printing in services contracts.

Justification for termination: Include in printing program plan.

Title: Printing Plant Report.

Brief: JCP form 1 reports printing plant operating costs and production.

Justification for termination: Include in printing program plan.

Title: Research and Development Plans.

Brief: JCP requires advisement of plans to engage in applied research or development affecting printing or related fields.

Justification for termination: Include in printing program plan.

Title: Stored Equipment.

Brief: JCP form 6 reports the inventory of stored printing equipment in each printing plant.

Justification for termination: Include in annual plant inventory in printing program plan.

Title: Annual Authorization of Appropriations—O&M Funds Restriction in Support of Democratic Resistance of Nicaragua.

Brief: Notwithstanding title II of the Military Construction Appropriations Act, 1987, or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces of Nicaragua. Funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition). Before funds appropriated or otherwise made available to the DOD are released to be used for the purpose stated, the SECDEF shall submit a report to Congress describing the specific source of such funds.

Justification for termination: The Nicaraguan democratic resistance is no longer in operation.

Title: Burdensharing Contributions by Japan.

Brief: Contributions accepted.

Justification for termination: This report was modified in the FY 1994 DOD Authorization Act, Section 1402.

Title: Burdensharing Contributions by Japan and the Republic of Korea.

Brief: Amount of contributions accepted and expended. SecDef report.

Justification for termination: This report was modified in the FY 1994 DOD Authorization Act, Section 1402.

Title: Burdensharing Contributions by Korea.

Brief: Contributions received. SecDef report.

Justification for termination: This report was modified in the FY 1994 DOD Authorization Act, Section 1402.

Title: Burdensharing Contributions by Kuwait.

Brief: Contributions made, and explanation of the relationship between any "out-of-

country" costs and "in-country" US military activities they support.

Justification for termination: This report was modified in the FY 1994 DOD Authorization Act, Section 1402.

Title: Closing Accounts—Obligations and Adjustment to Obligations.

Brief: Certification by the SECDEF to the Congress (1) that the limitations on expending and obligating amounts established pursuant to 31 USC 1341 are being observed, (2) that reports on any violations of such section, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by 31 USC 1351. If the SECDEF cannot make the certification within 60 days the SECDEF must alternatively certify to Congress in writing that the SECDEF is unable to make the report setting forth the actions that the Secretary will take in order to make such certifications after the end of the period.

Justification for termination: This report was completed on January 1993.

Title: Operations of DOD Overseas Military Facility Investments Recovery Account.

Brief: Not later than January 15 of each year, the SECDEF shall submit to the congressional defense committees a report on the operations of DOD overseas military facility investment recovery account during the preceding fiscal year and proposed uses of funds in the special account during the next fiscal year.

Justification for termination: Should be included in the quarterly report to Congress on the status of residence value negotiations prepared by ODUSD (ES). The comptroller would have collateral action and coordinate on the report.

Title: Preparation of Budget Requests for Operation of Professional Military Education Schools.

Brief: Separate budget request for operation of each professional military education school.

Justification for termination: Nobody has requested the report in two years.

Title: Industrial Fund Management Reports.

Brief: The Department of Defense has five industrial funds. They are as follows: Navy industrial fund, Marine Corps Industrial Fund, Army Industrial Fund, Air Force Industrial Fund, and Defense Industrial Fund. Combined reports are required for each industrial fund accompanied by supporting reports by activity group. The term "activity group" is used herein to mean any number of activities financed under an industrial fund having similar missions or operating characteristics. It is required that annual reports be submitted to the president and to the Congress on the condition and operation of working-capital funds established under 10 USC 2208. The reporting requirements prescribed herein are designated as accounting report 1307.

Justification for termination: These reports no longer exist in DOD. Recommend termination.

Title: Reports on Price and Availability Estimates.

Brief: NLT fifteen days after the end of each calendar quarter submit a report on price and availability; LOA requests for \$7M or more of MDE, \$25M or more of defense articles or services or for air-to-ground/ground-to-air missiles.

Justification for termination: This report is redundant. The provision for this report requires reporting of potential foreign military sales which may or may not result in

actual sales. Sales offers to foreign purchasers as well as actual sales are being reported in a broader scope at the \$1 million threshold on a quarterly basis, as required by section 36(a) of the Arms Export Control Act, 22 USC 2765.

Title: Employees or Former Employees of Defense Contractors.

Brief: If a former or retired officer of the Army, Navy, Air Force, or Marine Corps who (1) has at least 10 years of active service, and (2) held for any period during that service a grade above captain or, if Navy, above lieutenant; and a former civilian official or employee (including a consultant or part-time employee) of DOD whose pay rate (at any time during the 3-year period before end of the last service of the person with DOD) was at least equal to the minimum rate at the time for GS-13, was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a year at an annual pay rate of at least \$25,000 and the defense contractor was awarded contracts by DOD during the preceding year that totaled at least \$10,000,000, and within the 2-year period ending on the day before the person began the employment or consulting relationship, the person served on active duty or was a civilian employee for DOD, the person shall file or report with the SECDEF in the manner and form prescribed by the SECDEF. Before April 1 of each year, the SECDEF shall report to Congress the names of persons who have filed reports for the preceding year and the names shall be listed, by groups, under the names of appropriate defense contractors.

Justification for termination: Since the requirement for this report was enacted in November of 1969, there have been other laws passed which address the identical concerns. These included the Ethics in Government Act of 1978 (Public Law No. 95-521) and the Ethics Reform Act of 1989 (Public Law No. 101-194). These laws imposed stringent new "revolving door" restrictions on the entire executive branch. In addition, new post-government restrictions were imposed on departing DOD officers and employees by section 2397b of Title 10 United States Code in 1989. These additional restrictions have made this report lose any value that it may have had.

Title: Requirement Concerning Former DOD Officials.

Brief: Any contractor, that was awarded one or more contracts by DOD during the preceding fiscal year in an aggregate amount of at least \$10,000,000 that is subject during a calendar year to contract provision shall submit to the SECDEF, not later than April 1 of the next year, a written report covering the preceding calendar years. Each report shall list the name of each person (together with other information adequate for the Government to identify the person) Who: (1) is a former officer or employee of DOD or a former or retired member of the Armed Forces; and (2) during the preceding calendar year was provided compensation by that contractor, if such compensation was provided within 2 years after such officer, employee, or member left service in DOD. The SECDEF shall make reports submitted under this requirement available to any member of Congress upon request.

Justification for termination: The report required of defense contractors by this law was intended to identify former DOD officers and employees who may be tempted to misuse sensitive procurement information that they had acquired while serving in DOD. This problem has been completely resolved

by the Procurement Integrity Act (Public Law 100-679). In addition, implementation of the reporting requirement obligates all major DOD contractors to set up more complex personnel information systems than required for their own management purposes. Inevitably, the added costs of such internal systems must be born by the Department of Defense in terms of higher costs for goods and services.

Title: Health-Care Sharing Agreements Between Department of Veterans Affairs and Department of Defense.

Brief: For each of fiscal years (FYs) 1993 through 1996 the SECDEF shall submit a report on opportunities for greater sharing of the health care resources of the Veterans Administration and DOD which would be beneficial to both veterans and members of the Armed Forces and could result in reduced costs to the Government by minimizing duplication and under use of health care resources. The FY 1996 report will also include—(1) an assessment of the effect of agreements entered into on the delivery of health care to eligible veterans, (2) an assessment of the cost savings, if any, associated with provision of services under such agreements to retired members of the Armed Forces, dependents of members or former members, and beneficiaries, and (3) any plans for administrative action, and any recommendations for legislation, that the SECDEF considers appropriate.

Justification for termination: P.L. 97-174 requires the secretaries of the Departments of Veterans Affairs and Defense to submit a joint annual report to Congress on the status of health care resources sharing. After careful review of the reporting requirements of Congress, recommend combining this report with the report entitled "Sharing of Department of Defense Health-Care Resources." Combining these reports will avoid redundancy and allow for a succinct review of health care resources sharing activity between the departments.

Title: Limitation on Reductions in Medical Personnel.

Brief: The SECDEF may not reduce the number of medical personnel of DOD below the baseline number unless the SECDEF certifies to Congress that the number of such personnel being reduced is excess to the current and projected needs of the military departments; and such reduction will not result in an increase in the cost of health care services provided under the civilian health and medical program of the uniformed services.

Justification for termination: Alternative mechanisms are being developed to backfill DOD needs. Manpower flexibility to retain sufficient military personnel by specialty and grade/experience to meet any wartime or contingency mission; to retain, hire or recruit military or civilian service personnel to meet peacetime health care needs, and to contract, where appropriate, to provide beneficiaries with needed health care services. Allowing DOD to tailor the force based on the needs of the population served is the most efficient and cost-effective method of providing health care.

Title: Podiatrists and Dentists.

Brief: Need for any reductions.

Justification for termination: This report is not required for force management purposes.

Title: Psychologists Prescribing Drugs.

Brief: Test program to train military psychologists to prescribe psychoactive drugs.

Justification for termination: The report on the first fellows to complete the program

will be submitted in May or June 1994. This report will satisfy this requirement.

Title: Public Health Service Hospitals.

Brief: The SECDEF, in consultation with the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, shall submit annually to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a written report on the results of the studies and projects carried out. The first such report shall be submitted not later than one year after the date of enactment. The last report shall be submitted not later than one year after the completion of all such studies and projects.

Justification for termination: Assessment reports completed in the 1980s. No such studies and projects are underway or planned.

Title: Reductions in Army Reserve Component Medical Force Structure.

Brief: Reiterates FY91 requirement (101-923, p. 102, Sec. 711) that medical personnel are excess to current and projected requirements and will not result in an increase in CHAMPUS costs. SECDEF report.

Justification for termination: This report is not required for force management purposes.

Title: Special Pay to Officers of the Armed Forces Who Served in a Nursing Specialty.

Brief: The SECDEF may extend the special pay authorized to officers of the Armed Forces who serve in a nursing specialty (other than as nurse anesthetists) that—(A) is designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and (B) requires postbaccalaureate education and training. The SECDEF may not implement these provisions unless the SECDEF submits to the Committees on Armed Services of the Senate and House of Representatives a report—(1) justifying the need of the departments for the authority provided; and (2) describing the manner in which that authority will be implemented.

Justification for termination: This report is not required for force management purposes.

Title: Special Pay: Nonphysician Health Care Providers.

Brief: The Secretary of Defense may authorize the payment of special pay at the rates specified to an officer who—(1) is an officer in the Medical Services Corps of the Army or Navy, a biomedical sciences officer in the Air Force, or an officer in the Army Medical Specialist Corps; (2) is a health care provider (other than a psychologist); (3) has a postbaccalaureate degree; and (4) is certified by a professional board in the officer's specialty. The SECDEF may not implement these provisions unless the SECDEF submits to the Committees on Armed Services of the Senate and House of Representatives a report—(1) justifying the need for the military departments for the authority provided; and (2) describing the manner in which that authority will be implemented.

Justification for termination: This report is not required for force management purposes.

Title: Contracts: Notice to Congress Required for Contracts Performed Over period Exceeding 10 years.

Brief: The Secretary of a military department shall submit to Congress a notice with respect to a contract of that military department for services for research or development in any case in which—(1) the contract is awarded or modified, and the contract is

expected, at the time of award or as a result of the modification to be performed over a period exceeding 10 years or (2) the performance of the contract continues for a period exceeding ten years and no other notice has been provided to Congress.

Justification for termination: There are few, if any, contracts for services for research and development which extend over 10 years.

Title: Fuel Sources for Heating Systems; Prohibition on Converting Certain Heating Facilities.

Brief: The Secretary of the military department concerned shall provide that the primary fuel source to be used in any new heating system constructed on lands under the jurisdiction of the military department is the most cost effective fuel for that heating system over the life cycle of that system. The Secretary of a military department may not convert a heating facility at a United States military installation in Europe from a coal-fired facility to an oil-fired facility, or to any other energy source facility, unless the Secretary—(1) determines that the conversion is required by the government of the country in which the facility is located, or is cost effective over the life cycle of the facility; and (2) submits to Congress notification of the proposed conversion and a period of 30 days has elapsed following the date on which Congress receives the notice.

Justification for termination: The language directing the use of the least life cycle cost fuel should be retained. Since conversions from coal will be done only if they meet the least life cycle cost requirement, congressional notification should not be required.

Title: Monitoring and Research of Ecological Effects.

Brief: Regarding estuarine monitoring, the Secretary of the Navy, in consultation with the under Secretary of Commerce for Oceans and Atmosphere, shall monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries and near-coastal waters in the United States. This monitoring program shall remain in effect until 10 years after the date of the enactment of this act (enacted June 11, 1988). The administrator shall submit a report annually to the Speaker of the House of Representatives and to the President of the Senate detailing the results of such a monitoring program for the preceding year. As such, the Secretary shall submit a report annually to the Secretary and to the Governor of each State in which a home port for the Navy is monitored detailing the results of such monitoring in the State. Regarding home port monitoring, the Secretary shall provide for periodic monitoring, not less than quarterly, of waters serving as the home port for any Navy vessel coated with an antifouling paint containing organotin to determine the concentration of organotin in the water column, sediments, and aquatic organisms of such water.

Justification for termination: The Navy currently has fewer than six ships organotin coatings. By the end of FY 1994, only two ships with organotin coatings will remain in the fleet. Current Navy policy does not allow use of organotin coatings. By FY 1998 no ships will have organotin coating. With organotin use going to zero, this report can be terminated.

Title: Mississippi-Camp Shelby-Land Transfer

Brief: Proposals concerning land acquisition at Camp Shelby.

Justification for termination: Proposed land exchange between army and forest service has been abandoned.

Title: Professional Military Education Center, TN.

Brief: Outline why this project was left out of the FY93 request and provide a written commitment that the project will be included in FY94 request.

Justification for termination: This report has been overtaken by events.

Title: National Security Agency—Report on Executive Personnel.

Brief: The director of the National Security Agency (NSA) shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the budget is submitted by the President to Congress for the next FY, a report on executive personnel in NSA. The report shall include the following: The total number of positions added to or deleted from the senior cryptologic executive service during the preceding FY; the number of executive personnel (including all members of the senior cryptologic executive service) being paid at each grade level and pay rate in effect at the end of the preceding FY; the number, distribution, and amount of awards paid to members of the senior cryptologic executive service during the preceding FY; and the number of individuals removed from the senior cryptologic executive service during the preceding FY for less than fully successful performance.

Justification for termination: This report duplicates the report entitled "National Security Personnel."

Title: Civilian Employment Master Plan.

Brief: The Secretary will prepare an annual civilian employment master plan to be submitted annually with budget materials.

Justification for termination: Title 10 requires that the Department of Defense submit a report on civilian employment annually along with budget materials. The report is to cover the budget year, the prior two years and the two years following the budget year (five year plan). The requirements of the report, as specified in 10 USC, exceed the level of detail used in DOD planning. The civilian work force is an open personnel system and not rigidly structured like the military personnel system. Also, civilians are a valued "resource" used to support essential DOD missions, but civilians are not a structured "program" managed in divisions, carrier groups and wings. Overall projected levels of employment, and other broad brush information, are provided to Congress through other means (O&M Justification Materials and the Defense Manpower Requirements Report).

Title: Closure of Military Child Development Centers for Uncorrected Inspection Violations.

Brief: The SECDEF requires that each military child development center be inspected not less than four times a year. Each such inspection will be unannounced. At least one inspection shall be carried out by an installation representative and one inspection a year by a representative of the major command. If a violation occurs and is not corrected within 90 days the military child development center shall be closed until the violation has been corrected. If a military child development center is closed the Secretary of the military department concerned shall promptly submit to the Committees of the Armed Services of the Senate and the House of Representative a report notifying those committees of the closing. The report shall include—(A) notice of

the violation that resulted in the closing and the cost of remedying the violation; and, (B) a statement of the reasons why the violation had not been remedied as of the time of the report.

Justification for termination: OSD and the military departments have implemented a rigorous unannounced inspection process that includes a checks and balance system with inspections conducted at the installation, major command, service and DOD levels. Each child development center receives comprehensive inspections at least four times each year. These are in addition to the local fire, health and safety (HAS) inspections. Each installation is inspected annually by service has experts in child development. Additionally, a DOD multi-disciplinary team inspects random installations each year to check the military services inspection procedures. Although several centers were closed during the implementation phase of the inspections, extensive efforts to correct deficiencies have reduced the number of serious violations dramatically. The DOD inspection procedures are aggressive and a model for the country. These procedures address serious deficiencies, and the report requirement is no longer necessary.

Title: Educational Assistance Program.

Brief: Breakout of the costs associated with Montgomery GI Bill.

Justification for termination: Report 102-627 for the fiscal year 1993 appropriations bill asked that the Department of Defense report back to the committee with a cost breakout of the benefit, so they could entertain any reprogramming requests. However, the Department of Defense education benefits board of actuaries decided to post-fund that part of the benefit that was not paid for by the Department of Veterans Affairs. In effect, this means that funds would be borrowed from the Department of Defense education benefit fund and later reimbursed as amortization payments to the fund. The amortization payments would be included in the budget. Consequently, no special reprogramming or supplemental requests would be needed. As a consequence, there is no ongoing reporting requirement other than the normal budget process.

Title: Exceptions to Guidelines for Reductions in Civilian Positions.

Brief: The SECDEF may permit a variation from the guidelines established or a master plan prepared if the Secretary determines that such variation is critical to the national security. The Secretary shall notify Congress of any such variation and the reasons for such variation.

Justification for termination: Title 10 requires that the Department of Defense submit a report on civilian employment annually along with budget materials. The report is to cover the budget year, the prior two years and the two years following the budget year (five year plan). The requirements of the report, as specified in 10 USC, exceed the level of detail used in DOD planning. The civilian work force is an open personnel system and not rigidly structured like the military personnel system. Also, civilians are a valued "resource" used to support essential DOD missions, but civilians are not a structured "program" managed in divisions—carrier groups and wings. Overall projected levels of employment, and other board brush information, are provided to Congress through other means (O&M justification materials and the defense manpower requirements report).

Title: Foreign National Employees Salary Increases.

Brief: Notify Congress when salary increases of foreign national employees exceed certain thresholds.

Justification for termination: Section 1584 (b) of title 10 United States Code requires the report to Congress where we exceed certain salary amounts for foreign national employees. However, continuing annual appropriations acts have limited these payments. As a result, the report to Congress has never been necessary. In practice, the reporting requirement is and should continue to be academic.

Title: Involuntary Reductions of Civilian Positions.

Brief: The SECDEF may not implement any involuntary reduction or furlough of civilian positions in a military department, defense agency, or other component of DOD until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furlough.

Justification for termination: DOD already has in place (DODD 5410.10) procedures to notify Congress of involuntary reductions affecting 50 or more federal civilian employees or 100 or more contractor employees. This requirement to notify Congress, no matter how few employees are affected, could impose an administrative burden that would have a harsh impact on each of the services.

Title: Military Pay and Allowances.

Brief: This is an annual report on how military pay and allowances are doing relative to private wages and salaries.

Justification for termination: The pay adequacy report, required on an annual basis by 37 USC 1008(a), was mandated in an era where there was no regular annual military pay raise. The information in this report would provide information on a number of indicators, and when it was determined that an annual pay raise was needed it would be requested. That has changed. Current law (P.L. 101-509) pegs military pay raises to the employment cost index. Pay raises are annual and are based upon changes in private sector wages and salaries for the average worker. The information contained in the pay adequacy report is no longer needed and media coverage of the index itself is widespread.

Title: Military Relocation Assistance Programs.

Brief: Not later than March 1 each year, the Secretary of Defense, acting through the Director of Military Relocation Assistance programs, shall submit to Congress a report on the Military Relocation Assistance program. The report shall include the following: (1) an assessment of available, affordable private-sector housing for members of the Armed Forces and their families; (2) an assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station; (3) information on the types of locations at which members of the Armed Forces assigned to duty at military installations live, including the number of members of the Armed Forces who live on a military installation and the number of those who do not; and (4) information on the effects of the relocation assistance programs established under this program on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

Justification for termination: The Department has met all the requirements of 10

USC, section 1056(f) on relocation assistance and specific information dealing with relocation can be made available, as needed by the Congress or other outside sources. Submitting specific responses as needed is more efficient and cost-effective in terms of manpower resources. For these reasons, recommend that the annual relocation assistance report be terminated.

Title: Pay Raise Allocations.

Brief: Report owed with quadriennial review of military compensation when president decides not to give equal percentage pay raise to all military members.

Justification for termination: This report is due from the quadriennial review group only when there is a reallocation of the basic pay raise. This rarely happens; when it does, it would not appear useful to require that such a fact be reviewed and reported by a quadriennial review group that meets every fourth year.

Title: Travel and Transportation Allowances; Dependents; Baggage and Household Effects.

Brief: The SECDEF shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report at the end of each fiscal year stating (1) the number of dependents who during the preceding fiscal year were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were authorized by the Secretary concerned to receive allowances or transportation for dependents; and (2) the number of dependents who during the preceding fiscal year were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were not authorized to receive allowances or transportation.

Justification for termination: Neither OSD nor the services have ever submitted such reports, insofar as we can determine. We are skeptical of the interest this report holds for Congress; therefore, this is a good candidate for discontinuance.

Title: U.S. Government Data Base on NATO and Warsaw Pact Forces and Equipment.

Brief: The Defense Authorization Act of 1989 required the President to submit to Congress annually on December 1 both classified and unclassified data bases of NATO and Warsaw Pact forces and equipment. The task of preparing these documents was assigned by the Secretary of Defense to the Net Assessment Coordinating Committee (NACC), which the Under Secretary of Defense for Policy (USDP) and the Director of the Joint Staff co-chaired. PA&E took on the task of assembling data and applying common counting rules. Classified and unclassified documents entitled "U.S. Government Data Base of NATO and Warsaw Pact Forces and Equipment" were produced in 1988 and 1989 showing data at the end of 1987 and 1988, respectively. (The 1988 versions were not released by the President until June of 1990 when he released the 1989 versions).

In September 1990, PA&E initiated preparation of the documents for 1990. Data on U.S. and non-U.S. NATO forces and on Warsaw Pact air and naval forces were assembled fairly promptly, but ground threat data were delayed due to the demands of the CFE data exchange. Although PA&E continued to work with the intelligence community throughout the early summer of 1991, rapid changes within the former Soviet Union precluded providing certain data at the level of detail of earlier documents. At that point, PA&E put the project aside for higher priority work.

Justification for termination: The Defense Authorization Act for 1989 required the President to submit to Congress annually on 1 December classified and unclassified data bases of NATO and Warsaw Pact Forces and Equipment. The Secretary of Defense was asked to prepare the report.

Documents entitled "U.S. Government Data Base of NATO and Warsaw Pact Forces and Equipment" were submitted for 1988 and 1989. During preparation of the report for 1990, rapid change within the former Warsaw Pact precluded acquisition of meaningful data. Since that time, the Warsaw Pact has been terminated; the Soviet Union has been dissolved; and NATO no longer faces a threat of invasion. Data on forces and equipment are now made available by all relevant nations under the Conventional Forces Treaty (CFE) treaty.

Title: DoD Offset Policy—Negotiations.

Brief: Progress of negotiations.

Justification for termination: This report is no longer needed.

Title: Panama Canal Administration.

Brief: Report to Congress regarding the following: (1) The condition on the Panama Canal and potential adverse effects on United States shipping and commerce; (2) the effect on canal operations of the military forces under General Noriega; and (3) the commission's evaluation of the effect on canal operations if the Panamanian Government continues to withhold its consent to major factors in the United States Senate's ratification of the Panama Canal treaties.

Justification for termination: The report has been overtaken by events and should be discontinued.

Title: Source of Funds—Other Issues.

Brief: Construction or engineering activity funded from any DoD sources in Zaire or Central America.

Justification for termination: Zaire is overtaken by events. El Salvador is overtaken by events. Therefore, the report should be terminated.

Title: Special Operations Advanced Technology Development.

Brief: Progress of the Mark-V.

Justification for termination: Program well advanced. Procurement Contract will be awarded this fiscal year. Staff members concur in release from reporting requirements.

Title: Special Operations Forces—Program Management.

Brief: Status on ASDS and Mark V: Joint Mission Analysis.

Justification for termination: This report is a duplicate requirement cited in Public Law 102-408. (Mark V).

#### CONGRESSIONALLY MANDATED REPORTS UNIDENTIFIED SPONSOR LISTING

Title: Contributions for North Atlantic Treaty Organization Infrastructure.

Brief: The SECDEF may make contributions for the U.S. share of the cost of multilateral programs for the acquisition and construction of military facilities and installations (including international military headquarters and for related expenses) for the collective defense of the North Atlantic Treaty area. Funds may not be obligated or expended in connection with the North Atlantic Treaty Organization infrastructure program in any year unless funds have been authorized by law for the program. If the SECDEF determines that the amount appropriated for contribution in any fiscal year must be exceeded by more than the amount authorized, the SECDEF may make contributions in excess of such amount, but not in excess of 125 percent of the amount appropriated after submitting a report, in writing,

to the appropriate committees of Congress on such increase, including a statement of the reasons for the increase and a statement of the source of the funds to be used for the increase, and after a period of 21 days has elapsed from the date of receipt of the report.

Remarks: Not claimed by POL or A&T.

Title: International Nonproliferation Initiative—Proposed Obligations and Forms of Assistance.

Brief: Proposed obligations and forms of assistance. SecDef report.

Remarks: Not Claimed by POL or COMP.

Title: Participation of Developing Countries in Combined Exercises: Payment of Incremental Expenses.

Brief: The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing (1) a list of the developing countries for which expenses have been paid by the United States during the preceding year; and (2) the amounts expended on behalf of each government.

Remarks: Not claimed by POL or JS.

Title: Requirement for Authorization by Law of Certain Contracts Relating to Vessels and Aircraft.

Brief: The Secretary of a military department make a contract that is an agreement to lease or charter or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease, charter, or provision of services if the contract for the actual lease, charter, or provision of services is (or will be) a contract which will be a long-term lease or charter; or the terms of the contract provided for a substantial termination liability on the part of the U.S. The Secretary has been specifically authorized by law to make the contract; before a solicitation for proposals for the contract was issued the Secretary notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation; and the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease, charter, or services involved through purchase of the vessel or aircraft to be used under the contract, and a period of 30 days of continuous session of Congress has expired following the date on which notice was received by such committees.

Remarks: Referral to the military departments recommended by A&T.

Title: SSBN Security Technology Program.

Brief: Specific technologies which are to be assessed and whether unresolved policy issues have been settled. SecDef report.

Remarks: Not addressed in any legislation, and not claimed by POL or A&T.

Title: Support for Peacekeeping Activities.

Brief: Proposed obligation, forms of assistance, and certification. SecDef report.

Remarks: Not claimed by POL or COMP.

Title: Training with Friendly Foreign Force.

Brief: Not later than April 1 of each year, the SECDEF shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid by the U.S. Each report shall specify—(1) all countries in which that training was conducted; (2) the type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism

activities, the duration of that training, the number of the Armed Forces involved, and expenses paid; (3) the extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort; and (4) the relationship of that training to other overseas training programs conducted by the Armed Forces.

Remarks: Not claimed by P&R, SOLIC, or JS.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, this is an amendment we have worked on with the Senator from Arizona. As I understand it—correct me if I am in any way misinterpreting it—it would terminate certain Defense Department reporting requirements upon enactment of this authorization bill—that is by enactment rather than October 30, 1995. These are reports that are excess, not needed, that will reduce paperwork, reduce bureaucracy, and save money.

If I am correct in my assumption on this amendment I certainly urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1842) was agreed to.

Mr. MCCAIN. I move to reconsider and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR—S. 2182

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Jack Kennedy, a legislative fellow on my staff, be granted the privilege of the floor during debate on S. 2182.

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

AMENDMENTS NOS. 1843, 1844, 1845, 1846, 1847, AND 1848 EN BLOC

Mr. SMITH. Mr. President, on behalf of myself, Senator KERRY of Massachusetts, Senator DOLE, Senator MCCAIN, Senator CONRAD, Senator WOFFORD, Senator LOTT, Senator HELMS, Senator GRASSLEY, and Senator THURMOND, I send to the desk six amendments and ask that they be considered en bloc. I ask for their immediate consideration.

The PRESIDING OFFICER. The Johnston-Feinstein amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself, Mr. KERRY, Mr. DOLE, Mr. MCCAIN, Mr. CONRAD, Mr. WOFFORD, Mr. LOTT, Mr. HELMS, Mr. GRASSLEY, and Mr. THURMOND, proposes en bloc amendments numbered 1843-1848.

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

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

The amendments are as follows:

AMENDMENT NO. 1843

(Purpose: To require disclosure of information concerning unaccounted for United States personnel from the Korean conflict, the Vietnam era, and the cold war)

On page 249, between lines 7 and 8, insert the following:

**SEC. 1088. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, AND THE COLD WAR.**

Section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 50 U.S.C. 401 note) is amended—

(1) in subsection (a), by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) Paragraph (1) applies to any record, live-sighting report, or other information in the custody of the official custodian referred to in subsection (d)(3) that may pertain to the location, treatment, or condition of (i) United States personnel who remain not accounted for as a result of service in the Armed Forces of the United States or other Federal Government service during the Korean conflict, the Vietnam era, or the Cold War, or (ii) their remains.”;

(2) in subsection (c)—

(A) by striking out the first sentence in paragraph (1) and inserting in lieu thereof the following: “In the case of records or other information originated by the Department of Defense, the official custodian shall make such records and other information available to the public pursuant to this section not later than September 30, 1995.”;

(B) in paragraph (2), by striking out “after March 1, 1992.”; and

(C) in paragraph (3), by striking out “a Vietnam-era POW/MIA who may still be alive in Southeast Asia,” and inserting in lieu thereof “any United States personnel referred to in subsection (a)(2) who remain not accounted for but who may still be alive in captivity.”;

(3) by striking out subsection (d) and inserting in lieu thereof the following:

“(d) DEFINITIONS.—For purposes of this section:

“(1) The terms ‘Korean conflict’ and ‘Vietnam era’ have the meanings given those terms in section 101 of title 38, United States Code.

“(2) The term ‘Cold War’ shall have the meaning determined by the Secretary of Defense.

“(3) The term ‘official custodian’ means—

“(A) in the case of records, reports, and information relating to the Korean conflict or the Cold War, the Archivist of the United States; and

“(B) in the case of records, reports, and information relating to the Vietnam era, the Secretary of Defense.”; and

(4) by striking out the section heading and inserting in lieu thereof the following new section heading:

**“SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE COLD WAR, THE KOREAN CONFLICT, AND THE VIETNAM ERA.”.**

AMENDMENT NO. 1844

In title X, insert the following new section:  
**SEC. . REQUIREMENT FOR CERTIFICATION BY SECRETARY OF DEFENSE CONCERNING DECLASSIFICATION OF VIETNAM-ERA POW/MIA RECORDS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Senate, by Senate Resolution 324, 102d Congress, 2d session, agreed to on July 2, 1992, unanimously requested the President to "expeditiously issue an Executive Order requiring all executive branch departments and agencies to declassify and publicly release without compromising United States national security all documents, files, and other materials pertaining to POW's and MIA's."

(2) The President, in an executive order dated July 22, 1992, ordered declassification of all United States Government documents, files, and other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia.

(3) The President stated on Memorial Day of 1993 that all such documents, files, and other materials pertaining to the personnel covered by that executive order should be declassified by Veterans Day of 1993.

(4) The President declared on Veterans Day of 1993 that all such documents, files, and other materials had been declassified.

(5) Nonetheless, since that Veterans Day declaration in 1993, there have been found still classified more United States Government documents, files, and other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia.

(b) REVIEW AND CERTIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a review to determine whether there continue to exist in classified form documents, files, or other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia that should be declassified in accordance with Senate Resolution 324, 102d Congress, 2d session, agreed to on July 2, 1992, and the executive order of July 22, 1992; and

(2) certify to Congress that all documents, files, and other materials pertaining to such personnel have been declassified and specify in the certification the date on which the declassification was completed.

#### AMENDMENT NO. 1845

In title X, insert the following new section:  
**SEC. . REQUIREMENT FOR SECRETARY OF DEFENSE TO SUBMIT RECOMMENDATIONS ON CERTAIN PROVISIONS OF LAW CONCERNING MISSING PERSONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The families of American personnel who became prisoners of war or missing in action while serving in the Armed Forces of the United States and national veterans organizations have expressed concern to Congress for several years regarding provisions of chapter 10 of title 37, United States Code, relating to missing persons, that authorize the Secretaries of the military departments to declare missing Armed Forces personnel dead based primarily on the passage of time.

(2) Proposed legislation concerning revisions to those provisions of law has been pending before Congress for several years.

(3) It is important for Congress to obtain the views of the Secretary of Defense with respect to the appropriateness of revising those provisions of law before acting further on proposed amendments to such provisions.

(b) RECOMMENDATIONS REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, the national POW/MIA family organizations, and the national veterans organizations, shall—

(1) conduct a review of the provisions of chapter 10 of title 37, United States Code, relating to missing persons; and

(2) submit to Congress the Secretary's recommendations as to whether those provisions of law should be amended.

#### AMENDMENT NO. 1846

In title X, insert the following new section:  
**SEC. . CONTACT BETWEEN THE DEPARTMENT OF DEFENSE AND THE MINISTRY OF NATIONAL DEFENSE OF CHINA ON POW/MIA ISSUES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Select Committee on POW/MIA Affairs of the Senate concluded in its final report, dated January 13, 1993, that "many American POW's had been held in China during the Korean conflict and that foreign POW camps in both China and North Korea were run by Chinese officials" and, further, that "given the fact that only 26 Army and 15 Air Force personnel returned from China following the war, the committee can now firmly conclude that the People's Republic of China surely has information on the fate of other unaccounted for American POW's from the Korean conflict."

(2) The Select Committee on POW/MIA Affairs recommended in such report that "the Department of State and Defense form a POW/MIA task force on China similar to Task Force Russia."

(3) Neither the Department of Defense nor the Department of State has held substantive discussions with officials from the People's Republic of China concerning unaccounted for American prisoners of war of the Korean conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should establish contact with officials of the Ministry of Defense of the People's Republic of China regarding unresolved issues relating to American prisoners of war and American personnel missing in action as a result of the Korean conflict.

#### AMENDMENT NO. 1847

(Purpose: To require the Secretary of Defense to submit to Congress certain information concerning unaccounted for United States personnel of the Vietnam conflict)

On page 249, between lines 7 and 8, insert the following:

**SEC. 1068. INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE VIETNAM CONFLICT.**

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the following information pertaining to United States personnel involved in the Vietnam conflict that remain not accounted for:

(1) A complete listing by name of all such personnel about whom it is possible that officials of the Socialist Republic of Vietnam can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

(2) A complete listing by name of all such personnel about whom it is possible that officials of the Lao People's Democratic Republic can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

#### AMENDMENT NO. 1848

In title X, insert the following new section:

#### Sec. . REPORT ON POW/MIA MATTERS CONCERNING NORTH KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Select Committee on POW/MIA Affairs of the Senate concluded in its final report, dated January 13, 1993, that "it is likely that a large number of possible MIA remains can be repatriated and several records and documents on unaccounted for POW's and MIA's can be provided from North Korea once a joint working level commission is set up under the leadership of the United States."

(2) The Select Committee recommended in such report that "the Departments of State and Defense take immediate steps to form this commission through the United Nations Command at Panmunjom, Korea" and that the "commission should have a strictly humanitarian mission and should not be tied to political developments on the Korean peninsula."

(3) In August 1993, the United States and North Korea entered into an agreement concerning the repatriation of remains of United States personnel.

(4) The establishment of a joint working level commission with North Korea could enhance the prospects for results under the August 1993 agreement.

(b) REPORT.—The Secretary of Defense shall—

(1) at the end of January, May, and September of 1995, submit a report to Congress on the status of efforts to obtain information from North Korea concerning United States personnel involved in the Korean conflict who remain not accounted for and to obtain from North Korea any remains of such personnel; and

(2) actively seek to establish a joint working level commission with North Korea, consistent with the recommendations of the Select Committee on POW/MIA Affairs of the Senate set forth in the final report of the committee, dated January 13, 1993, to resolve the remaining issues relating to United States personnel who became prisoners of war or missing in action during the Korean conflict.

The PRESIDING OFFICER. Is there any objection to the Senate handling these amendments en bloc?

Without objection, it is so ordered.

Mr. SMITH. Mr. President, each of the six amendments that I have sent to the desk concerns the issue of American personnel still unaccounted for from past conflicts, to include the Korean war and the cold war, as well as Vietnam.

As my colleagues will recall, in January 1993, the Senate Select Committee on POW-MIA Affairs published its final report which contained several recommendations for followup. We stated in our report that to the extent there remain matters to be pursued, that we would ensure that they, indeed, were pursued.

This is really the basis of these six amendments. I want to say at the outset that I appreciate the cooperation of Senator JOHN KERRY, who was the chairman of that committee, and Senator NUNN and staff, Senator THURMOND, Senator MCCAIN, and others who have worked with me in a cooperative way to work these amendments out so that they could be approved.

As the former vice chairman of that committee, I am today offering these amendments because I believe there are still some items that need to be pursued as we try to bring closure to this issue and, basically, to determine the fate of those who are still missing.

I am pleased that Senators KERRY and MCCAIN especially saw fit to join, as well as Senators GRASSLEY and HELMS, who were also on the select committee with me.

I understand there are no objections to the amendments by the chairman or the ranking member. At least, that is my understanding. So I am going to make a few brief comments on each of the amendments and will not be asking for the yeas and nays on this side.

For the benefit of my colleagues, I would like to start with the first amendment which amends section 1082 of the fiscal year 1992-93 Defense Department Authorization Act mandating the declassification of Vietnam-era POW-MIA records to include the Korean war and cold war POW-MIA records.

This amendment applies only to Defense Department records, to include those at the National Archives for which DOD is the originating agency. The National Archives might be surprised to hear estimates that there are up to 20,000 classified documents—not pages, but classified documents—pertaining to Korean war POW-MIA's alone. Estimates on classified POW-MIA-related information on the cold war are not available, although there are 130 individuals unaccounted for as a result of cold war incidents.

According to DOD, some 670,000 pages of Vietnam-era POW/MIA documents were declassified in 1992 and 1993 under the fiscal year 1992-93 DOD Authorization Act. This amendment requires DOD to declassify roughly 20,000 pages of Korean war POW records during fiscal year 1995, in addition to any cold war POW-MIA records that are still classified.

The Senate Armed Services Committee has already adopted language requiring DOD to assist any Korean war POW-MIA families trying to locate information on their loved ones, whether it is in classified or unclassified form.

My amendment, No. 1, ensures that all DOD's POW-MIA records are processed for declassification under the same procedures set forth with the fiscal 1992-1993 DOD authorization language on the Vietnam-era records. I thank Senator MCCAIN for his continuing efforts on these issues over the years as he has worked on this same subject.

In amendment number two, this amendment requires the Secretary of Defense to certify to Congress within 60 days that a copy of all DOD Vietnam-era POW-MIA-related documents covered by Senate Resolution 324 of July 2, 1992, and President Bush's Exec-

utive order of July 22, 1992, have been declassified as they were supposed to be and deposited in the Library of Congress. If there are documents found that have not been declassified, then they should be immediately declassified in accordance with the Executive order. It is just a check through the system to be sure that nothing was missed.

In short, Mr. President, I have personally been involved with instances, including just last month, ironically, where a POW-MIA family learned that there was classified information in their file involving documents that they had never seen before. You can imagine the surprise and dismay, and whatever, at seeing documents that they did not know were there on a missing loved one. As a result of their persistent efforts, the documents, I am told, are now being declassified and provided to the family.

Bear in mind, this is some 6 months after our current President stated on Veterans Day that all Vietnam-era documents on POW's had been declassified. This amendment will simply ensure that this is done; that is, the Secretary of Defense and the new Deputy Assistant Secretary of Defense for POW-MIA Affairs, Gen. Jim Wold, will conduct a review and certify to Congress that everything should be declassified that is supposed to be.

I might also say that I have talked to General Wold, who has been extremely cooperative with me in every respect in attempting to comply with the declassification of documents.

My colleagues will recall that the last time the Senate acted on this matter was in July 1992, when we unanimously requested that the POW-MIA documents be declassified. This amendment now will ensure that a report is provided back to the Congress certifying that this work has been completed.

Amendment No. 3 requires the Secretary of Defense to provide a report to Congress within 180 days with recommendations from the military services as to the appropriateness of revising the Missing Persons Act of 1942. Legislation to amend the Missing Persons Act has been before Congress for several years. It is not new. But no hearings have been held in the Senate on this matter. The amendment simply requests that the Secretary of Defense formally provide the views of his Department to Congress on whether or not there should be changes in this law.

The National League of Families supports a DOD study on this issue, and there are indications that the military services are prepared, even as we speak, to come forward with recommendations if asked by the Secretary. So I hope this amendment will move that process along.

One of the central issues behind those pushing for change is whether a

service member in a missing status should be declared dead by the military based primarily on the passage of a set period of time. This issue has been lingering since even my earlier days in the House of Representatives. Legislation addressing the issue is still pending in the House. But it is time that the Defense Department formally provide us its views on this matter. It is a very, very sensitive matter to the families, as you might expect. I think the Congress owes it to those families to get on with this report and resolve this matter.

Amendment No. 4 expresses the sense of the Congress that the Secretary of Defense should establish contacts with defense officials from the People's Republic of China to discuss the fate of American POW's and MIA's from the Korean war. The amendment contains sense-of-the-Congress language. The Senate Select Committee on POW-MIA Affairs made recommendations that the Chinese officials be approached about the Korean war POW-MIA issues in its final report in January 1993.

However, according to the State Department and the Defense Department, no real substantive decisions or discussions have taken place on this matter. This amendment does not require but it simply urges the Secretary of Defense to initiate such discussions with his counterparts in the Chinese Ministry of Defense.

I feel very strongly, based on my visits to North Korea and speaking to North Korean officials in December 1992, and earlier in 1991, that the Chinese have a great deal of information that they could provide on accounting for our missing military personnel from the Korean war. Frankly, the North Koreans indicated to me point blank that the Chinese would have such information.

So what we are trying to do is call this to the attention of the Secretary of Defense in such a way that we could perhaps open up some contact with the Chinese to get a process going where we could get some accounting, some answers on our men, which we know they have. I think, if you do not talk about it, you are never going to get it done.

So I hope that the Chinese will accept this in the spirit that it is offered and work with our Secretary of Defense to try to get some answers regarding our mission. We know they have them. It would be, I think, in the best interests of both of our countries' relations to see this happen.

Amendment No. 5 requires the Secretary of Defense to provide the Congress within 45 days a listing of Vietnam-era POW/MIA cases where Vietnamese and Lao officials possibly have more information under their control that could lead to the fullest possible accounting of these POW/MIA's.

There has been a lot of rhetoric concerning what Vietnam should still be

expected to do unilaterally on the POW issue.

This amendment No. 5 simply requests the Secretary of Defense to provide us with a listing of those cases, individual cases where the Vietnamese and the Lao should be expected to possibly have more information that can help us to account for those men—not that they do, but possibly. That is the key word.

Amendment No. 6 and the final amendment requires the Secretary of Defense to provide regular reports to Congress on the status of efforts to obtain POW/MIA information or remains from North Korea.

It also requires the Secretary to actively seek, via the U.N. command in Korea, the establishment of a joint working-level POW/MIA commission with North Korea consistent with the recommendations of the Senate Select Committee in January 1993.

In my visit to North Korea, in discussions with the North Korean officials also in 1992 and in July 1991, this was a matter that was discussed with the North Koreans. I think they are interested in doing that. We need to get that process moving as well.

In the last year, we have seen reports of more remains of United States soldiers being returned from North Korea. That is a positive step. It gets us talking to the North Koreans on something that might give us the opportunity to talk with them more on other issues of major consequence such as the nuclear issue.

Just last week it is reported that North Korean President Kim Il-song told President Carter that he had authorized joint United States-North Korean search teams to recover soldier remains in North Korea. This is a very positive step on this issue. It is something that has been long overdue. For roughly almost 40 years all we have done really is exchange lists across the table in a very hostile way. I think this is very positive, and I think it is the type of thing that Kim Il-song is offering. I think we ought to take him up on his offer immediately.

It is clear, very clear, based on my discussions and the documents that I have seen, that the North Koreans can provide us more information on and remains of our POW/MIA's from the Korean conflict and, coupled with the Chinese connection, can provide us a lot of answers on the some 8,000 missing from the Korean war—something that should have been done a long time ago. And I urge my colleagues to support me on this.

Basically, also, it will ensure that Congress is fully informed on this issue. For so long, the information on the POW/MIA issue has pretty much remained only in the hands of those coders that go over, and there has been little formal structure other than the MIA Select Committee. This is an op-

portunity to get some reports back and let everybody in Congress know what is going on. Hopefully, it will lead to a better understanding with North Korea.

Let me conclude, Mr. President, by taking this opportunity to say that the executive directors of the American Legion and the National League of Families and the Korean/Cold War Family Organization fully support these amendments and have sent me letters so indicating. I ask unanimous consent, Mr. President, to print those letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,  
Washington, DC, June 21, 1994.

Hon. ROBERT C. SMITH,  
U.S. Senate,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR SMITH: The American Legion continues to support positive efforts that will achieve the fullest possible accounting of American prisoners of war or missing in action (POW/MIA) from past wartime conflicts and the cold war. We were therefore, pleased to see your plan to introduce six amendments proposed for inclusion in the FY 1995 Defense Authorization Act which will soon be considered by the full Senate. If approved, these amendments would not only show a continuing national commitment to obtaining an accounting of missing American service personnel, but also demonstrate continued U.S. resolve to those nations who have information on our missing, have been than forthcoming in releasing all available data, and have diminishing incentive to do so.

Your sponsorship of these amendments now is extremely important. Since the trade embargo against Vietnam was lifted in early February, the emphasis in U.S./Eurasian relations has been motivated more by initiatives to increase because and trade than in the plight of unaccounted for American and the anguish of their families. Consequently, the Legion believes the U.S. has little bargaining leverage to compel foreign nations to disclose information on missing American service personnel, or to encourage them to relentlessly continue to pursue sighting reports or suspected burial sites.

The American Legion believes the best hope to obtain POW/MIA information is to allow U.S. contacts with these Eurasian nations to be governed by rules of conduct which mandate reports, release of formerly classified data and initiation of dialogues with foreign nations. Senate support of your amendments will revitalize the search for the remains of and information about missing Americans and reemphasize that this matter is the highest national priority.

Sincerely,

JOHN F. SOMMER, Jr.,  
Executive Director.

NATIONAL LEAGUE OF FAMILIES OF  
AMERICAN PRISONERS AND MISSING  
IN SOUTHEAST ASIA,

Washington, DC, June 21, 1994.

DEAR SENATOR: The National League of POW/MIA Families urges full support for the amendments Senator Robert Smith plans to introduce for inclusion in the FY95 Defense Authorization Act.

Importantly, Senator Smith's amendments include provision of unclassified material, as

well as declassification and release of classified information. It is our view that passage of these measures will further reinforce the bipartisan Congressional effort to ensure that all pertinent information on the POW/MIA issue is made available publicly, except that which would violate the privacy of the next of kin.

In our view, each of the proposed amendments enhance a spirit of openness and fall within the intent of language previously approved by the Congress and addressed in the executive orders of Presidents Bush and Clinton concerning declassification.

We also strongly support language which ensures that the Secretary of Defense will provide suggestions and recommendations to alter the U.S. Code statutes, developed in 1942, governing missing persons. The time for addressing these out-dated statutes is long overdue, and the League believes the most responsible means is for the Congress to obtain input directly from the Military Services before taking any action which will have long-lasting consequences.

Your support for Senator Smith's amendments will be extremely helpful as we continue to seek answers still being withheld, primarily in Hanoi, and not yet obtained on our relative still missing from the Vietnam War. These amendments will also ensure that thousands of American families who lost loved ones during earlier wars have access to relevant information.

Sincerely,

ANN MILLS GRIFFITHS,  
Executive Director.

KOREAN/COLD WAR FAMILY  
ASSOCIATION OF THE MISSING  
Coppell, TX, June 21, 1994.

DEAR SENATOR BOB SMITH: The purpose of the Korean/Cold War Family Association of the Missing is "to account for all American personnel who are Prisoners of War or Missing in Action as a result of action in the Korean War and the Cold War." The Association genuinely thanks you for your six amendments to the FY95 Defense Authorization Act concerning the issue of unaccounted for U.S. personnel (POW/MIA) from the Cold War and the Korean War.

The Korean War/Cold War Family Association of the Missing unequivocally supports and endorses these amendments. The passage of these amendments would, for the first time ever, afford our missing the honor and dignity they so rightfully should expect from their country. These amendments make a real priority of a national commitment to obtaining an accounting for our POW/MIA's not only to our country but also to those foreign nations who have withheld information.

The passage of these amendments would set our nation on the path of correcting Section 555 of the Public Law, Missing Persons Act so misguidedly passed in 1942. Never did the Families wish to be paid by our government in lieu of searching for our loved ones, which was the result of this law, and never would we even remotely support such an idea much less a law. Many times this law has been challenged in our court systems by the Families. We have learned the only way to defeat it is to change it.

Most importantly, the language of these amendments, addresses the necessity of declassification and release of documents crucial to the Families' accessing all information regarding their loved ones; a right denied to us for far too many years. We have constantly been placed in the situation of educating our Senators and Congressmen to the fact the Executive Orders for declassification of POW/MIA documents did NOT

include the Korean War or the Cold War. The Critical issue of declassification ensures that all DOD's POW/MIA records are processed for declassification for the purpose of providing the fullest possible accounting for the missing from the Korean War and the Cold War. It is important that the same procedures set forth in the FY 92 DOD Authorization language on Vietnam era records also be applied to those from the Korean War and the Cold War. Further we believe the declassification amendment enhances the accounting efforts of the US/Russian Joint Commission and any future working level negotiations with North Korea and China. In light of the cost in tax dollars for any POW/MIA accounting efforts with a foreign country, it seems only reasonable that accurate and complete records on the missing must be available prior to negotiations. Your amendments ensure this necessity will be met in the future.

Again, thank you Mr. Smith. You are an honorable and courageous man. Be assured that the Korean/Cold War Family Association of the Missing will do all in our power to make the other Senators aware of how vital it is to pass these amendments.

Most sincerely,

PATRICIA WILSON DUNTON,  
Co-Founding Director.

NATIONAL LEAGUE OF FAMILIES OF  
AMERICAN PRISONERS AND MISSING  
IN SOUTHEAST ASIA.

Washington DC, May 20, 1994.

Hon. ROBERT C. SMITH,  
Dirksen Senate Building,  
Washington, DC.

DEAR BOB SMITH: I am writing to convey the position of the National League of Families regarding H.R. 291, "to establish procedures for determining whether members of the Armed Forces in a missing status," etc.

The league's board of directors met April 29-30th and discussed the merits of this bill. The League opposes the language in H.R. 291 however, we recognize the inadequacies in the current statutes of the U.S. Code. For this reason, the League supports Congressional action to require the Department of Defense to conduct a study for the purpose of recommending appropriate changes to the relevant statutes. It is our view that such a study should be reported to Congress no later than 180 days from its initiation.

Our board of directors recognizes the effort that many, including Top Holland, have dedicated to this issue, but continues to have serious concern over the retroactive provisions included in H.R. 291, as well as obvious, though amended, interference with the prerogatives of the primary next of kin.

It is our hope that Congress will proceed with directing the proposed study. I am confident that the Military Services also recognize problem areas and will come forth with recommendations to address them. In our view, the study should occur as soon as possible.

Should you deem it appropriate, we would appreciate your efforts to include relevant provisions in the Defense Authorization Bill during the upcoming conference.

Sincerely,

ANN MILLS GRIFFITHS,  
Executive Director.

Mr. SMITH. Mr. President, I also at this point ask unanimous consent to add Senator REID as an original cosponsor to the amendment.

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

Mr. SMITH. At this point I would simply call for a vote. I am not asking for the yeas and nays.

The PRESIDING OFFICER (Mr. BAUCUS). Is there further debate? The Senator from Georgia.

Mr. NUNN. Mr. President, first, I wish to thank the Senator from New Hampshire for his leadership on this issue. He is a stalwart in trying to do everything that we can possibly do to gain access to information relating to the POW/MIA's both individually and collectively. He has not only been zealous in his efforts on Vietnam era POW/MIA's but also on Korea. I have been with him when he has spent numerous hours on the subject in Russia and other places.

Each one of these amendments, as he has explained, I think can add to the knowledge that we have and that the families may have and give us the maximum amount of information.

We have reviewed each one of these amendments, and all of them have been worked out. There are two or three minor changes that have been made in them, but they have been presented as changed and as worked out. So I urge their acceptance.

Mr. SMITH. Mr. President, I thank the chairman of the committee. His cooperation in this matter has been outstanding. I am deeply grateful to him for his help in the recent Russian trips on some of the matters we discussed and also for his support and cooperation.

I also ask unanimous consent to add Senator KOHL as a cosponsor.

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

Without objection, the amendments en bloc are agreed to.

So the amendments (Nos. 1843, 1844, 1845, 1846, 1847, and 1848) were agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to the Smith amendment.

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

Mr. NUNN. Mr. President, the pending amendment is the Johnston amendment?

The PRESIDING OFFICER. The Senator is correct, No. 1840.

Mr. NUNN. Mr. President, just so Senators will have some idea of the schedule. I know there are a lot of people who are inquiring, and the manager of this bill certainly cannot predict with certainty that Senators are going to come to the floor with amendments.

We have a number of amendments, obviously, that are going to be pre-

sented here in the course of this bill. We are trying to get people over now to present amendments, and I encourage anyone who has an amendment to come over at this time certainly if it relates to the defense bill. We will take it up this afternoon or this evening.

It is my hope that Senator KEMPTHORNE will be able to come over in a few minutes. He has indicated he hopes to be able to present an amendment around 5:30 on U.N. peacekeeping. There is a provision in the bill on U.N. peacekeeping that I believe Senator KEMPTHORNE will propose that we strike. So that will be a contested amendment. The committee will be in opposition to that amendment.

It is my belief, having discussed it with Senator KEMPTHORNE, that we can have a reasonable time limitation on that amendment. I would anticipate it would be about an hour. So assuming that we get started on that one about 5:30, it would be my view that we would vote somewhere in the neighborhood of 6:30 or 7.

I have also been informed by the leadership and by other Senators that there will be an invitation for Members of Congress and their families to go to the White House this evening. For that reason, we will have a window where there will be no rollcall votes after the Kempthorne amendment is voted on. I cannot say precisely when that will be. It will be, hopefully, between 6:30 and 7 o'clock, and we would not have votes between that hour and 9 o'clock tonight.

It would be my hope that during the period of time where some people may be attending the White House dinner that we would continue to have amendments presented. It would be my hope that we could then have the votes stacked until after that window, and that we would have some more rollcall votes after 9 o'clock tonight.

We will be on this bill tomorrow. Senator LEVIN was tied up in a hearing this afternoon on a matter relating to this bill, which will probably come up next week, on Bosnia. He was in a hearing and helping to preside over the hearing. He will be on the floor tomorrow morning prepared to present an amendment on the B-2.

It is my view that we would have a reasonable period of time for debate on that issue tomorrow, and that we would vote after a reasonable period of debate on the B-2.

It is also my understanding that the minority leader, Senator DOLE, will be making a presentation and laying down an amendment on Bosnia regarding lifting the arms embargo. But that amendment will not be actually voted on until next week.

I would hope we would have a number of other amendments that can be dealt with tonight and tomorrow. The committee will be here tomorrow. We will be voting tomorrow.

So I hope Senators will take that into account in making their plans, and that we can maximize the effectiveness of the time we spend here tomorrow.

I will certainly be consulting with the majority leader, Senator MITCHELL, on all of these matters. What I have said so far I think reflects the discussions that we have had and his instructions to me as far as managing this bill.

So that gives people some idea. I will now make certain remarks that can be interrupted in the event someone comes over to the floor with an amendment, and certainly when Senator KEMPTHORNE comes, I will complete my remarks on this particular subject at a later point in time.

PROCEEDINGS ON THE NOMINATION OF MORTON H. HALPERIN TO BE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

Mr. NUNN. Mr. President, last year the Committee on Armed Services considered the nomination of Dr. Morton H. Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping, a new position proposed to be established by former Secretary of Defense Les Aspin, but did not complete action prior to adjournment. The nomination was returned to the executive branch at the end of the first session of the 103d Congress, pursuant to Senate Rule 31. At that time, there were objections by a number of Republican members to inclusion of his nomination in the unanimous-consent request which retained a significant number of pending nominations in the Senate.

Following Secretary Aspin's resignation, the administration reevaluated the structure of the Department of Defense and determined that the position of Assistant Secretary of Defense for Democracy and Peacekeeping should not be established. On January 10, 1994, Dr. Halperin requested that the President not resubmit his nomination, and the President agreed. I ask unanimous consent that an exchange of letters between Dr. Halperin and the President be included at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NUNN. Mr. President, anyone who followed this nomination knows that the nomination was controversial. The fact of controversy, however, should not stand as a judgment on the individual's qualifications or on the merits of the specific allegations that were brought to the attention of the committee. While the Senate has a responsibility to consider information that bears on the fitness or qualifications of a nominee, the fact that an allegation has been made should not

stand as a judgment that the allegation is valid.

COMMITTEE PROCEEDINGS

Because the nomination was withdrawn before the committee acted on the nomination, I believe that it is important to summarize for the record the committee's proceedings on the nomination.

President Clinton announced his intent to nominate Dr. Halperin on March 31, 1993. The actual nomination, however, was not forwarded to the Senate until August 6, 1993, on the eve of the August recess. After we received the nomination, I advised the administration that the committee would proceed with a hearing during the week of September 13, following Senate floor debate on the National Defense Authorization Act. I noted that our ability to conduct a hearing was contingent upon submission of the standard nomination documents that the committee requires of all nominees, including: First, the committee's questionnaire; second, the conflict of interest opinion from the DOD general counsel; third, the conflict of interest opinion from the Director of the Office of Government Ethics [OGE]; and fourth, the responses to the committee's prehearing policy questions.

Although the committee received the nominee's questionnaire and the conflict of interest opinions prior to September, the committee did not have the answers to the prehearing policy questions during the week of September 13, the time for the planned hearing. The responses to the prehearing policy questions provide the basic foundation for our nomination proceedings. Because these were not available during the week of the planned hearing, under the committee's standard procedures we could not proceed with the planned hearing. Under the circumstances, I informed Secretary Aspin on September 16 that the hearing planned for that week would have to be postponed.

We received the responses to the prehearing policy questions on September 21. As a practical matter, it was not possible to conduct hearings on this nomination at that point because the committee was involved in the House-Senate conference on the National Defense Authorization Act for fiscal year 1994, which continued from mid-September until the report was filed on November 10.

The committee's standard procedure calls for the FBI report on the nominee to be reviewed by the chairman and the ranking Republican member or their designee. In view of the various issues that arose with respect to this nomination, the administration agreed to make the report available to all members of the committee. In addition, the Republican members of the committee submitted a series of requests to the administration for information.

The committee conducted a public hearing on the nomination on November 19, 1993. At that time, I noted: "We will proceed with this nomination in the same manner that the committee has handled all other nominations. If credible allegations are presented to the committee, we will pursue them." I also emphasized the importance of fairness to the nominee: "We will ensure that Dr. Halperin has a full opportunity to address all issues that are raised about his nomination."

I made it clear that the committee should not simply concern itself with allegations about the nomination, but should focus on the full range of policy issues related to the new position of Assistant Secretary for Democracy and Peacekeeping.

Dr. Halperin was introduced by a bipartisan group of Senators reflecting diverse views on national security issues—Senator MARK HATFIELD, Senator DAVID BOREN, and Senator JOSEPH BIDEN. In addition, numerous Senators on the committee made statements in support of or in opposition to the nomination.

At the outset of the hearing, I observed that,

Dr. Halperin has an impressive background. He is a graduate of Columbia College and has a masters and doctorate from Yale. From 1966-1969, he served in the Johnson and Nixon Administrations in the Department of Defense, where he earned the Meritorious Civilian Service Award, and on the staff of the National Security Council. From 1974 until 1992, he served as the Director of the Washington Office of the American Civil Liberties Union, where he was an active participant in a wide variety of public policy debates concerning national security issues. In November 1992, he was appointed as a Senior associate at the Carnegie Endowment for International Peace. In January 1993, he was appointed to serve as a consultant in the Department of Defense, a position he has held pending confirmation.

Dr. Halperin has taught and lectured widely on a variety of subjects related to national security, and he is a prolific writer. Indeed, it appears that some of my colleagues on the Committee have been among the most avid readers of his books and articles! Dr. Halperin's nomination has received the support of a number of distinguished Americans, including a bipartisan array of former government officials.

I also noted: "Notwithstanding Dr. Halperin's impressive résumé, it is clear that this nomination is controversial and will be contested." The issues concerning the nomination were explored in detail at the hearing. The committee's published record (S. Hrg. 103-446) contains the transcript of the November 19, 1993 hearing, as well as Dr. Halperin's answers to the committee's prehearing questions.

DR. HALPERIN'S RESPONSES TO ISSUES RAISED CONCERNING HIS NOMINATION

The committee's November 19, 1993 hearing began at 9:31 a.m. and lasted until 6:42 p.m., with a brief break for lunch. In that lengthy proceeding, involving challenging questions, Dr.

Halperin demonstrated dignity, seriousness of purpose, and broad understanding of national security issues—and patience.

In addition to setting forth his views on national security policy matters, Dr. Halperin directly addressed a variety of allegations concerning his fitness for office, and I would like to quote directly from his testimony because it deals with a number of charges that were reported in the news media and that I think he dealt with at the hearing:

I have been accused of advising the Secretary of Defense not to send armor to Somalia. That is false. I had no knowledge of any request for armor until I read about it in the newspaper after the fact.

I have been accused of ordering a regional Commander to terminate an exercise. That is false. I called General Joulwan only to obtain information, not to intrude into the chair of command.

I have been accused of believing that the United States should subordinate its interests to the United Nations, never using force without its consent, and putting American forces at its disposal. That is false. I have never advocated these positions.

I have been accused of believing that government officials have the right to disclose classified information. That is false. I have consistently stated that the government has the right to fire anyone who does and to impose criminal penalties for the disclosure of such information.

I have been accused of opposing all counter-intelligence operations. That is false. I have supported effective counter-intelligence measures designed to protect sensitive information.

I have been accused of aiding Daniel Ellsberg in the disclosure of the Pentagon Papers. That is false. I did not assist in, and had no knowledge of, his disclosure of the Pentagon Papers.

I have been accused of aiding Philip Agee in the disclosure of the identities of intelligence agents and advocating the disclosure of such identities. That is false. I never assisted Philip Agee in those efforts, and I have condemned such action by him and others. (I did testify at his deportation hearing in England—a matter I would be glad to discuss with the committee.)

Most recently, I have been accused of traveling abroad for secret meetings with terrorists. That is false. I have had no such meetings, and to my knowledge there are no CIA documents suggesting that I have.

Numerous questions were raised about these and other issues during the course of the hearing, and Dr. Halperin responded in a direct manner that reflected well upon his respect for the confirmation process. He also acknowledged that had undertaken activities as a DOD consultant that were inconsistent with the guidelines applicable to nominees, and that he regretted certain statements he had made in the early 1970's about U.S. intelligence operations—statements which he subsequently abandoned.

Mr. President, as chairman of the Senate Armed Services Committee, I believe that the record should reflect that aside from his acknowledged activities as a consultant which exceeded

the limitations set forth in DOD guidelines and committee expectations, none of the allegations of improprieties were substantiated in the course of the standard report on the nominee by the FBI, in other investigations by the executive branch.

I want to repeat that, Mr. President, because I think the record ought to be clear. I believe that the record should reflect that aside from his acknowledged activities as a consultant which exceeded the limitations set forth in DOD guidelines and committee expectations, none of the allegations of improprieties were substantiated in the course of the standard report on the nominee by the FBI, in other investigations by the executive branch, or in any evidence submitted to the Armed Services Committee.

Mr. President, there is no question that Dr. Halperin's writings and activities in the field of national security affairs have provoked controversy, and there is no question that his views would have been the subject of spirited debate in the committee and on the Senate floor. His views on collective military intervention, the relationship between the United States and the United Nations, as well as views on covert action—all of which were explored in the committee's preconfirmation questions and in the hearing—are proper subjects of debate and would have been appropriate factors to take into account during the consideration of the nomination.

While no nominee looks forward to having his or her nomination become the focus of such a debate, I am confident Dr. Halperin understood and respected the role of the Senate in examining such issues. Dr. Halperin clearly thrives on public policy debate, and I was impressed by the care and attention that he gave to each question during the lengthy hearing.

Dr. Halperin currently is serving on the staff of the National Security Council. This does not require Senate confirmation. I believe that the confirmation process served as an opportunity for Dr. Halperin to reexamine and reevaluate his views in light of the experiences of the United States over the last quarter century and the challenges we face during the 1990's and the years ahead.

He is now in a position of significant responsibility, and he has the opportunity to apply his substantial talents to the cause of a strong and effective national defense. I wish him well in that endeavor.

#### EXHIBIT 1

WASHINGTON, DC, January 10, 1994.

The PRESIDENT,

*The White House, Washington, DC.*

DEAR MR. PRESIDENT: I write to respectfully request that you not resubmit my name in nomination for the position of Assistant Secretary of Defense for Democracy and Peacekeeping.

When my old friend Les Aspin told me that he wanted to recommend to you that I be

nominated for an Assistant Secretary position in the Defense Department, I was pleased at the prospect of once again serving in the federal government. When you nominated me I was deeply honored.

At the same time, I believe that Cabinet officers should have the freedom to select their subordinates.

As I said at my confirmation hearing, I believe that there is no higher calling than to serve the nation, and I am at your disposal should you believe that I can be of assistance to you and your Administration.

Respectfully yours,

MORTON H. HALPERIN.

THE WHITE HOUSE,  
WASHINGTON,  
Brussels, January 10, 1994.

Mr. MORTON H. HALPERIN,  
Washington, DC.

DEAR MORT: I have received your letter asking that I not resubmit your nomination to be Assistant Secretary of Defense for Democracy and Peacekeeping. With deep appreciation for your willingness to serve our country and with real regret, I accept your request.

Yours is a superb record of service and accomplishment dating back over 30 years. Your qualifications speak for themselves, and I am pleased to hear that your willingness to serve my Administration continues unabated.

At the same time, I appreciate your understanding of the circumstances involved in a new Secretary of Defense coming on board and the tradition of Cabinet officers having the freedom to select subordinates.

I am confident that this Administration will continue to benefit from your talent and counsel and hope that you will be available for other suitable assignments.

Sincerely,

BILL CLINTON.

Mr. NUNN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, my good friend, Chairman NUNN, has offered information to vindicate Mr. Halperin. I will take the opportunity to answer this at a later date. I did not realize this was coming up.

His name was sent over here. We presented statements to show that it would be dangerous to put him there, and the President withdrew the nomination, but he put him in, I believe, the National Security Office. We think it is a very unwise position to take. We think he made a mistake. And at a later time I will make a further statement on this subject.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I hope we can get this amendment up. Senator KEMPTHORNE will be able to present it. I appreciate him coming over.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the chairman providing the opportunity so I can present the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment, Johnston amendment, will be temporarily laid aside.

AMENDMENT NO. 1849

(Purpose: To redirect funds authorized to be appropriated for fiscal year 1995 for the Contributions for International Peacekeeping and Peace Enforcement Activities Fund)

Mr. KEMPTHORNE. Mr. President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, Senator SMITH, and Senator COATS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE, for himself, Mr. MCCAIN, Mr. SMITH, and Mr. COATS, proposes an amendment numbered 1849.

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

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

The amendment is as follows:

On page 219, after line 19, insert the following:

(d) PURPOSES FOR WHICH FUNDS AVAILABLE.—Notwithstanding subsection (g) of section 403 of title 10, United States Code, as added by subsection (b)(1), funds appropriated pursuant to the authorization of appropriations in section 301(20) may not be expended for paying assessments for United Nations peacekeeping and peace enforcement operations (including any arrearages under such assessments). The funds so appropriated shall be credited, in equal amounts, to appropriations for the Army, Navy, Air Force, and Marine Corps for fiscal year 1995 for operation and maintenance in order to enhance training and readiness of the Armed Forces and to offset any expenditure of training funds for such fiscal year for incremental costs incurred by the United States for support of peacekeeping operations for such fiscal year.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, the amendment now before the Senate would alter the defense authorization bill's language regarding the use of DOD to pay for part of our U.N. peacekeeping assessment. Under the bill's current language, \$300 million in DOD funds are authorized to reimburse ourselves when our troops support U.N. peacekeeping operations and to pay the U.S. share of the U.N. peacekeeping assessment in cases where our troops participate.

My amendment would alter this provision and direct that this \$300 million be used to augment the Department of Defense's training and readiness accounts. Specifically, the \$300 million authorized by this act would be made available to enhance the training and readiness of our Armed Forces. In addition, my amendment would prohibit the Department of Defense from using these funds to pay the U.S. share of the

U.N. peacekeeping assessment and arrearages. My amendment would do nothing to alter the existing procedures that allow State Department funds from the foreign operations appropriations bill from being used to pay our U.N. peacekeeping assessment. Instead, my amendment would stop the effort to shift a portion of this significant responsibility to the Department of Defense.

My amendment is an effort to direct DOD funds away from the United Nations and focus our limited resources on the training and readiness of our Armed Forces. As the newspapers demonstrate every morning, we still live in a dangerous world and the men and women who wear the uniform of the United States troops may be sent to North Korea, Haiti or Bosnia and Herzegovina on any given day. Enhanced training and readiness means more of these American men and women will come back from those types of conflict.

My amendment also has two other objectives. First, we need to draw a line in the sand and say from now on defense dollars will be used for actual defense capabilities. No more using defense funds to pay for everyone's favorite project which cannot be funded in its own account.

Second, my amendment will put the United Nations on notice that America is paying more than its fair share for peacekeeping and we need to address this inequity.

Since the end of the cold war, the United Nations and the United States have embarked on an increasing number of peacekeeping operations. While we have participated in traditional peacekeeping operations for decades, with the end of the cold war peacekeeping and peace-enforcement operations seem to be assuming a greater and greater role in U.S. national security policy. The U.S. involvement in "peacemaking" operations raises serious questions about the criteria used to determine when we should participate in these operations and how these operations should be funded.

The administration has adopted a new peacekeeping policy, Presidential Decision Directive 25, which seeks to address these and other seminal questions. The fiscal year 1995 Defense Authorization Act seeks to implement this policy by establishing an account at the Department of Defense to pay a portion of the U.S. peacekeeping bill from the United Nations.

The fiscal year 1995 defense authorization bill now before the Senate represents, as has been stated repeatedly, the 10th straight year of reductions in defense spending, and I do not believe, given all of the tough choices the Armed Services Committee and the Senate must make regarding defense spending, that we should add the U.N. peacekeeping bill to the Department of Defense's responsibilities.

As I stated to Ambassador Albright earlier this year, I strongly oppose the proposal to force the Department of Defense to pay for U.N. peacekeeping operations. As I see it, someone determined that the Congress would not support increasing the foreign aid budget so the administration has targeted DOD funds to pay for its multi-lateral policies.

I suspect that the proposed \$300 million installment in fiscal year 1995 will be the foot in the door and next year the administration will come back to us to request more DOD funds to pay our U.N. peacekeeping bill. In fact, I am told the administration was actually hoping the Congress would provide \$600 million in DOD funds in fiscal year 1995 to pay for the U.S. share of U.N. peacekeeping operations.

Opponents of my amendment will say that we need DOD funds going to the U.N. so that DOD can take the lead on peacekeeping operations, a question of jurisdiction. Now I understand the concept of shared responsibility but I do not believe DOD funds must be contributed before the Department's military expertise can be brought to bear on U.N. and U.S. peacekeeping operations.

More importantly, I do not believe the rest of the world is paying its fair share of the world peacekeeping burden. I applaud the administration's effort to reduce our U.N. peacekeeping assessment from 31.7 percent to 25 percent but I believe this figure grossly underestimates the cost, to the American taxpayer, of the U.S. contribution to U.N. peacekeeping operations. Let me recite a few facts. In fiscal year 1994, the United Nations expects to spend about \$3.5 billion on peacekeeping operations. Of this \$3.5 billion, the United States will get a bill or "assessment" for over \$1 billion. At the same time, United States military forces are supporting U.N. peacekeeping operations, humanitarian missions and Security Council resolutions in Iraq, Bosnia and Herzegovina and Haiti. Yet as I understand it, because we have wisely decided not to put our troops under the command of the United Nations, these military actions must be "donated" or "volunteered" by the United States. As a result, we will receive almost no compensation or credit for these deployments.

As members of this committee recall, earlier this year the administration requested, and the Congress approved, a \$1.2 billion supplemental appropriation to cover the incremental costs of these donated peacekeeping operations. Officials from the DOD comptroller office tell my staff that we might get about \$100 million back from the United Nations for these \$1.2 billion expenses. So as I see, the United States is scheduled to pay about \$2.1 billion of a total world peacekeeping bill of \$4.7 billion. That is over 44 percent of the bill paid by the American taxpayer and that is too much and I believe that is wrong.

I want to urge my colleagues to support my amendment and help bring some equity and balance to the payment of the U.N. peacekeeping bill. I hope a majority of my colleagues will support this amendment because I believe that American people will not stand for a policy that asks them to pay for almost half of the world peacekeeping operations, and at the same time to take it from the DOD budget, where we are already seeing our 10th year of declining amounts in the Department of Defense budgets.

We have a chance here today to put pressure on the United Nations to fix its burden-sharing equation for international peacekeeping operations so that the other nations of the world pay their fair share. I hope that we do not miss this opportunity.

Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, could I propose to Senator KEMPTHORNE a unanimous consent agreement that there be a total of 40 minutes debate on this amendment, equally divided from this point on; that the time be equally divided and controlled in the usual form, with no amendment thereto, no amendment in order to the amendment, or any language which may be stricken; and that when the time is used or yielded back, the Senate, without any intervening action or debate, vote on or in relation to the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I will be happy to agree to that.

The PRESIDING OFFICER. Is there objection?

Without objection, the request is agreed to.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, I ask unanimous consent that the time allocated to the quorum call be equally divided.

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

Mr. NUNN. Mr. President, I am going to say a few words about this amendment. I know there are people who have been very involved in this, Senator LEVIN from Michigan and others, who may want to come over to speak.

Mr. President, I oppose this amendment.

We did substantially alter the administration's request in the peacekeeping area. The specific nature of the amendment, basically, as I understand it, takes \$300 million that is in the bill that would pay for peacekeeping operations where U.S. combat forces are involved, and would be able to use \$300 million to make sure those assessments are paid only where U.S. combat forces are involved and shifts that to the overall readiness accounts; am I correct in that interpretation?

Mr. KEMPTHORNE. Yes.

Mr. NUNN. Mr. President, section 1032 of the bill before us established up to \$300 million in contributions to international peacekeeping and peace enforcement operations, so-called CIPA funds, to pay the United Nations assessment for U.N. operations in which U.S. combat forces participate.

The administration had originally requested that CIPA funds be used to fund assessments for those U.N. peacekeeping operations in which U.S. combat forces participate, as well as all U.N. peace enforcement operations. Our bill did not agree with the administration's request on the broader purposes and limited the use of CIPA funds to U.N. peacekeeping operations in which U.S. combat forces participate, since we believe that such operations are the ones in which we have an overriding interest to assure that they are properly funded.

Mr. President, if this amendment passes, the paradoxical result of it will be that because the United States is so far in arrears on our overall United Nations participation—and this bill does not catch up in any way on that—we could be in a position of having U.S. forces participating in a U.N. operation, but the other people who are asked to participate not having enough confidence that they are going to be reimbursed for their participation to be willing to commit.

I know that is not the Senator's intention. But it seems to me it is in our interest, when U.S. combat forces are sent to a U.N. peacekeeping operation, to assure that there is enough funding, enough robust funding so that all the United Nations kinds of reimbursements can be made and so that the other countries that we want to participate alongside of will be willing to commit their military forces.

We are reaching a point where the United Nations is so hard up for cash that we are going to have increasing difficulty getting other countries to participate. The last thing we want is the U.S. forces to be participating alone.

So I understand, based on some of the past actions of the United Nations, why there would be people who are skeptical about any commitment of U.S. forces. But this amendment, if it passes, does not prevent U.S. forces from being engaged in those oper-

ations. It simply prevents DOD funds from being used to pay for our part of those operations.

If that is the case, then we would have to look to the State Department budget, and all of us know that that budget itself is woefully short of the ability to pay for these kinds of operations.

I hope, at some point in the future, the State Department will be properly funded. But, in the meantime, I think it is in the United States interests for U.S. combat forces to be assured that, when they are called on to participate in U.N. peacekeeping, that they will have allies fighting alongside them and that the United Nations itself will be in a financial position to carry out the kind of contingency peacekeeping operations with effectiveness and efficiency.

So, for those reasons, I oppose the Kempthorne amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Will the chairman yield for a question?

Mr. NUNN. I have yielded the floor. It is on the Senator's time. I am going to be short of time.

Mr. KEMPTHORNE. I will make it a short question.

I ask the chairman, would he agree that in order for the United States to be reimbursed, we have to put our troops under U.N. command, based on the requirements of current policy?

Mr. NUNN. I think the Senator is correct in that.

Mr. KEMPTHORNE. I see that as a very important element. We know that we have the finest fighting forces in the world. Therefore, why should we put them under U.N. command?

I think in Somalia we saw, unfortunately, the demonstration that the United Nations is not prepared for that type of command. We should not subject our troops to that same sort of situation. But in order to receive reimbursement we have to put them under U.N. command and I reject that.

Then the chairman made the point that we may be in arrears, and we will be paying off those assessments so we are equal with the other countries. But I will quote a statement that Ambassador Madeleine Albright made to a subcommittee of the Armed Services Committee on May 12.

"Successful U.N. peacekeeping operations serve our interests." And I do not disagree. "But they will more likely succeed if we have met fully our obligation to help pay for them, and if we encourage other member states who have fallen behind in their payments to do the same."

There are a number of countries who have not paid their assessments, yet the United States, both through its assessment and through the supplemental—and through the operations we

have undertaken in Haiti and Bosnia and Iraq—we are not getting credit for that. So we are paying far more than our fair share. This helps us to correct that.

And, Mr. President, I make this point, too. I think we are very fortunate, I will say, to have Chairman NUNN as chairman of Armed Services and Senator THURMOND as the ranking member. I think we have great leadership of the Armed Services Committee. I am proud to be a member of that committee. I know the number of projects we are not able to pay for that I think we should be paying for both in readiness and equipment, so we can support the men and women in uniform. And now here is \$300 million more that is being taken out of that account so we cannot cover those essential needs, the needs at home, first, with leadership that would direct it to the appropriate needs.

That \$300 million is now taken away from us for that sort of use. That is why I believe we should adopt this amendment. We know best where that money can be spent in the Department of Defense.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, on the subject of U.N. command, I hope our colleague will take a look at our provision, legislative provision in the bill where we state, in paragraph 7 of page 212 here, "United States combat forces should not be under the command and control of foreign commanders in peace enforcement operations conducted by the United Nations except in the most extraordinary circumstances."

So our intent here is that there be a U.S. commander but that U.S. commander would, in many cases, have a U.N. hat. The U.N. commander can be an American, and in many cases will be an American.

For instance, in Mogadishu the commander of forces is a U.N. commander, but is also an American commander. We have operated that way for a long time. We did that in Korea. The whole Korean war was fought under U.N. command, but America was in charge.

I think most people would acknowledge it is in our interests to have other countries in the world fighting with us. Under those circumstances it almost inevitably has to be a U.N. commander to basically get them to participate. But that commander will usually, except in extraordinary circumstances, be an American.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, time will be deducted equally from both sides.

Who yields time? The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to respond to what the chairman has stated. I agree with the provision he just read. But I also go back to what the policy states, and that is, in order for the United States to be reimbursed American troops have to be under U.N. command. It may be American command but it may not be. And I do not believe United States troops should be under U.N. command.

Again, we have seen in Somalia that that was not successful.

I know the chairman of the Armed Services Committee could present to us now a long list of items that we could more appropriately and effectively be spending \$300 million on in our Department of Defense than giving this money to the United Nations. And that is the intent of this amendment.

Mr. President, I yield.

Mr. NUNN. Mr. President, if I could just take 30 more seconds and then I will yield the floor. In Somalia we went through those hearings very carefully. We had commanders, both Montgomery and Garrison, before us. It is clear, very clear from the record, our forces there during that period of time where there was the real trouble, the combat forces were not under U.N. command. They were under U.S. commanders. The record is abundantly clear on that. We had certain logistics forces under U.N. command, but the forces in the Somalia raid which ended up as a tragedy with so many Americans killed were under United States command. We had clear and abundant testimony on that. They were not under U.N. command. It was a tragedy and the overall—some of the overall policy was U.N. policy. U.N. policy was developed by the Security Council, that we voted on.

So whatever mistakes were made at the United Nations, we were fully in participation in those, as tragic as those results may have been. But the U.S. command, the combat command on the ground—it was not U.N., it was U.S.—General Montgomery was the overall commander, and then we had American commanders under him.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, in January of this year I went to Mogadishu and I met with General Montgomery. I also met with General Bier, who was the U.N. commander, the general from Turkey. Both gentlemen expressed their frustration with the structure that was in place—and I say both men because they were dealing with the structure from different aspects.

The important point I would like to make is that the support troops, to support our U.S. troops, were under General Bier, the United Nations. And that was a problem.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. I yield time to the Senator from South Carolina. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 14 minutes and 35 seconds remaining; the Senator from Georgia has 11 minutes, 16 seconds remaining.

Mr. KEMPTHORNE. I yield 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina has 8 minutes.

Mr. THURMOND. Mr. President, I rise in strong support of the amendment offered by the able Senator from Idaho. In the short time he has been in the Senate, Senator KEMPTHORNE has proved to be a most effective member of the Armed Services Committee. I commend him for bringing this amendment to the floor.

The Kempthorne amendment would reallocate the \$300 million currently in the defense authorization bill for United Nations peacekeeping assessments to the Defense Department's operation and maintenance account. It would be used primarily to cover training shortfalls.

I believe the Defense budget should not have been burdened with \$300 million for U.N. peacekeeping in the first place. If the peacekeeping account remains in the bill, the Defense budget will bear direct responsibility for payment of U.N. peacekeeping efforts for the first time. This is a major step—one that I believe is not in the best interests of the Nation or the armed services.

I am not opposed to U.N. peacekeeping in principle, nor is the Senator from Idaho. There are times when the United States should participate in such activities. But I feel strongly that our first priority is to be able to act unilaterally in our national interests when necessary.

In authorizing the peacekeeping account, the committee bill puts the seal of approval on the administration's expanded new policy for U.N. peace operations, as embodied in Presidential Decision Directive 25 [PDD-25]. But many members on both sides are not aware of the full implications of this new policy. PDD-25 and its doctrine of "assertive multilateralism" represent a quiet but significant revolution in U.S. security policy. The result of this policy may turn out to be increased subordination of American military forces and U.S. foreign policy to the United Nations. Before we embark upon such a sweeping new policy, we ought to examine its potential impact upon the Nation's interests and in particular on U.S. military capabilities.

I also believe that in the future there will be pressure to eliminate the restrictions placed by the committee on the peacekeeping account. Once the defense budget becomes a legitimate

source of U.N. peacekeeping funds, there will be no principled argument in the future not to remove the restrictions on its use, or raise the amount. The result will be the expanding use of defense funds for U.N. activities, and a corresponding decrease in congressional accountability and control.

We need more congressional control and oversight of peacekeeping, not less. I hope that the peacekeeping account in the bill will not make it easier for the administration to embark upon dubious U.N. ventures, with possibly even more tragic results than those we suffered in Somalia.

To summarize the arguments in favor of the amendment:

Without the amendment, the Senate will appear to be giving tacit approval to PDD-25 without full knowledge of its provisions.

Without the amendment, the Department of Defense, for the first time, will be using its appropriations to pay the United Nations directly for a peacekeeping effort.

Some \$300 million would be of substantial benefit to the forces in the area of training.

Without the amendment, there is a temptation to involve U.S. forces in peacekeeping efforts in order to recoup some of the funds sent to the United Nations.

We are already doing our share for peacekeeping. We will pay roughly \$1 billion for peacekeeping for fiscal year 1994.

The United Nations has a questionable method of accounting for funds to include the accounting for peacekeeping funds.

Having crossed the threshold of putting peacekeeping funds directly in the DOD budget, the \$300 million could grow from year to year, adding to pressure on the DOD budget.

Mr. President, for these reasons I favor the amendment and hope it will be adopted. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 11 minutes 15 seconds remaining.

Mr. NUNN. I yield 6 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 6 minutes.

Mr. LEVIN. Mr. President, first, I thank the chairman for yielding some time to me.

We have received a very significant letter from General Shalikashvili and Secretary of Defense Perry. It is a letter which is addressed actually not to us but to the Vice President as Presi-

dent of the Senate. I want to read from this letter as it relates to this amendment because it seems to me it makes the critical point which should be made against the pending amendment.

We write to express our support for the language in the National Defense Authorization Act for fiscal year 1995 relating to international peacekeeping and peace enforcement activities.

Then General Shalikashvili and Secretary Perry go on to say the following:

The President's peacekeeping policy makes disciplined choices concerning which peace operations to support, reduces U.S. costs for U.N. operations, clearly defines the command and control arrangements for U.S. forces participating in U.N. peace operations, reforms the U.N.'s ability to manage peace operations, improves the way the U.S. Government manages and funds peace operations and establishes more effective cooperation between the executive branch, the Congress and the American public on peace operations.

Pursuant to the President's policy directive, the Department of Defense has proposed the creation of a special Department of Defense account for international peacekeeping and peace enforcement activities, which includes a budget request of \$300 million for fiscal year 1995 to fund U.S. assessed contributions for those operations in which the Department of Defense has the lead management responsibility for the United States Government. The Senate Armed Services Committee's legislative recommendation authorizes the creation of this account at the level requested by the President for U.N. operations in which we participate, either with forces or with logistics support and is an important step toward implementing the President's policy to reform U.N. peace operations.

And the bottom line, they say—again, we are talking about the Chairman of the Joint Chiefs and the Secretary of Defense:

We urge you to support the language as reported by the Armed Services Committee and to oppose any amendments which seek to restrict the committee's proposed language.

The amendment before us does exactly that; it restricts the committee's proposed language. And that is why General Shalikashvili and Secretary Perry so strongly oppose it, for the reasons that they gave earlier.

We had General Zinni before us recently. He was the nominee to be commanding general of the 1st Marine Expeditionary Force. I think he was just confirmed this week. I think actually just 2 days ago. He has been involved in operations in Bangladesh, Iraq and Somalia. He has a lot of direct experience when it comes to peacekeeping and peace enforcement. He is, frankly, critical of many aspects of the United Nations recent performance running peace operations in particularly dangerous settings and skeptical of the United Nations current command-and-control capabilities, as many of us are. Indeed, I am critical of much of the United Nations command structure or the lack thereof.

General Zinni, who we just confirmed, is a hardnosed marine and he is a realistic observer. He believes that the United States has a responsibility and an opportunity to lead in improving the United Nations in trying to make multinational operations work. This is what he told the Armed Services Committee:

The future is multinational operations. We ought to provide resources, leadership and personnel to do it right. The only alternative is to establish an isolationist position or to dangerously stretch our already thin military capability to meet unplanned forward commitments in an ad hoc manner. Regional instability, drug trafficking, threats to the environment, overwhelming human catastrophes, mass slaughter, threats to democracies are examples of events that could conceivably involve our interest. We should attempt to deal with them in an international context to promote burden sharing and to gain a sense of international legitimacy, but that will require our leadership and participation.

I urge all Members of this body to particularly read the letter from the Chairman of the Joint Chiefs of Staff and the Secretary of Defense that oppose any amendment which would restrict the committee's proposed language in this area, and the pending amendment surely falls into that category. I hope that it is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Idaho is recognized.

Mr. KEMPTHORNE. I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. COATS. Mr. President, I want to rise to support the amendment of my friend and colleague from Idaho, Senator KEMPTHORNE. \$300 million is a lot of money. There is a broader question here, however, that I think needs to be addressed.

Clearly, we are stretching the limits of our ability to provide readiness and training for our troops, and directing these funds to that purpose is a worthy one. At the same time, I think it sends the very clear decision on the part of this Congress that there are other functions for which this money ought to be allocated. It should not come out of Department of Defense functions.

However, it is that broader question which most concerns me and one which I hope we can find the time to address.

The administration has proposed and has, in fact, now written a new directive, PDD-25, which outlines the when and how of U.S. involvement in U.N. and multilateral peacekeeping operations. It discusses peace enforcing as well as peacekeeping in both chapter 6 and chapter 7 of the United Nations Charter, and it raises a number of questions which I do not believe have been thoroughly aired and thoroughly discussed.

We do not have the time under this amendment to do that. I had hoped to be able to do that. Obviously, in 2 minutes that is not possible.

But I would hope that both the Armed Services Committee as well as the Foreign Relations Committee and the entire Senate could give some very serious attention to how and why and when we involve U.S. troops in conflicts around the world, and how and why and when we integrate them with U.N. peacekeeping and peace enforcing operations.

There are many questions that have not been answered. I hope we can do that. In the meantime, I hope my colleagues will support this amendment which moves us in that direction.

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

Who yields time?

Mr. KEMPTHORNE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 6 minutes 51 seconds remaining; the Senator from Georgia has 5 minutes 50 seconds remaining.

Mr. KEMPTHORNE. Mr. President, I would like to yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. MCCAIN. Mr. President, I rise in support of the amendment. I appreciate the efforts put into this amendment by my colleague from Idaho.

A lot has been said about this amendment. I would like to just talk a little bit about the aspect of the peacekeeping impact on our training and readiness. Training is the backbone of readiness. The level of sophistication, quantity and quality of our military training structure is the means through which we guarantee that our Nation will be victorious under any conditions and that we will do so with minimal loss of life to our own troops. We proved this clearly during Desert Storm.

We no longer have the force structure with which we fought the war in the desert and the turnaround times for our carrier battle groups and divisions have compressed from 18 months to 12 months. These compressed training schedules do not violate requirements put in place to protect the morale of our troops, but we certainly have to wonder if today's schedules are in keeping with the spirit of our arrangements. We can still maintain a reasonable level of readiness with a reasonable amount of sacrifice on the part of our forces that will not riot, strike or sue. That is the type of people we attract. But the only thing our troops expect is we will send them forth inadequately prepared never.

Where this simple expectation starts to become impossible to fulfill is when we start committing our forces to

peacekeeping operations that do not pass the tests set in other questions raised by the Senator from Idaho.

Mr. President, I ask unanimous consent to be allowed 3 additional minutes.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Is there objection? The Senator from Georgia.

Mr. NUNN. Could we just basically propound a unanimous consent that there be an additional 10 minutes to be equally divided because we are going to give out time on both sides and that will give us a rollcall vote at 6:30, possibly, is that right? Am I correct in that?

The PRESIDING OFFICER. Is there objection to that request? Without objection, each side is given an additional 5 minutes.

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

Mr. MCCAIN. Could I just finish, please, I ask the Senator.

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

Mr. KEMPTHORNE. Mr. President, I would yield an additional 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 3 minutes.

Mr. STEVENS. I do not want to hold up the unanimous-consent request but there will be then no more votes until a time certain?

Mr. NUNN. Yes. We will vote at approximately 6:30, and there would be a window here with no rollcall votes until at least 8:30, and possibly as long as quarter of 9.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. As I was saying, Mr. President, the expectations that our men and women in the military have start to become impossible when we start committing our forces to peacekeeping operations that do not, indeed, allow them to maintain the level of readiness that is necessary. A unit that is halfway through a 12-month training cycle that suddenly finds itself holding down an airport, beachhead or protecting peace workers is not half ready. Training is not divisible in clearly defined increments. It also follows that when that unit returns after 6, 8, or more months after peacekeeping duty, they will not be able to resume the training program at the point they left off.

Toward this end, this amendment seeks to protect the fiscal means through which our military can attempt to recoup some of its lost training. Training left incomplete as a result of commitments to U.N. missions cannot be readily replaced. It is simply gone at some cost to the price of peacekeeping.

My belief is that this amendment will offer DOD freedom from an addi-

tional injurious financial obligation incurred by paying a portion of U.N. assessments. DOD funds are intended to provide for the readiness of our services and ultimately the defense of this Nation.

Please bear in mind that money spent on these types of assessments are resources that should rightfully be programmed for refresher training. To reclaim readiness, refresher and proficiency training is necessary and should be required upon return. We are already asking our military to make do with less. We should not ask returning units to take refresher training funding out of hide.

The idea of requiring our services to in effect pay the price of admission for their own participation in a U.N. operation seems ludicrous.

Funding U.N. operations has traditionally been a responsibility of the State Department and is a tradition I am strongly in favor of perpetuating. As we see defense top lines free fall to mid-1980 levels, it is not the time to start adding new fiscal burdens on an already fragile defense budget.

I have serious concerns about the administration's foreign policy and its reliance upon the United Nations for foreign policy leadership and decisions. If we choose now to identify the defense budget as the cash cow that will support the ever-increasing number of U.N. peacekeeping operations that lie ahead, we are setting the stage for the demise of readiness and dooming our services to operate with even more austere resources than are offered under the current gutted defense budget.

In summary, for all these reasons, for the readiness of our Armed Forces and our Nation, I strongly urge the support of this amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. NUNN. I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Kempthorne amendment to the National Defense Authorization Act for fiscal year 1995.

This amendment would eliminate the provision in this bill that provides for Department of Defense funding of U.S. assessments for international peacekeeping activities involving U.S. combat troops.

Mr. President, I agree with the administration's view, as expressed in the Presidential Decision Directive 25 and the original version of this bill, that DOD should bear a share of the responsibility for international peacekeeping operations. I therefore add my voice to that of the Pentagon, Department of State and the Committee on Armed

Services in support of the bill as currently before the Senate, and I urge my colleagues to reject this amendment.

In the coming months, I will be taking a close look at the potential for the greater sharing of responsibilities between the Department of Defense and the State Department on matters related to peacekeeping.

The section of this bill, relating to peacekeeping, represents a step in the right direction. The adoption of the concept of shared responsibility is a significant development.

Pentagon funding of our peacekeeping assessments helps ensure that American military expertise is brought to bear on peacekeeping and peace enforcement operations, especially those that have a significant military component or involve U.S. troops. It also helps ensure that the United States meets its binding obligations to pay its share of peacekeeping costs. Continuing U.S. arrears in our assessments threaten to undermine U.N. peacekeeping efforts. Clearly, we must reassess the manner in which we respond to our peacekeeping obligations.

To those who fear a marked increase in DOD funding responsibilities, I note that the vast majority of U.N. peace activities fall under traditional chapter VI peacekeeping and do not involve U.S. forces. As this section of the bill obligates DOD to pay only assessments for U.N. peacekeeping or peace enforcement activities which include U.S. combat forces—defined as forces which have a primarily combat mission—most assessments would remain the responsibility of the State Department.

It is in our interests to support a strong United Nations capable of engaging in selective, but effective, peace operations. Yet the United States cannot call for greater international cooperation and coordination in resolving the world's conflicts while at the same time shirking its own responsibilities to the international community. The United States can and should provide vital leadership to strengthen the United Nations as a multilateral security institution.

U.N. peacekeeping operations can be important instruments for protecting and advancing U.S. interests. But our failure to support international efforts at conflict resolution today will sow the seeds of tomorrow's Rwandas and Bosnias.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield the Senator from Florida 3 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GRAHAM. I thank the Chair.

Mr. President, I have listened with interest to the views expressed by my colleagues regarding our Nation's involvement in international peacekeeping operations.

I would like to take a moment to share my observations in this regard.

I believe that in this post-cold-war era, the United States has essentially three options for dealing with world conflicts and strife.

One, the United States can sit on the sidelines and watch events unfold in the world around us, doing nothing even when these events have a significant impact on our national interests.

Two, the United States can act unilaterally where and when we believe that it is in our national interest to do so.

Or three, the United States can contribute to the development of effective multinational capabilities to deal with these world events or crises.

I believe increasingly that third option will be the one we will wish to choose.

We have learned from our Nation's history that the first option—essentially, isolationism—has negative consequences which are not in our national interest.

To pull inward and watch from the sidelines would be failure to acknowledge our role as a world leader, and the fact that this world is becoming more interdependent and interconnected than ever before in human history.

It would lead to a loss of credibility in the international community and certainly undermines our ability to work together with other nations.

The second option—unilateral operations—also poses significant problems for us if we were to choose it.

For one, we do not have the national assets required for us to perform all of the operations in this world required to protect our national interests.

As we speak, and as in the past, our military continues to be involved in numerous exercises with foreign nations, training together and developing proficiencies so that we can coordinate our efforts in time of need.

And in these times of need, we would work closely, as we did in the past, with our allies to address whatever crisis with which we are dealing.

When we acted to thwart the aggression of Saddam Hussein during Desert Storm, we did it in concert with other nations, not on our own.

Therefore, I believe that the question that is before us now is how to make the third option as effective as possible in terms of strategic decisionmaking, organization, training, equipment, command and control, and the other requirements of political and military operations.

We have now had a number of experiences from which to learn what are the challenges and what are some of the means of more effectively preparing ourselves for yet future challenges.

We cannot afford to turn back from the lessons we have learned to date.

That is why I believe it is important that we, along with our allies, remain

committed to the process, and effort, of developing a workable and mutually beneficial system for promoting and keeping peace.

One important part of that effort is ensuring that our Nation pays its share of legitimately assessed costs associated with peacekeeping operations.

There is widespread agreement with the administration that our assessments should be reduced to 25 percent from 31 percent, and that some of our allies should bear a larger share of the financial costs than they are currently.

However, with respect to paying what we have been legitimately assessed under current rules, there is no doubt that withholding such funds will unduly burden the United Nations and negatively impact efforts to promote reforms and enhancements within the organization.

That is why, if we are genuine in our desire to see the United States play a credible and productive role in international world affairs, it seems to me we need to be committed in our efforts to make the United Nations a viable organization.

The Senate has confirmed the nomination of Maj. Gen. Anthony Zinni, U.S. Marine Corps, to the grade of lieutenant general, and to be the commanding general of the First Marine Expeditionary Force.

He is an expert on this issue of U.N. peacekeeping.

Gen. Anthony Zinni has served in numerous multinational task forces, including a tour as the chief of staff and deputy commanding general of the combined task force Provide Comfort during the Kurdish relief effort in Turkey and Iran.

He served as the military coordinator for operation Provide Hope relief efforts in the former Soviet Union.

He served as the Director for Operations for the Unified Task Force Somalia for Operation Restore Hope and assistant to the U.S. Special Envoy in Somalia.

In other words, General Zinni is an experienced military expert with hands-on, up-close experience in this area of U.N. peacekeeping operations.

I would like to quote the general's recent response to questions asked him by the Senate Armed Services Committee.

His responses capture my opinion in this matter, and I agree with him to the letter.

I quote the general:

I believe there are certain intervention operations that the U.S. must commit to that are in our national interest, and we must properly prepare our forces for them.

We need a policy and strategy statement that clearly articulates what is expected of our military in these commitments much in the same way we have articulated the requirement in the two MRC strategy.

As a result, we should fund the additive military forces and resources needed.

The only alternative is to establish an isolationist position or to dangerously stretch

our already thin military capability to meet unplanned for commitments in an ad hoc manner.

We certainly should not involve ourselves in commitments not in our interests, but in today's world the things that threaten our national interests are growing more complex and subtle.

Regional instability, drug trafficking, threats to the environment, overwhelming human catastrophes, mass slaughter, threats to democracies, are examples of events that could conceivably involve our interests.

We should attempt to deal with them in an international context to promote burden-sharing and to gain a sense of international legitimacy, but many will require our leadership and participation.

I could not have said it better than General Zinni. He has been on the front lines, and he knows these issues well.

Clearly, we must work together with our allies to establish permanent and competent peacekeeping mechanisms.

An ad hoc approach cannot, and will not, provide us with a consistent and stable methodology and support system for dealing with these world conflicts.

A stable and effective, permanent system is what we need in this unstable, post-cold-war era.

Mr. President, I urge my colleagues to support retention of the provisions in the Defense authorization bill which support these efforts.

Mr. President, I oppose the amendment that is before the Senate at this time. I believe that it is an amendment which is out of reality with the world in which we are now living. This is a world in which we are going to be increasingly faced with the kinds of engagements that are currently underway in places whose names we hardly knew just a few years ago: Somalia, Bosnia, and other locations where the international community is going to be called upon to bring order and to defend democracy.

It is my strong belief to the extent the international community has a well-organized, well-commanded, equipped and trained capacity to undertake those kinds of initiatives, that it is less likely they ought to be called upon to do so. If, for instance, in September 1991, the world community had a capacity to carry out its rhetoric in support of the democratic institution, I think it would have been much less likely that the military in Haiti would have deposed the democratically elected president.

The options that we face, it seems to me, Mr. President, are essentially four. No. 1, we can either retreat into isolationism and deny ourselves the capacity to defend interests which are important to the United States; or, No. 2, we can only accept the capacity to respond to those attacks against our national interests on a unilateral basis; or, No. 3, we can do what we are doing today, participating in joint multinational exercises but typically being poorly organized, high-cost, and requir-

ing supplemental appropriations beyond the budget caps to be financed for the U.S. operations; or, No. 4, we can begin to move toward some rational, coherent policy in terms of these types of operations.

I believe the language in the defense authorization bill takes that fourth road. It will lead to greater cost control. It will lead to the Department of Defense.

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

Mr. GRAHAM. Mr. President, will the Senator from Georgia yield 30 additional seconds?

Mr. NUNN. Mr. President, I yield 1 minute to the Senator from Florida, and then 3 minutes to the Senator from Massachusetts following that.

The PRESIDING OFFICER. The Senator from Florida may proceed for an additional 1 minute.

Mr. GRAHAM. Mr. President, I believe the language in the defense authorization bill will move us toward having an international capacity with major U.S. leadership involvement which is both effective in terms of its military capability and efficient in terms of cost, and places the responsibility for our combat troops where it should be placed—with the Department of Defense.

Mr. President, I close by suggesting that this debate is only an early chapter in the longer book, in which the United States will begin to find its way to participate in multinational operations. I hope that we do not close that book prematurely by adopting this amendment and frustrating our ability to be rationally involved in such an important engagement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KERRY. Mr. President, thank you.

I rise to oppose this amendment, and ask colleagues to measure carefully the increase of responsibilities that we have assumed, all of us as a country, equally under the requirements of the United Nations and the votes that have taken place both here in the Senate and in the United Nations.

I also ask them to measure carefully what the President has undertaken here to separate the requirements of chapter 7 and the need to try to reflect the accuracies of our Federal budget crisis.

The State Department simply cannot afford, nor will Congress vote, to give the State Department adequate funding to cover all of peacekeeping. Congress likewise does not want to face up to the reality of what our requirements are under the Defense Department.

So the President has drafted a careful program to try to divide those responsibilities between Defense and State, and also to make certain that these funds would only be spent in

those cases where American troops are in fact involved. And under the new requirements of our peacekeeping decisions, that will only be with consultation with Congress and through a process of public debate.

So, in effect, what the Senator is seeking to do is to deny us the very ability to be able to pay for what in the future we are going to decide. I do not think anything could be more irresponsible than precluding our capacity to fulfill our obligations for world leadership at this point in time.

The simple reality is that the United States, if we are going to fulfill our role in the world, is going to be called on to take part in peacekeeping and to support peacekeeping.

This particular measure goes to the question of where we take part in peacekeeping. If the Senator is deeply concerned about readiness of our troops and capacity of our troops to do the job and be protected, to have them participate, but not able to take the funding and to put the President in the predicament of not being able to adequately support them would be the worst of all worlds.

So I hope my colleagues will reject this amendment, recognizing that it simply runs contrary to the responsibilities that we have already accepted and that we face if we are going to protect the national interests of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes and 9 seconds; the Senator from Idaho has 6 minutes and 51 seconds.

Mr. NUNN. Mr. President, I am prepared to yield back all the time on this side if the Senator from Idaho is. We do not see anyone else who wants to speak.

Mr. KEMPTHORNE. Mr. President, I would like to make closing comments.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

First, may I ask that Senator CRAIG be made a cosponsor of this amendment?

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

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by a number of Senators to the Assistant to the President for National Security.

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

U. S. SENATE,  
OFFICE OF THE REPUBLICAN LEADER,  
Washington, DC, March 24, 1994.

HON. ANTHONY LAKE,  
Assistant to the President for National Security,  
The White House, Washington, DC.

DEAR MR. LAKE: Pursuant to a request from your staff, we are writing to share our

views on the Administration's pending peacekeeping policy review. This review is particularly timely in view of the recently released unclassified CIA assessment which details 36 current or proposed peacekeeping operations—far more than is generally recognized.

At the outset we want to express our support for your statement last month that "peacekeeping is not at the center of our foreign or defense policy." We also appreciate the opportunity to comment on this important policy initiative of the Clinton Administration. As a result of the consultation process begun last year, we have become familiar with the draft concepts and ideas on "Presidential Review Directive 13" (PRD-13). As you know, we have supported legislative proposals which would strengthen U.S. policy on peacekeeping, further bipartisan support for U.S. participation in United Nations and other peacekeeping operations, and advance the stated goals of your review.

In the spirit of furthering a cooperative approach to peacekeeping issues, we offer the following comments.

#### 1. U.S. SUPPORT FOR AND PARTICIPATION IN PEACEKEEPING OPERATIONS

First, the proposed criteria for determining whether to support a U.N. operation omit, inadvertently we are sure, American national interest. Clearly, the U.S. should not commit its vote—or its funds or forces—to any operation which does not advance American interests. We urge you to explicitly include calculation of American national interests as the foremost criteria for all decisions to support any U.N. operations.

Second, it is unclear from briefings to date whether these "cumulative" criteria will be applied to U.S. support for extensions, revisions and renewals of ongoing operations. We urge you to apply any criteria just as rigorously to continuation or expansion of ongoing operations as to new or proposed operations.

Third, the criteria lack any reference to reining in the power of the U.N. Secretary General. In recent years, the ability of the U.N. Secretary General to make unilateral decisions directly and indirectly affecting American interests has dramatically increased. In our view, the role envisioned under the U.N. Charter for the Secretary General was for a chief administrative officer—not a chief executive officer, and certainly not a commander in chief. A recent example of such decisions by the Secretary General involves the U.N.-sponsored deployment of troops from countries with ethnic, historical, colonial or religious ties to any side of a conflict. The long-held U.N. position of using neutral troops appears to have been abandoned—with the deployment of Russians at the side of Bosnian Serbs in UNPROFOR, and the proposed deployment of Russians in the former Soviet colony of Georgia in UNOMIG. At the same time, the U.N. Secretary General has refused—apparently unilaterally—offers of troops from certain countries for certain operations. In our view, there are ample administrative duties which should occupy any Secretary General on a full-time basis, reserving politically and financially important decisions on troop deployment and many other issues for the Security Council. We urge you to make such a limitation of the Secretary General's authority a stated policy goal of PRD-13.

#### 2. COST REDUCTION

Reduction of U.S. costs for peacekeeping operations is a goal we all share—especially in light of the exponential growth of such

costs for assessed, voluntary and other contributions, and in the incremental costs of Defense Department activities in support of peacekeeping operations. The Administration sometimes justifies U.S. participation in peacekeeping activities as a form of "burden sharing" in the post-Cold War era; cost reduction, therefore, becomes even more important since the U.S. share of the peacekeeping burden keeps increasing. We are concerned, however, that the proposals in the draft PRD-13 will not achieve the goal of reducing U.S. costs.

First, there appears to be inadequate recognition of the waste, fraud, and abuse that accompany United Nations operations; an independent inspector general may be able to expose and limit malfeasance, but PRD-13 should not expect an inspector general to implement large-scale cost containment.

Second, there is no mention of the U.N.'s unilateral decision to raise the U.S. assessment to 31.7%—a decision made during the transition between the Bush and Clinton Administrations. While the Administration is properly refusing to recognize the irregularly increased assessment, this ongoing effort by the U.N. to overbill its largest contributor should be renounced in the PRD. And, the PRD should recognize clearly the implications of such overbilling as we seek to reform United Nations' financial practices.

Third, we urge you to include an explicit statement that the U.S. will no longer recognize U.N. assessments in excess of 25% beginning January 1, 1995. Simply stating the goal of reducing the assessment is not enough; we urge you to include such a clear statement in the PRD.

Fourth, the idea of making benefiting nations bear a greater share of the burden is attractive, but U.N. peacekeeping operations almost by definition occur in countries ravaged by natural and human disasters. The two examples used in briefings (Cyprus, Kuwait) have already assumed some greater burdens; we question whether Somalia, Mozambique, Georgia, Cambodia, Lebanon, Angola, Liberia, Haiti, etc. can bear a greater burden; in fact, including such a reference could very well have the effect of raising unrealistic expectations. We urge you to either specify new, proposed savings resulting from this concept or to delete the reference.

Fifth, the PRD is silent on an immediate and achievable step the U.S. could take which would realize significant cost savings: Seeking and receiving full credit for U.S. contributions to peacekeeping operations. For example, the U.S. is providing some \$45 million this year for police and judicial programs in Somalia directly related to UNOSOM, yet the Administration has not even sought to have these contributions credited toward the U.S. assessment. Likewise, the U.S. is providing some \$30 million in support of UNOMIL in Liberia, yet no credit for the U.S. assessment has been sought. We urge you to make receiving full credit for U.S. contributions directly related to U.N. peacekeeping operations a goal of PRD-13.

Sixth, we urge you to add termination of peacekeeping operations which are not achieving their stated purposes as an explicit cost reduction measure in the PRD. The PRD should delineate clear guidelines for evaluating the effectiveness of peacekeeping activities, and clear guidance for the U.S. to oppose extension of operations which do not meet those guidelines.

#### 3. COMMAND AND CONTROL

We have grave reservations about the proposed provisions on command and control.

First, the PRD fails to recognize that the U.N. is not now, or for the foreseeable future, an organization that can conduct military combat operations—which are evidently part of your peacekeeping definition. Recent events in Bosnia make this point abundantly clear, given the delay of many hours in seeking U.N. officials' approval for close air support for U.N. forces under attack, and the shocking revelation that a U.N. official actually tried to contact the political leaders in control of the aggressor forces. Ultimately, no action was taken due to the delays and, possibly, the warnings given Bosnian Serb forces. This type of paralysis, warning to the aggressor, and lack of coordination should never occur in military operations and would be scandalous if it occurred in a U.S. operation; yet such events seem to typify current U.N. command and control arrangements. We urge you to recognize the U.N.'s institutional shortcomings in the PRD—not to simply gloss over them.

Second, the draft PRD does not appear to recognize the unique risk to Americans serving in U.N. operations. The experience in Macedonia—which so far has not resulted in the targeting of American peacekeepers—is not sufficient to warrant complacent treatment of this sensitive issue. In our view, the tragic experience of Lieutenant Colonel William Higgins in Lebanon serves as a reminder of both the risk to American personnel, and the inability of the U.N. to protect its peacekeepers even in Chapter VI operations. The ambiguous status of captured peacekeepers under international law—including questions over the applicability of the Geneva Conventions—should be clarified in the PRD. We urge you to add specific recognition of the unique risks to American military and civilian personnel to the criteria in the PRD to be addressed before any deployment of U.S. armed forces under foreign command.

Third, we are deeply disturbed over the apparent deletion of a reference to U.S. armed forces under foreign command being able to refuse militarily imprudent orders. The readiness, training, ability and leadership of U.S. military personnel is second to none; unfortunately, the same cannot be said of foreign commanders who will have operational or tactical control of U.S. forces in current or future peacekeeping operations under the Administration's proposed policy. It is our understanding that the draft PRD at one point included clear guidance specifying that militarily imprudent orders, as well as orders illegal under international or domestic law and orders outside the mandate of the mission, were to be rejected on the spot by American military personnel. We are disturbed that this has apparently been replaced by language directing American personnel placed under foreign command to "phone home" to consult on orders which are illegal or outside the mission's mandate—and that the crucial reference to militarily imprudent orders has been deleted. We urge you to grant express authority for U.S. personnel to refuse militarily imprudent orders as well as illegal orders; anything less than such clear authority in the PRD only increases the possibility of American casualties due to inept or incompetent foreign command.

Finally, we note that the conditions the PRD lays out for foreign command of U.S. forces are very similar to those included in section 4 of the Peace Powers Act (S. 1803). We urge you to specifically reference the certification process proposed by this legislation in the PRD, which would strengthen the

partnership between the Executive and Congress on this issue.

#### 4. UNITED NATION'S CAPABILITIES

We are disturbed by some elements of the proposed efforts to "strengthen" U.N. capabilities. First, we question the need to dedicate U.S. resources to the already bloated U.N. public affairs efforts. While some U.N. capabilities may deserve U.S. support, we do not believe U.S. support for U.N. public information, public affairs, or propaganda efforts is wise or appropriate.

We also question the prudence of support for U.N. intelligence capabilities. Any intelligence provided to the U.N. must be assumed to be subject to nearly immediate compromise. The issue of U.N. intelligence capabilities also beg important questions about how far such capabilities would extend—will the U.N. develop an independent intelligence collection capability? Will the U.N. develop a special operations, clandestine, or covert action capability? These and other concerns led us to propose section 16 of S. 1803, which would require any intelligence be shared with the U.N. only pursuant to an agreement that has been reviewed by the Senate Select Committee on Intelligence. We urge you to move very slowly on an expansion of U.N. intelligence activities, to spell out exactly what the PRD proposes on this sensitive issue, and to proceed with intelligence sharing only with the complete concurrence of all elements of the intelligence community.

#### 5. U.S. FUNDING

The draft PRD does not adequately address the central issue of U.S. funding for peacekeeping—specifically the claimed shortfall of over \$1,000,000,000 by the end of Fiscal Year 1994. We note the Administration only requested \$617 million at the time of its FY 94 budget submission, and more than \$400 million was appropriated. Just as current assessments were woefully underestimated, we are concerned that future estimates are likewise underestimated.

First, it seems clear that the Administration request of \$300 million for FY 95 peacekeeping for all Chapter VII and Chapter VI operations with U.S. participation is insufficient to meet expected assessments; we note that the U.S. currently estimates an assessment of nearly \$400 million for FY 95 for just one Chapter VII operation. Since it seems doubtful that U.N. costs will reduce in any significant fashion in FY 95, the \$300 million request level needs revision to be considered seriously by the Congress. Accordingly, we urge you to consider all aspects of FY 94-95 funding as a priority issue within the PRD process.

Second, we note that incremental costs of DoD participation in peacekeeping operations is also not included in the PRD section on U.S. costs. The Congress has already appropriated \$1.2 billion in an emergency supplemental for FY 94 costs already incurred, yet there is no effort to project, plan for, or request funds for incremental costs of DoD participation in peacekeeping operations. We urge you to do so as part of the PRD process.

Third, we have a number of serious questions—and practical concerns—over the proposed "Shared Responsibility" concept. Such questions include: how DoD will "manage" Chapter VII operations which have no American troops deployed; whether DoD will be responsible for unbudgeted costs incurred due to underestimates of assessments of Chapter VII (and Chapter VI operations with U.S. combat units deployed); whether DoD

will have input into specific operations to be supported by the U.S. in the Security Council in keeping with DoD's proposed funding and management responsibilities; and how management of an operation would shift from State to DoD or vice versa if the U.N. authorization or U.S. force component changes after an operation has been initiated.

Because so many questions and issues associated with this proposal remain unresolved, we urge you to defer this portion of the PRD for the time being.

#### 6. CONGRESSIONAL SUPPORT

While we appreciate the opportunity to comment on the proposed PRD through the consultation process, we note that consultation on peacekeeping operations themselves has been less than optimal. We also note that the Administration opposed every section of the Peace Powers Act, including the provisions on consultation, and has opposed related provisions added during Senate consideration of S. 1281, the Foreign Relations Authorization Act, despite great efforts on our part to accommodate stated Administration concerns. While the PRD no longer calls for revisions in the United Nations Participation Act, we believe that legislation needs substantial alteration. Finally, we note that despite the more than year-long review in the PRD process, no legislation has yet been submitted to the Congress.

We urge you to include precise clarification of the circumstances under which Congressional approval of deployment of U.S. armed forces in peacekeeping operations would be sought. We are concerned that the Administration's commitments on this vital issue are ambiguous. The PRD should clear up this ambiguity.

There are numerous issues related to U.S. participation in peacekeeping that are not addressed in our previous comments. For example, U.S. acquiescence in or support for Russian peacekeeping in the Newly Independent States is a matter of utmost national security interest for our country; yet, decisions appear to have already been made without serious Congressional consultation.

While the draft PRD is not yet finalized, we are aware that your review is nearly complete. We are also aware of your intention to release a modified, public version of the resulting PDD. We urge you to provide, on a classified basis if necessary, the actual PDD and all annexes to the appropriate committees of Congress before the document is finalized. We also urge you to provide the same documents in their final form. We hope we can work together to fashion a bipartisan U.S. approach to peacekeeping policy.

Thank you for the consideration of our views.

Sincerely,

Bob Dole, Ted Stevens, Mitch McConnell, Don Nickles, Richard Lugar, Thad Cochran, Pete Domenici, John Warner, Jesse Helms, Larry Pressler, Paul Coverdell, Strom Thurmond.

Mr. KEMPTHORNE. Mr. President, I think that during this debate, we have pointed out statistically that the United States is paying more than its fair share.

I will quote now from a letter from Anthony Lake, Assistant to the President for National Security Affairs. It states:

The President's policy covers six major aspects of reform and improvement.

And one of these is:

Reducing U.S. and U.N. costs for peacekeeping operations.

I applaud that. Here is an opportunity to reduce those costs. It has been stated also that we only have to pay where we have U.S. troops involved. But there is a very important distinction, and that is those U.S. troops have to be under U.N. command in order for the United States to receive reimbursement. That troubles me greatly.

Mr. President, we have also noted the letter that was written by General Shalikashvili. It was then referenced that somehow it applied to this amendment.

Let me also read to you from a report from the Chairman of the Joint Chiefs of Staff, General Shalikashvili, a report to the Congress on 1994 force readiness assessment. Here is what they say:

The current pace of operations of U.S. forces throughout the world threatens our ability to maintain a high degree of readiness to meet all contingencies. The CINC's have noted that the transfer of operations and maintenance funds to support operations in Somalia, the Persian Gulf, the former Republic of Yugoslavia, and other contingencies has reduced operational readiness.

That is the Chairman of the Joint Chiefs of Staff.

I will note also, Mr. President, that the House of Representatives has rejected this provision of taking \$300 million from the Department of Defense budget.

My closing remark is this, Mr. President. I do not think anybody disputes that we have a troubled world. The cold war may be over. But it is a troubled world with conflicts arising everywhere. We talk about the fact that for 10 years, we have been reducing the defense budget. We talk about the fact that we are probably approaching the point that we are going to have a hollow force because historically the United States has done this every time after we have disarmed from major conflict.

I am not saying we should not pay for peacekeeping with the United Nations. But pay for it from the State Department, not the Department of Defense.

Mr. President, that \$300 million ought to remain in the Department of Defense budget to be directed with recommendations from people like the chairman, Senator SAM NUNN and the ranking member, Senator STROM THURMOND, based on recommendations by General Shalikashvili, rather than turning this over to the United Nations and having Boutros Boutros-Ghali determining where that \$300 million is spent.

That is what this amendment does. It keeps the priorities where they should be, and that is, with regard to readiness, the \$300 million remains in the Department of Defense.

I yield back my remaining time.

Mr. DOLE. Mr. President, this is an excellent amendment. There is no reason to pay for U.N. Secretary General Boutros Boutros-Ghali's adventures. In this fiscal year, the United States will spend far in excess of \$2.2 billion for peacekeeping. Despite a much-publicized new policy on peacekeeping, this administration persists in approving and extending peacekeeping operations. In the course of the review which led to the new policy, Senate Republicans urged the administration to refrain from raiding the defense budget, and to reject using Defense Department funds to pay U.N. assessments. Unfortunately, the administration rejected our advice.

Many of us believe that we have cut too much from the defense budget already, especially for readiness. This administration has not requested enough money for the exploding international entitlement program of U.N. peacekeeping. While only \$833 million is requested for fiscal year 1995, the United Nations will assess at least an additional \$1 billion for the U.S. taxpayer to finance. We will soon be faced with a supplemental appropriation legislation with \$670 million for peacekeeping costs this year.

There is no reason to spend our scarce defense dollars on U.N. peacekeeping. American readiness needs are too great. I would hate to see accidents or casualties in the future due to a lack of readiness funds—this amendment will help avert that outcome. The House explicitly prohibited using defense funds for U.N. assessments. We should follow the same prudent course and adopt the Kempthorne-McCain amendment.

Mr. NUNN. Mr. President, I will take 30 seconds in closing my argument, and I will yield.

I want everybody to understand that the only way this \$300 million can be spent and can be sent to the United Nations is, if the President of the United States decides under the procedures we have set up in this bill, which requires advance notice to Congress—if the President decides to send American combat troops to the particular peacekeeping operation. In other words, if we have not decided to put in combat troops, this money will not be eligible to be sent to the United Nations.

At this stage, I yield the remainder of my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Kempthorne amendment which is pending before the Senate.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—35

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Pressler
Cochran	Hatch	Robb
Cohen	Helms	Roth
Coverdell	Hutchison	Simpson
D'Amato	Kempthorne	Smith
Danforth	Lott	Stevens
Dole	Lugar	Thurmond
Domenici	Mack	

NAYS—60

Akaka	Ford	Mikulski
Baucus	Glenn	Mitchell
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boren	Hatfield	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Packwood
Breaux	Jeffords	Pell
Bryan	Johnston	Pryor
Bumpers	Kassebaum	Reid
Byrd	Kennedy	Riegle
Campbell	Kerry	Rockefeller
Chafee	Kerry	Sarbanes
Conrad	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dorgan	Levin	Specter
Durenberger	Lieberman	Warner
Feingold	Mathews	Wellstone
Feinstein	Metzenbaum	Wofford

NOT VOTING—5

Craig	Exon	Wallop
Dodd	Inouye	

So the amendment (No. 1849) was rejected.

AMENDMENT NO. 1840

The PRESIDING OFFICER. The pending amendment before the Senate is amendment No. 1840, offered by Senator JOHNSTON.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening, as I am advised by the manager that good progress has been made during the day today and no further progress this evening is possible, except on amendments that will be accepted. I understand that the managers will be here to consider such amendments.

We have reached a point in this legislative session where the amount of work to be completed far exceeds the amount of time within which to do it. It is therefore necessary that we be in session tomorrow to ensure the presence of Senators.

There will be a vote at 9:30 a.m. and there will be more than one vote to-

tomorrow. I repeat, there will be more than one vote tomorrow. There may be several votes tomorrow, including procedural votes, if necessary, to ensure the presence of Senators during the day, as it is imperative that we make further progress on this bill, and we have a number of other measures on which action must be taken before the Senate leaves for the July 4 recess next Friday.

In view of the fact that I would like to finish this bill tomorrow and the number of other matters on which action will be necessary to be completed, Senators should be aware and should expect very late sessions every night next week through and including Friday, unless the pace quickens in a way that has not been apparent and is not now apparent. So Senators should be aware of that.

I repeat, there will be a vote at 9:30 a.m. There will be more than one vote, possibly several, including procedural votes, if necessary, to ensure the presence of Senators, and votes are possible throughout the day tomorrow, at least until 3 p.m.

Next week, votes will be possible and votes will be likely throughout the day Tuesday through Friday and possibly on Monday. I issued a prior statement with respect to the possibility of votes on Monday and will make a decision and an announcement on that tomorrow, depending upon what progress is made on this bill during the day tomorrow.

Mr. MURKOWSKI. Will the leader yield for a question?

Mr. MITCHELL. Yes.

Mr. MURKOWSKI. As I understood the leader's comments with regard to Monday, you are going to make a decision prior to 3 o'clock tomorrow on the schedule for Monday?

Mr. MITCHELL. That is correct.

Mr. MURKOWSKI. We have been notified that there may be votes on Monday, but I was not aware that they were going to start prior to the afternoon on Monday.

Mr. MITCHELL. That is correct; they will not start prior to 6 p.m.

Mr. MURKOWSKI. But you will advise us prior on your decision on how late we will go tomorrow and on the schedule for Monday?

Mr. MITCHELL. That is correct.

Mr. MURKOWSKI. It would be very helpful, because I am planning to go back to Alaska and the last plane I can catch is the 2:20 plane, but I can make that.

But if I come back and have to make votes on Monday—and I realize the Senate does not mind my inconvenience; but, nevertheless, I have to do what I have planned—if I leave there at 7 a.m., which is the first flight I can get, and fly all day Monday, I will get here at 8 o'clock.

So whatever the leadership can do, obviously, I would appreciate it.

I thank the leader.

Mr. MITCHELL. I will, as always, do my best to accommodate the Senator from Alaska, and will, of course, take his schedule into account in making the decision.

Because of its rules, the Senate schedule is inherently uncertain and not fully predictable. I will do my best to make it as certain and as predictable as possible, but, as you know, circumstances do not always permit that.

Further, I want to say that, at least in recent weeks, the practice has developed where enough Senators leave, simply leave, and then call back from wherever they have gone attempt to make it a self-fulfilling prophecy that there will not be any votes in their absence. That is the reason we are going to have to have votes tomorrow.

So any Senator who leaves and is not here tomorrow knows that he or she, with certainty, will miss a minimum of two votes and possibly more. It is the only way we can ensure the presence of sufficient Senators to conduct the business. Therefore, that is what we will have to do.

I thank the Senator from Georgia and my colleague, the Senator from Maine, for their work on this matter and hope we can make some progress on the bill tomorrow.

Mr. MURKOWSKI. I thank the majority leader.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I just want to let everyone know that we have a number of amendments that people have indicated they want to bring up, and we have a number of amendments that are going to require rollcall votes before this bill is completed.

The more we can get done now, that means the more likely it is we will not be staying here next Friday night until 11 or 12 o'clock. So I hope everyone who has an amendment would be willing to have a meaningful debate and a vote on that amendment tomorrow morning, if at all possible. We will have some discussion on a Bosnia amendment, but there will be no vote on that one until next week. We will have discussion on a B-2 amendment. I am not certain when a vote on that one will occur.

But there will be some important matters discussed tomorrow, and I hope we can—I know other amendments are going to require rollcall votes. For instance, the Senator from New Jersey, Senator BRADLEY, has an amendment to eliminate selective service. That will require a rollcall vote. We could handle that one tomorrow if the Senator from New Jersey could be here and present it. We could handle a Warner ABM amendment tomorrow if the Senator could be here and present that one. We could handle a Feingold amendment on uniform medical school

tomorrow. I hope one or two or three of those amendments will be presented.

In addition to that, I want everyone to know I will be here at least for another hour, as long as we can do business tonight, to examine any amendment any Senator believes might be able to be accepted. We will discuss it with them. We will see if we can accept it. We will begin working on it on both sides, and we can make progress in that regard. So I plan to be here for at least an hour and as long as necessary tonight, as long as we can continue to work amendments.

I hope anyone who has an amendment that they want us to take a look at tonight or tomorrow, I hope they will come over and give it to us tonight and let us begin working on it.

The same can be said tomorrow morning. We will be here debating amendments that will probably require rollcall votes, but we will also be receptive to looking at any amendment that is presented. I hope people will take advantage of that. It is inevitable we are going to get into a time crunch next week. If Senators want due consideration of their amendments, this is the time to debate them, rather than waiting until we get into a crunch next week when there may be an urge to table people's amendments and with people voting almost automatically on those tabling motions without the same kind of careful consideration that can be done on the early stages of the bill.

My bottom line is we will be here an hour at least or longer if necessary on both sides to look at amendments, and I encourage those who have amendments to bring them over. I thank all Senators for their cooperation. We have had meaningful progress made today. There is going to be meaningful debate tomorrow morning on both Bosnia and on the B-2 strike amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

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

#### NUCLEAR SAFETY

Mr. COHEN. Mr. President, shortly after taking office last year, the Clinton administration undertook a significant reorganization of Department of

Energy and some of the elements of DOE's reorganization many think were highly commendable. Others, I might point out, caused me some concern at the time and particularly the fate of the Nuclear Safety Office.

Under DOE's reorganization, the Nuclear Safety Office was folded into the Office of Environment, Safety, and Health. And the Office of Nuclear Safety is responsible for providing independent safety oversight of DOE's nuclear facilities. It is the only inhouse check on nuclear safety that is independent of those who manage DOE nuclear facilities.

Now, partly in response to the criticisms from Members of Congress and others, DOE transferred the Nuclear Safety Office intact without reducing its staffing, at least initially. And while this also was a welcome decision, the reorganization had other effects on nuclear safety oversight that were of continuing concern.

In order to have a sound basis for evaluating this matter, last April I asked the GAO to review DOE's restructuring of the nuclear safety oversight and to evaluate whether the proposed changes would improve or detract from DOE's ability to ensure nuclear safety. What the GAO found remains disconcerting. After its year-long review, it reached three basic conclusions.

First, that DOE does not currently have an adequate number of qualified staff to oversee nuclear safety.

Second, DOE does not have a mechanism to ensure that nuclear safety issues are elevated up the chain of command until they are resolved. As a result, DOE may fail to take action to correct known safety problems "potentially posing unnecessary risk to workers and to the public." This organizational flaw is particularly important because nuclear safety oversight officials told GAO that some DOE nuclear plant managers have become less responsive since its reorganization was adopted last year.

Third, most importantly, GAO found that the independence of the nuclear safety oversight officials is compromised because they are now being directed to provide management assistance to those that they oversee. The regulators are, in effect, being told to become part of the plant management, undermining their ability to regulate in an objective, independent manner.

Mr. President, I am prepared—and I was prepared this afternoon even—to offer an amendment that would hopefully make improvements on what has taken place with this reorganization plan. Because of the GAO report which was released publicly, and because of the questions that it raised, I agreed to meet with some DOE officials this afternoon. And I spent considerable time listening to the counter arguments that were made on behalf of Secretary O'Leary. I must say that I think

the arguments that were raised to counter the GAO's investigation had some merit.

So as a result of this afternoon's deliberations which consumed a good part of the latter part of the afternoon, I hopefully will be able to work out some kind of a compromise that will achieve the objectives certainly of the reorganization plan that the Secretary has in mind but also to ensure that there really is objective, independent oversight.

It is sort of a catch-22 problem that they have. On the one hand, DOE would like to take the expertise of those individuals who go on to the plants to go to the on-line plant managers, assist them, and give technical assistance.

There is a commendable aspect to that. But once you become part of the so-called management team, or even appear to be part of the team to ensure safety, then you tend to lose at least some measure of that independence that you are the overseer, and you are the one to be critical. It is hard to be critical of the team approach to this.

I think the Secretary is very much aware, and she would like to see a separation of that function. Essentially, I believe what will be arrived at through this compromise will be a separate, independent office of nuclear safety oversight that a number of individuals within that office may from time to time be assigned to individual nuclear plant sites perhaps to give technical assistance. Those same individuals would not however be in a position to then conduct any oversight of that facility.

So, in other words, we will be dividing up the personnel to send individuals who might be giving technical assistance to on-line plant managers' recommendations to ensure the safety of the workers and the public and to separate them from then being part of the oversight process for that plant.

It sounds to me like, at least in theory, I hope in practice, that we can achieve the maintaining of that independent spirit within the oversight board as such.

In theory, I say it may work out. We will have to wait and see how it is worked out in practice. But I am prepared to work with the administration to achieve a common goal; that is, to make sure that we provide the best possible safety measure that we can take for the workers and for the surrounding communities and the public at large.

So I will offer an amendment, not this evening, but perhaps not even tomorrow, but only after we have worked this with the administration, to come up with what I believe will be an acceptable compromise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, apparently, no one is going to come over to present any amendments this evening. I see no need to keep these hard-working people around here, Senators excepted.

#### CHANGE OF VOTE

Mr. NUNN. On rollcall vote No. 165, Senator EXON was present and voted "no." The official record listed him as "absent". Therefore, I ask unanimous consent that the official record be corrected to accurately reflect his vote. This will in no way change the outcome of the vote.

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

#### MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

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

#### GREG SCHNACKE

Mr. DOLE. Mr. President, I rise today to recognize a member of my staff who is leaving. He comes from my home State of Kansas. I have known his father. I have known Greg Schnacke as he grew up in Topeka, KS. But after 9 years of dedicated service to me in my Kansas office and the Hart Building and the U.S. Senate, Greg is going to move on to Colorado.

The people of Kansas know Greg as someone who can get the job done. Whether it was working with Kansas communities on major legislative issues, making sure that small towns had tornado sirens to help protect the lives of their residents, or assisting individual Kansans with day to day problems, Greg always gave 110 percent.

On the legislative front Greg Schnacke is a recognized expert in a variety of complex issues ranging from transportation to environmental issues. During debate on the 1990 Clean Air Act, he worked tirelessly to help me ensure that the legislation struck a balance between legitimate environmental concerns and the needs of small businesses and communities in Kansas and across the country. From energy to airports, Greg Schnacke was sought out by Members of the Senate for his expertise and sound judgment.

My loss is the Colorado Oil and Gas Association's gain. Greg will be the

first executive director of this new organization. I appreciate all of Greg's hard work over the years and I am certain that he will distinguish himself in his new role.

Mr. President, the Senate and I will greatly miss the assistance and presence of Greg Schnacke but I extend my best wishes and a heartfelt, thank you to Greg, his wife, and his children for a job well done.

#### TRIBUTE TO PAT WADE

Mr. DOLE. Mr. President, it has been said that the most important impression is the first impression. And for the last 9 years, the person making the first impression in the Office of the Republican Leader has been Pat Wade.

Pat recently joined Senator LOTT's staff, and I wanted to thank her publicly for the outstanding job she did for me—and for all Republican Senators.

A lot of people walk through the doors of the Republican Leader's office—Presidents, Prime Ministers, Hollywood celebrities, and tourists from every State in the Union visiting their Nation's capital.

And Pat treated every visitor exactly the same—with courtesy and with hospitality. Well, I do have to admit that she did treat some visitors differently—and that is anyone who was from Tennessee—her home State.

Pat is a native of Tennessee, and I think everyone in that State was her friend. But then, everyone who Pat greeted in the office instantly regarded her as a friend.

My office joins me in extending our thanks to Pat, and our best wishes as she continues to serve the U.S. Senate.

#### TRIBUTE TO MEGHAN MCMURTRIE

Mr. DOLE. Mr. President, many talented young people begin their capitol hill experience as interns, and work their way up as they learn the ropes.

A year and a half ago, Meghan McMurtrie joined the staff of the Republican Leadership Office. And instead of giving her a chance to learn the ropes, we threw her right into the fire, as one of the receptionists in the outer office.

From the very beginning, Meghan was asked to handle the countless requests and phone calls that came to her desk, and to greet the constant flood of people who come into the office.

And from the very beginning, she handled all these duties with great skill and good humor.

On behalf of my office, and all Republican Senators who relied upon her, I want to thank Meghan for a job well done, and wish her luck as she leaves my office to enter graduate school.

**THE 1994 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS: RECOGNIZING PEOPLE DEDICATED TO ETHNIC DIVERSITY**

Mr. PRESSLER. Mr. President, as I speak today, ethnic conflicts rage around the globe. Peace and unity among people of different races, religions, and ethnic heritage seem impossible in some regions of the world. Yet, despite ethnic turmoil and disputes, courageous people continue to dedicate their lives to achieving the goals of peace and prosperity.

I take this opportunity today to recognize and to congratulate several persons who have dedicated their work and efforts to creating unity among ethnically diverse people of the world. The National Ethnic Coalition of Organizations [NECO], through its Ellis Island medal of honor, recognizes the achievements and efforts of individuals who are committed to the appreciation of ethnic diversity. This prestigious award acknowledges the labors of those willing to dedicate themselves to unity and peace.

I offer special recognition for the work of William Fugazy, chairman of the board of the NECO, and Rosemarie Taglion, events manager for the Ellis Island award gala. The vision and leadership of these two individuals deserve the highest praise. Rosemarie and Bill have worked extremely hard to ensure that the beauty and tradition of the Ellis Island honor award continues.

The Ellis Island ceremony, which I attended in May 1994, was one of the most moving and beautiful I have ever experienced. As a U.S. Senator, I see a number of events here in Washington and abroad, but this event was especially wonderful. I was honored to receive the medal of honor, and I consider it one of the highest honors of my lifetime. Having three grandparents who were immigrants, I hold this honor dearly.

Mr. President, in recognition of the esteemed recipients of the 1994 Ellis Island Medal of Honor and those involved with the National Ethnic Coalition of Organizations, I ask unanimous consent to place a list of the recipients' names in the RECORD at the conclusion of my remarks.

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

**CONGRATULATIONS TO THE 1994 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS**

Peter R. Abeson, Norwegian/German, Business/Community Leader.

Elena Diaz-Verson Amos, Cuban, Community Leader.

Carlos R. Barba, Cuban, Business Leader.  
George E. Barbar, Lebanese, Business Leader.

M. Ann Belkov, Polish/Russian, Superintendent, Statue of Liberty & Ellis Island.

William C. Beutel, German/English, Television Broadcaster.

Dr. Jagdish Bhagwati, Asian Indian, Educator.

Owen Bieber, German, Labor Leader.

Hon. William J. Bratton, Irish, Police Commissioner.

Eric Breindel, French/Polish, Journalist.

Donald P. Brennan, Irish, Business Leader.

Hon. Stephen G. Breyer, Romanian/E. Prussian/German, Federal Judge.

Norman R. Brokaw, Russian, Theatrical Talent Agent.

Daniel D. Broughton, M.D., Irish, Physician/Child Advocate.

Stephen L. Bruce, Polish/German, Restaurateur.

Paul W. Bucha, Ukrainian/Croatian/Slovak, Business/Community Leader.

Hon. Robert P. Casey, Irish, Governor of Pennsylvania.

Narses J. Colmenares, Venezuelan, Electrical Engineer.

E. Gerald Corrigan, Irish, Business Leader.

Hon. Ramon C. Cortines, Mexican, Educator.

Joseph F. D'Angelo, Italian, Business Leader.

Raymond V. Damadian, M.D., Armenian/French, Scientist/Inventor.

Hon. Walter G. Danielson, Swedish, Consul General Emeritus.

Frank J. Defino, Sr., Italian, Business Leader.

Hon. William A. DiBella, Italian, Connecticut State Senator.

Jeannette B. DiLorenzo, Romanian, Educator/Labor Leader.

Hon. Angier Biddle Duke, English/Irish/Spanish (Former) US Ambassador.

Philip B. Dusenberry, English, Business Leader.

Siri M. Eliason, Swedish, Community Leader.

James C. Esposito, Swiss/Irish/Italian, Federal Law Enforcement Leader.

Steven T. Florio, Italian, Business Leader.

Hon. Raymond L. Flynn, Irish, U.S. Ambassador to the Vatican.

Steve E. Fochios, M.D., Hellenic Physician.

Eugene M. Freedman, Russian, Business Leader.

Nicholas Gage, Hellenic, Author.

Manuel Orlando Garcia, M.D., Argentinian, Educator/Radio Host.

Hon. Phil Gramm, German, United States Senator.

Richard A. Grasso, Italian, Business Leader.

Joseph M. Haggart, Jr., Lebanese, Community Leader.

Michel T. Halbouty, Lebanese, Scientist/Educator/Author.

John R. Hall, English/Welsh, Business Leader.

Mel Harris, Russian, Business Leader.

Lawrence Herbert, Russian, Business Leader.

Edgar M. Housepan, M.D., Armenian, Educator/Neurosurgeon.

Dolores Huerta, Mexican, Labor Leader.

Hon. Romolo J. Imundi, Italian, U.S. Marshal.

Niels W. Johnsen, Norwegian/English/French, Business Leader.

Daniel R. Kaplan, Lithuanian, Attorney/Community Leader.

Harold E. Kelley, Scottish/Irish, Attorney/CPA.

Jae Taik Kim, Ph.D., Korean, Community Leader.

Joseph C. Krajsa, Slovak, Editor/Publisher.

Kenneth F. Kunzman, German/Irish, Attorney.

Hon. Frank R. Lautenberg, Polish/Russian, United States Senator.

Haskell L. Lazere, Romanian, Community Leader.

Richard C. Leone, Italian, Business/Community Leader.

James R. Leva, Italian, Business Leader.

Edward Lewis, African-American, Business Leader.

James P. Linn, English/Irish, Attorney.

Thomas P. Maguire, Irish, Labor Leader.

Donald B. Marron, English, Business Leader.

Peter W. May, German/Hungarian, Business/Community Leader.

Daniel R. McCarthy, Irish/English, Attorney.

William P. McComas, Scottish, Business Leader.

James A. McManus, Scottish/Irish/English, Business Leader.

Lenore Miller, Polish, Labor Leader.

Arthur J. Mirante, II, Italian, Business Leader.

Magnus Moliteus, Swedish, Business Leader.

William J. Morin, French/German, Business Leader.

James T. Morris, Welsh, Business/Community Leader.

Bruce Morrow, Russian/Austrian/Polish, Radio Personality.

Josie C. Natori, Filipino, Business Leader.

Peter H. Nozensky, Polish/Russian, Business Leader.

Brian O'Dwyer, Irish, Attorney.

Richard E. Oldenburg, Swedish, Museum Director.

Harry Orbelian, Armenian, Business/Community Leader.

Edward Panarello, Italian, Labor Leader.

Nelson Peltz, Austrian/Russian, Business/Community Leader.

Peter G. Peterson, Hellenic, Business Leader.

Hon. Nicholas C. Petris, Hellenic, California State Senator.

Joseph J. Plumeri, II, Italian, Business Leader.

Hon. Larry Pressler, French/German, United States Senator.

Burton P. Resnick, Russian/Polish, Business Leader.

Jens M. Rommerdahl, Danish, Business Leader.

Peter M. Ryan, Irish, Business Leader.

H.E. Metropolitan Philip Saliba, Lebanese, Religious Leader.

James J. Schiro, Italian, Business Leader.

James S. Scofield, Hellenic, Community Leader/Journalist.

Marvin Scott, Austrian/Polish, Television Broadcaster.

Rosanna Scotto, Italian, Television Broadcaster.

Henry T. Segerstrom, Swedish, Community Leader.

Kay Lande Selmer, Norwegian, Entertainer.

Myung Hwan Seo, Korean, Community Leader.

Ted Shapiro, Russian/Polish, Business Leader.

Jerry J. Siano, Italian, Business Leader.

Muriel F. Siebert, Hungarian, Business Leader.

Jeffrey S. Silverman, Russian, Business Leader.

Aileen Riotto Sirey, Ph.D., Italian, Psychotherapist/Community Leader.

Alfred E. Smith, IV, Irish, Business Leader.

Irwin Solomon, Polish, Labor Leader.

Henry S. Tang, Chinese, Business/Community Leader.

Peter J. Tanous, Lebanese, Business Leader.

Chris Tomaras, Hellenic, Business Leader.  
 J. Rock Tonkel, English/German/French, Business Leader.  
 Rep. Robert G. Torricelli, Italian, Member of Congress.  
 Peter Tufo, Italian, Business Leader.  
 Alfons Ukkonen, Finnish, Community Leader.  
 Joseph A. Unanue, Hispanic, Business Leader.  
 Aleksandras Vakselis, Lithuanian, Community Leader.  
 Jack Valenti, Italian, Business Leader.  
 Stephen B. Van Campen, Dutch, Business/Community Leader.  
 Hon. Guy J. Veillea, Italian, New York State Senator.  
 Harvey J. Weinstein, Austrian/Hungarian, Business Leader.  
 General Enoch H. Williams, African-American, Military Leader.  
 Frank D. Wing, Jr., Chinese/Hispanic, government Leader.  
 Henry C.K. Yung, Chinese, Business Leader.

#### THE HARKIN/LAUTENBERG TOBACCO LIABILITY BILL

Mr. FORD. Mr. President, today my colleagues from New Jersey and Iowa introduced legislation allowing lawsuits to be filed to recover Medicare and Medicaid costs from illnesses associated with smoking.

I believe the precedent this legislation sets is extremely alarming, but even more troubling are the ramifications this will have on other issues, like health care reform.

My question to them is: What taxes are you going to raise to pay for health care reform, if you are going to kill this industry?

Some of the pending health care reform proposals which rely on punitive levels of tobacco excise taxes for funding are like oversized houses built on cracked foundations. Financing health care reform on a declining revenue base is fundamentally dishonest in the first place. It only delays the inevitable for a few years at most—revising the issue to find additional tax increases or dramatically scaling back the health care package.

The Harkin-Lautenberg proposal being announced today would only accelerate this return for new taxes. The Congressional Budget Office will probably have a difficult time projecting the impact of these new attacks on an already declining source of revenues. But one thing is clear: they accelerate the decline.

It is ironic that some who are the most zealous in seeking punitive tobacco taxes to fund health care also are the most eager to find ways to destroy the very industry which is supposed to provide the revenue. But it is not surprising. The campaign for back door Prohibition is alive and well in Washington. As many of my State fear, Big Brother is very hungry these days.

Every member of the business community should shudder at the proposal being unveiled today, and should be

asking "Who's next?" If we are going to start down the road of financing Federal programs through lawsuits, as their legislation would do, everyone should be on notice, from potato chip makers to automobile manufacturers to dairy farmers: You are all at risk.

And if we are going to start down this road, I will do all I can to make sure that the principles of this new proposal, however, flawed, are applied consistently and across the board.

#### SPEECHES AND EXOTIC CLIMATES

Mr. DOLE. Mr. President, what do Topeka, Kansas City, Hutchinson, Cleveland, Indianapolis, Battle Creek, Sioux Falls, Cedar Rapids, Des Moines, Fort Lauderdale, Newburgh, and Enid, OK, all have in common? According to some media reports, they are exotic climates to which this Senator traveled last year for speaking engagements.

Far from being exotic locations, these were hardly all-expense-paid junkets as some would lead you to believe. As publicly disclosed in the annual financial disclosure form I file each year with the Senate, out-of-town groups asking me to speak simply provided air travel for the purpose of making a speech. No golf. No tennis. No luxury accommodations. Just speeches. All publicly disclosed. In fact, the only night of accommodations provided to me was at the Ramada Inn in downtown Topeka for a speaking engagement.

And I am proud of the fact that some of the speeches I made last year to fine groups were able to benefit worthwhile charities to the tune of \$69,450, most of them in my home State of Kansas.

If we are going to be effective Senators, we must get outside of Washington and talk to and listen to people in the real world. We should be able to do that without any media distortion and misleading impressions.

#### SPACE STATION—A FINANCIAL BLACK HOLE

Mr. COHEN. Mr. President, it has been claimed by the administration that Russian participation in the space station is going to save approximately \$2 billion. The General Accounting Office, at my request, looked into the accuracy of the estimates of the National Aeronautics and Space Administration [NASA] that expanded Russian participation in the station would save us the \$2 billion figure.

The findings of GAO underscore, once again, the need to terminate this project. I think the space station is a financial black hole. NASA is trying to salvage a project by asserting savings from Russian participation, but NASA's own figures do not support the claims. The space station is a loser, and the American taxpayers will lose

even more if we have to continue to foot this bill.

NASA has already spent \$10.5 billion on the space station, which is estimated to cost a total of \$118 billion to build and to operate. Last November 1, NASA and the Russian space agency formally agreed on a plan to bring Russia into the program. The GAO has said that NASA's \$2 billion claimed savings from this expanded Russian participation will be largely offset by an estimated \$1.4 billion that would be spent from other portions of NASA's budget as a result of the Russian involvement.

When all the space station-related elements are considered, according to GAO,

Current estimates would indicate that much of the savings NASA attributes to expanded Russian participation will not be achieved. And furthermore,

I am quoting from GAO:

if only part of NASA's estimated \$2 billion in savings is attributable to Russian participation, it is possible that expanded Russian involvement could result in little or no net savings.

The GAO has cited a number of additional costs that will result from Russian participation that NASA left out of its calculation of the space station's pricetag, and these will include:

The need for two additional shuttle flights to complete construction of the space station estimated by GAO to be \$746 million; a \$400 million contract between NASA and the Russian space agency covering fiscal years 1994 through 1997; a higher orbit for the space station which will require \$185 million in enhancements to the space shuttle; \$73 million to outfit a second orbiter for up to 10 flights to the Russian Mir space station, which is part of the agreement; \$10 million to \$20 million for increasing the probability of launching the shuttle within a smaller launch window; and because of the changed orbit, the shuttle's launch window of opportunity decreases from 50 minutes to 5 minutes on a given day.

The scientific and industrial benefits of the space station, I believe, have been grossly exaggerated. The money the Nation continues to pour into this project will be much better spent on reducing the deficit and engaging in more meaningful research for the future.

#### MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) entitled "An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to

increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety":

In the paragraph naming additional conferees from the Committee on Merchant Marine and Fisheries, Mr. BATEMAN is appointed in lieu of Mr. YOUNG of Alaska.

#### ENROLLED BILL SIGNED

At 4:02 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 bill:

S. 24. An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-518. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico; ordered to lie on the table.

"S.R. 801

"Whereas Judge José A. Cabranes has been and is a professional with encompassing juridical knowledge and leadership qualities, with a clear perception of the judicial function in modern society.

"Whereas Judge José A. Cabranes has extensive experience within the American judiciary system and has performed these judicial functions with great efficacy.

"Whereas Judge José A. Cabranes represents the recognition of the Hispanic communities in the United States, of his capacity to perform high functions: Therefore be it

*Resolved by the Senate of Puerto Rico:*

"Section 1. The Senate of Puerto Rico conveys to the President and to the Congress of the United States, its endorsement, support and recommendation of the appointment of Judge José A. Cabranes as Associate Justice of the Supreme Court of the United States.

"Section 2. A copy of this Resolution, translated into the English language, shall be remitted expeditiously to the President of the United States of America, the Honorable William Jefferson Clinton, to the Presidents and Members of the respective bodies that compose the Congress of the United States of America, and to Judge José A. Cabranes.

"Section 3. A copy of this Resolution shall be remitted to the communications media of the United States and Puerto Rico for its extensive diffusion."

POM-519. A resolution adopted by the Legislature of Rockland County, New York relative to federal subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

POM-520. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Agriculture, Nutrition, and Forestry.

"ASSEMBLY RESOLUTION No. 68

"Whereas, the New Jersey Legislature has often recognized the need to assure clean and adequate drinking water supplies for the people of New Jersey; and

"Whereas, the New Jersey Legislature, in accordance with the mandate provided by

the people of New Jersey, continues to support initiatives that would provide open space and outdoor recreation and preserve ecosystems and wildlife habitat; and

"Whereas, Sterling Forest, a 17,500 acre site in the State of New York, is under consideration for acquisition and permanent preservation by the Palisades Interstate Park Commission; and

"Whereas, the Palisades Interstate Park Commission is a respected, competent bi-state manager of parks and historic sites, has served in such capacity for almost a century, and has operated under a federally approved compact since 1937; and

"Whereas, nearly 100 percent of the land in Sterling Forest affects the watersheds that supply water to two million people in the State of New Jersey; and

"Whereas, the acquisition of Sterling Forest would protect the high quality and quantity of raw water supplies for the Monksville and Wanaque Reservoirs, which are managed and operated by the North Jersey District Water Supply Commission; and

"Whereas, this water supply is of major importance to the health and well-being of the people and the economy of the State of New Jersey; and

"Whereas, legislation currently pending in the Congress of the United States would authorize a federal appropriation of up to \$35 million to the Palisades Interstate Park Commission for land acquisition at Sterling Forest, New York; Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

"1. The Congress of the United States is memorialized to enact proposed federal legislation to acquire, and permanently maintain as open space, that area of the State of New York known as Sterling Forest.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, every member of Congress elected from the State of New Jersey and from the State of New York, the Governor of the State of New Jersey, the Governor of the State of New York, the Palisades Interstate Park Commission, the North Jersey District Water Supply Commission, and the Passaic River Coalition.

#### STATEMENT

"This resolution would memorialize the Congress of the United States to enact proposed federal legislation to acquire, and permanently maintain as open space, that area of the State of New York known as Sterling Forest.

"Sterling Forest, a mostly privately owned tract of open space approximately 20,000 acres in size located in southern New York and northern New Jersey, is one of the last major undeveloped areas in the New York City metropolitan area. Two important northern New Jersey drinking water sources, the Monksville Reservoir and the Wanaque Reservoir, are fed by streams with headwaters in Sterling Forest, and these reservoirs supply drinking water to almost two million people. Sterling Forest is imminently threatened with large-scale development that is likely to have severe environmental consequences and threaten water supplies such as the Monksville and Wanaque reservoirs.

"The State of New Jersey has already taken action to acquire the approximately

2,000 acres of Sterling Forest lying within New Jersey, but the major portion of the forest, consisting of about 17,500 acres, lies within New York. Recent studies conducted by the States of New Jersey and New York and by the United States Forest Service all recognize the importance of protecting Sterling Forest. Legislation has been introduced in Congress by members of the New Jersey and New York congressional delegations that would authorize up to \$35 million to be used to commence the process of acquiring Sterling Forest for preservation and management as a park by the Palisades Interstate Park Commission."

POM-521. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"ASSEMBLY JOINT RESOLUTION No. 16

"Whereas, the planned closure of Fort Ord will result in a loss of 18,000 military personnel and will detrimentally impact approximately 25,000 nonmilitary jobs in the local work force; and

"Whereas, a substantial number of the employees who will lose jobs as a result of the closure of Fort Ord will require training to reenter the local job market; and

"Whereas, the Trustees of the California State University are interested in converting a portion of Fort Ord to a university campus beginning in 1994; and

"Whereas, the Regents of the University of California plan to propose the conversion of a portion of Fort Ord to a research and policy center in the future in coordination with the establishment of a California State University campus; and

"Whereas, under existing state law, the trustees may enter into agreements with any agency of the federal government that result in grants, matching funds, or any other kind of financial aid for construction of housing and other educational facilities for students and staff of any campus of the university under the jurisdiction of the trustees; and

"Whereas, the trustees intend to establish a campus of 500 students at Fort Ord beginning in 1994 and to expand into a campus of 15,000 students by the next decade; and

"Whereas, the trustees will need a minimum of \$100 million in federal assistance for the 1993-94 fiscal year in order to transform existing housing at Fort Ord into student housing; and

"Whereas, the conversion at the present time of a portion of Fort Ord to a California State University campus and the conversion in the future of an adjacent portion to a University of California research and policy center will be an environmentally sound collaborative conversion project and the model for an effective reuse plan; and

"Whereas, there is strong support for this collaborative conversion project in the community surrounding Fort Ord; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the President and Congress of the United States to enact legislation to appropriate \$100,000,000 to convert a portion of Fort Ord to a California State University campus; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Education, to each Senator and Representative from California in the Congress of the United States, and to the Trustees of the California State University."

POM-522. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION No. 52

"Whereas, the State of New Jersey is a maritime state with considerable economic and employment interests in marine transportation; and

"Whereas, the Report of the National Performance Review, referred to as "Reinventing the Government," has recommended that Federal funding for the United States Merchant Marine Academy be reduced by one-half and that the Academy charge tuition to cover expenses; and

"Whereas, such a recommendation, if implemented, would adversely affect the United States Merchant Marine Academy and in all probability result in the closing of this Federal Academy; and

"Whereas, as the single largest source of Reserve Navy officers and the undisputed leader in maritime education worldwide, the United States Merchant Marine Academy benefits America's maritime industry and serves the entire United States; and

"Whereas, the Merchant Marine is one of the few civilian industries that supports American military efforts by actually going to war, as was demonstrated during the Persian Gulf War; and

"Whereas, the unique relationship of the Merchant Marine going to war in America's times of need was the impetus for the establishing of the Academy; and

"Whereas, as the nature of American military involvements has evolved, so has the role and curriculum of the Academy, and the United States still requires a mechanism to produce trained Merchant Mariners to crew commercial ships and the Reserve Fleet called into service during crises; and

"Whereas, State maritime academies are beyond Federal control and are pursuing independent paths, including non-maritime programs, in an effort to meet diversified local educational needs; Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

"1. This House hereby recognizes this State's and our nation's need for skilled Merchant Mariners, and memorializes the United States Congress to continue full Federal funding for the United States Merchant Marine Academy and to maintain the Academy as a tuition-free educational institution.

"2. A duly authenticated copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

"This resolution memorializes the United States Congress to continue full Federal funding for the United States Merchant Marine Academy and to maintain the Academy as a tuition-free educational institution."

POM-523. A resolution adopted by the Fort McClellan Anniston Army Depot Community Task Force relative to Anniston Army Depot Chemical Stockpile; to the Committee on Armed Services.

POM-524. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Armed Services.

"RESOLUTION No. 258

"Whereas, it has been the long-standing goal of Guam's leadership to seek the return to Guam's people of federal land on Guam which is excess to federal needs, such return

of excess federal land being important to Guam's people as a basis for rectifying the historic injustice resulting from the post-World War II federal landtakings; and

"Whereas, given the huge scale of federal land ownership on Guam and the resulting denial of this land for use in civilian development, the return of excess land is vital to the island's continued economic growth and prosperity, one of the clearest illustrations of these vital interests being the need to expand civilian airport operations at the site currently utilized for Naval Air Station Agaña, the expansion of Guam's civilian airport being key to the promotion of the island's tourism industry and other segments of Guam's economy; and

"Whereas, it was as a consequence of these economic and historic imperatives that in 1993 Guam sought the removal and consolidation of Naval air operations at NAS Agaña, to Andersen Air Force Base, which is only eight miles away in northern Guam; and

"Whereas, in representations to the Base Closure and Realignment Commission ("BRAC"), Guam demonstrated that both NAS Agaña and Andersen Air Force Base were underutilized air bases and that the consolidation of their respective air operations at a single base would be in the best interests of the U.S. government in terms of cost savings, it also being made clear in its submission to BRAC that Guam was seeking this consolidation principally because of the island's pressing need for the land currently utilized for NAS Agaña in order to expand the civilian airport; and

"Whereas, BRAC subsequently ruled in favor of Guam's position in this matter, ordering that the Naval air operations at NAS Agaña be moved to Andersen Air Force Base and that, with the exception of the housing areas, this facility was to be closed and the excess land disposed of in accordance with existing base closure procedures, the public comments on this issue by the BRAC commissioners clearly stating their intention that NAS Agaña be returned to the people of Guam; and

"Whereas, subsequent to the BRAC '93 ruling, the U.S. Navy announced its intention to relocate two of the existing squadrons at NAS Agaña to off-island military bases, and to transfer only one squadron to Andersen Air Force Base, although this BRAC '93 ruling clearly ordered the relocation of all existing squadrons to Andersen Air Force Base, and thus the Navy's announced plans to transfer squadrons off-island is in clear violation of the BRAC '93 ruling; and

"Whereas, proposed regulations for the future disposition of NAS Agaña after its closure, in accordance with the Pryor Amendment to the 1994 National Defense Authorization Act, may impose an impediment to the return of this land to the people of Guam by requiring the open-market sale of the NAS parcels without regard to the wishes of the local community; and

"Whereas, from the outset, Guam's stated goal with respect to NAS Agaña has never been to reduce military operations on Guam but actually to foster its consolidation in order to permit the return of this land to the people of Guam, principally for the needed expansion of the civilian airport, and this remains Guam's principal goal even in light of the continued global downsizing of the U.S. military forces and of other identified uses for the NAS Agaña parcels: Now, therefore, be it

*Resolved*, That the Twenty-Second Guam Legislature does hereby on behalf of the people of Guam convey Guam's support of the

BRAC '93 decision to consolidate Naval air operations at NAS Agaña with Andersen Air Force Base and to close the NAS Agaña facility, with the exception of housing areas, making this land available to the people of Guam as intended by the 1993 Base Closure and Realignment Commission; and be it further

*Resolved*, That the Legislature does also convey Guam's opposition to any actions by the Defense Department that diverge from the BRAC '93 decision, including relocation off-island of NAS Agaña-based squadrons and the implementation of any regulations that may impose additional impediments to the return of NAS Agaña to the people of Guam; and be it further

*Resolved*, That the Legislature hereby requests and memorializes the Congress of the United States to investigate the reasons and rationale for the proposed relocation of NAS Agaña squadrons rather than their consolidation at Andersen Air Force Base, Guam; and be it further

*Resolved*, That the government of Guam and the agency heads having jurisdiction over the matter be and they are hereby requested and memorialized to work closely with the military commands in Guam in order to make it possible for the NAS Agaña squadrons to remain on Guam after the closure of NAS Agaña; and be it further

*Resolved*, That Guam's Delegate to Congress, the Honorable Robert Underwood, be and he is hereby respectfully requested and memorialized to take whatever congressional action is necessary to permanently exempt Guam from the provisions of the Pryor Amendment; and be it further

*Resolved*, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of Defense; to the Chairman of the Base Closure and Realignment Commission; to Congressman Robert Underwood; and to the Governor of Guam."

POM-525. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION

"Whereas, the State of Hawaii and the Okinawa Prefecture of Japan are sister-states; and

"Whereas, like Hawaii, Okinawa is the site of several important U.S. military bases, which take up approximately eleven per cent of the land area of the Prefecture, and which are the source of occasional complaints regarding live-fire exercises and aircraft noise; and

"Whereas, during World War II the United States military occupied Okinawa and constructed a number of military bases on the then rural island to strengthen the security of the entire region during the aftermath of the war and the disarming of Japan; and

"Whereas, since that time, the economic and military support provided by the U.S. have resulted in the development of Okinawa from a rural society to a modern urban culture, a development which has made the extensive U.S. military bases in Okinawa increasingly out of place; and

"Whereas, eleven per cent of the total land area of Okinawa Prefecture is devoted to the use of the U.S. military, including live-fire exercises and aircraft operations with military facilities in Okinawa representing seventy-four per cent of all U.S. Forces facilities in Japan; and

"Whereas, the population of Okinawa has increased since World War II to the point

that Okinawa's population density is now almost 2,900 persons per square mile, or nearly twice the population density of the island of Oahu; and

"Whereas, like Hawaii, Okinawa's main industry is tourism, which is bringing in nearly 3 million tourists annually and which the Prefectural Government is trying to develop even further, but is hampered by the extensive presence and operations of the U.S. military on Okinawa; and

"Whereas, the extensive presence and operations of the U.S. military in Okinawa causes friction between the people of Okinawa and the various military components of the United States in Okinawa, and is interfering with the economic development of Okinawa; and

"Whereas, the following requests, which were presented to the Department of Defense by the Okinawan Prefectural Government in 1985 and 1988, have not yet been addressed:

"(1) The early return of Naha Port to the Naha city government for commercial use;

"(2) The release of Futenma Air Station, Ieshima Auxiliary Air Field, as well as the petroleum, oil, and lubricant pipeline between the cities of Urasoe and Ginowan;

"(3) The return of Awase Golf Course for joint use by the U.S. military and people of Okinawa;

"(4) Use of the access road on Kadena Air Force Base that directly links the Okinawan cities of Kadena and Okinawa City;

"(5) The termination of live-fire exercises at Camp Schwab and Camp Hansen and the training on the water reservoir in the Northern Training Area; and

"(6) The reduction of aircraft noise at Kadena Air Base and Futenma Air Station; and

"Whereas, as a sister-state to Okinawa Prefecture, Hawaii seeks to promote better relations between the United States and Okinawa, Japan: Now, therefore, be it

*Resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, the Senate concurring, That the President of the United States is requested to reevaluate the need for the current level of facilities and area occupied by U.S. military forces in the Prefecture of Okinawa, and consider the expeditious return of lands and facilities to the government and peoples of Okinawa Prefecture, Japan; and be it further*

*Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of Defense, the Commander-in-Chief of the U.S. Pacific Command, the Governor of Hawaii, the Governor of Okinawa Prefecture, the Consul-General of Japan in Hawaii, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, the Mayors of Naha City, Okinawa City, Ginowan City, Urasoe City, and Kadena City in Okinawa Prefecture, the Office of International Relations in Hawaii, and appropriate Okinawan organizations in Hawaii."*

POM-526. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

#### JOINT RESOLUTION

"Whereas, changes in national security interests have caused changes in the status of military facilities in the United States, to include closure, realignment and reduction in mission; and

"Whereas, future changes are likely to occur that will potentially affect military facilities in Maine; and

"Whereas, it is in the national security interest of the United States to preserve defense infrastructure during times of peace; and

"Whereas, the closure, realignment or reduction in the mission of military facilities may have a long-term impact on national security; and

"Whereas, military and civilian dual-use planning for military facilities is an effective method to preserve physical infrastructure and labor-force skills; and

"Whereas, the current base closure and realignment process discourages the State, communities, workers and businesses from working in partnership to develop military and civilian dual uses of military facilities; and

"Whereas, it is in our national interest to address disincentives or barriers to military and civilian dual use of military facilities, including disincentives caused by the base closure or realignment selection criteria; Now, therefore, be it

*Resolved, That We, your Memorialists, respectfully urge Maine's Congressional Delegation to convey the concerns contained in this memorial to the House Armed Services Committee and the Senate Armed Services Committee of the United States Congress, the President of the United States and the Secretary of Defense; and be it further*

*Resolved, That Maine's Congressional Delegation advocate for changes to the base closure and realignment process to provide incentives for communities and military facilities to undertake military and civilian dual-use initiatives, including, but not limited to, positive military point value being assigned to military facilities that have undertaken dual-use planning to preserve physical infrastructure and work-force skills during times of peace; and be it further*

*Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."*

POM-527. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

#### A RESOLUTION

"Whereas, the New Hampshire general court has thoroughly considered the issues surrounding the transfer of the former Pease Air Force Base to the Pease Development Authority; and

"Whereas, the New Hampshire general court fully supports the transfer of the remaining land and buildings at the former Pease Air Force base to the Pease Development Authority at the earliest possible date; and

"Whereas, the New Hampshire general court finds that the transfer of the remaining land and buildings is vital for economic growth in the seacoast region as well as the entire state of New Hampshire, with the protection of the environment and the quality of life as predominant factors in planning for such economic growth; Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring, That the transfer of the remaining land and buildings be made at no cost to the state of New Hampshire; and*

*That the federal government is strongly encouraged to provide significant funding for the redevelopment of the Pease International Tradeport; and*

"That copies of this resolution be transmitted by the clerk of the New Hampshire house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chairman of the House Armed Services Committee and to each member of the New Hampshire congressional delegation."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Appropriations, with amendments:

H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-290).

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 4506. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-291).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 572. A bill for the relief of Melissa Johnson.

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 1346. A bill to redesignate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building."

H.R. 2532. A bill to designate the Federal building and U.S. courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse."

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3567. A bill to amend the John F. Kennedy Center Act to transfer operating responsibilities to the board of trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 3770. A bill to designate the U.S. courthouse located at 940 Front Street in San Diego, CA, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building."

H.R. 3840. A bill to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 153. A joint resolution to designate the week beginning on November 21, 1993, and ending on November 27, 1993, and the week beginning on November 20, 1994, and ending on November 26, 1994, as "National Family Caregivers Week."

S.J. Res. 172. A joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

S.J. Res. 178. A joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

S.J. Res. 187. A joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Jerry J. Enomoto, of California, to be United States Marshal for the Eastern District of California for the term of four years.

(The above nomination was reported with the recommendation that he be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUE (for himself and Mr. MCCAIN):

S. 2230. A bill to amend the Indian Gaming Regulatory Act; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. DECONCINI, and Mrs. HUTCHISON):

S. 2231. A bill to amend the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") to authorize appropriations for each of fiscal years 1994 through 2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States-Mexico border area, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. DECONCINI) (by request):

S. 2232. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for each of fiscal years 1994 through 1998 for the construction of wastewater treatment works to serve United States colonies by providing water pollution control in the vicinity of the international boundary between the United States and Mexico, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (by request):

S. 2233. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BREAU (for himself, Mr. JOHNSTON, Mr. PRYOR, Mr. BUMPERS, Mr. DURENBERGER, Mr. SASSER, Mr. MOSELEY-BRAUN, Mr. SIMON, and Mr. FEINGOLD):

S. 2234. A bill to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 2235. A bill to authorize the establishment of an Accredited Lenders Program for qualified State or local development companies under the Small Business Investment Act of 1958 and an Accredited Loan Packagers Pilot Program for loan packagers under the Small Business Act; to the Committee on Small Business.

By Mrs. HUTCHISON:

S. 2236. A bill to direct the Secretary of the Interior to enter into negotiations concern-

ing the Nueces River project, Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 2237. A bill to amend the Immigration and Nationality Act to strengthen the criminal offenses and penalties for the smuggling of aliens; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. AKAKA, Mr. JEFFORDS, Mr. BINGAMAN, Mr. PACKWOOD, Mrs. BOXER, Mr. BRADLEY, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. RIEGLE, Mr. ROBB, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S. 2238. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S.J. Res. 203. A joint resolution designating July 12, 1994, as "Public Health Awareness Day"; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. Res. 232. A resolution to congratulate the Houston Rockets for winning the 1994 National Basketball Association Championship; considered and agreed to.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE (for himself and Mr. MCCAIN):

S. 2230. A bill to amend the Indian Gaming Regulatory Act; to the Committee on Indian Affairs.

#### INDIAN GAMING REGULATORY ACT AMENDMENTS ACT OF 1994

Mr. INOUE. Mr. President, I rise today, with my colleague and vice-chairman of the Committee on Indian Affairs, Senator JOHN MCCAIN, to introduce a bill that is long awaited by many, and which represents the culmination of hundreds of hours of negotiations over the past year between the leadership of State and tribal governments concerning a matter that has engendered more controversy than any other matter with which the committee has been charged in recent years.

This bill proposes to amend the provision of the Indian Gaming Regulatory Act of 1988, and is thus, accurately titled, "The Indian Gaming Regulatory Act Amendments Act of 1994."

Mr. President, we began the journey which leads us here today in 1985, when the committee undertook its first attempts to develop a regulatory framework for the conduct of gaming on Indian lands.

In May 1987, the Supreme Court issued its now famous ruling in the case of Cabazon Bank of Mission Indians versus California.

In that case, the Supreme Court held that civil regulatory gaming laws of the State of California, a Public Law 280 State, did not apply on Indian lands.

When the court's ruling in Cabazon was handed down, the pressure upon the Congress to enact legislation to regulate Indian gaming was intense.

By October 1988, we had a gaming bill signed into law, and almost from the very outset, the pressure to amend the act began to mount.

That pressure reached a feverish pitch in March last year when several Federal district court rulings prompted the Governors of several States to call upon the President to address what they viewed as a crisis.

Up until that time, I had continually expressed my reluctance to open up the act for amendment.

After all, although the gaming measure was enacted into law in 1988, it wasn't until April 1991 that the nominations to the Commission was completed, and the Commission could begin the work of promulgating regulations.

Final regulations were published in December 1992, so when the call came—3 months alter—to amend the act, my first reaction was that such action was premature.

I thought that we should give the parties time to operate under the act before we rushed to a judgment that the act wasn't working.

However, the States were not alone in their desire to see the act amended.

While the Federal courts were issuing rulings with regard to the scope of gaming that concerned the States, tribal leaders were equally forceful in their argument that the act must be amended to address the 10th and 11th amendment defenses that the States were successfully asserting to defeat Federal court jurisdiction.

Because of these rulings, tribes in several areas of the country found themselves thwarted in securing compacts to govern the conduct of class III gaming.

Nonetheless, as it is the charge of Members of this body to respond to the fervent requests of those who are elected to serve the people, in March of last year, JOHN MCCAIN and I called upon the Governors and the attorneys general of the 50 States, and the leadership of the Indian nations, to engage in discussions that might yield a consensus on how to proceed with amendments to the act.

In the hopes of initiating this process, we met with tribal government leaders on March 19, 1993, and we asked them to consider sitting down with the governors and the attorneys general.

That same day, representatives of the National Association of Attorneys

General, meeting here in Washington, advised us that they would welcome an opportunity for such dialog.

And later that same day, several governors, representing the National Governors Association, discussed the matter and they, too, informed us of their support for such a process.

Following our separate meetings with the tribal leaders, attorneys general, and the Governors in May of last year, a historic meeting of all of the principals was held here in the Senate, a little less than a year ago, on July 2, 1993.

The substantive concerns of all parties were openly expressed at that meeting, and the State and tribal government leaders agreed to proceed with further discussions.

Today, a substantial portion of the measure we introduce reflects the work of State and tribal representatives that has been produced over countless hours and days of negotiations that began in earnest the week of July 12, 1993.

Mr. President, some of my colleagues know that toward the end of the negotiations process, the parties began to feel that they had reached an impasse in their discussions.

However, Mr. President, when each side submitted their proposals to the committee a little over a month ago, we found those proposals to be very similar in many important respects.

However, I want to make clear our understanding that throughout the negotiations process, the parties maintained that there would be no agreement until there was agreement on all matters.

But when full agreement could not be reached, we felt that it was incumbent upon us to continue the work that the States and tribal governments had begun.

And so today, Mr. President, we submit this measure for the consideration of our colleagues in the Senate and in the House of Representatives, based upon our belief that it faithfully and straightforwardly attempts to address the principal concerns that were expressed by the State and tribal government leaders at the outset of this process.

For instance, when we had our first meeting with the governors of the several States representing the National Governors Association on May 18, it was made known to us that there were some States that did not wish to engage in the process that the Indian Gaming Regulatory Act established to regulate the conduct of class III gaming on Indian lands, and so we knew, almost at the outset, that we would have to formulate an alternative procedure that would involve the Federal Government, in lieu of the role a State would have assumed.

And, if the National Government was going to assume responsibility for the regulation of class III gaming, we knew

that we would have to create a comprehensive regulatory capability in the Federal Government.

From the beginning, we learned that all parties shared a desire to reduce the amount of litigation that the act appeared to be spawning, and that we would need to provide a greater degree of certainty to the compacting parties in the tribal-State compact negotiation process—a matter which came to be known as the scope of gaming issue.

And so, Mr. President, the bill that Senator McCAIN and I introduce today proposes the following:

The establishment of clear Federal standards for the conduct of class II and class III gaming on Indian lands;

An expanded Federal presence in the regulation of class III gaming on Indian lands;

A process that enables a State to exercise the option of entering into a tribal-State compact to oversee class III gaming on Indian lands, or of opting out of compact negotiations;

A means of which tribal and State compacting parties can seek assistance in clarifying the scope of gaming that is to be the subject of tribal State compact negotiations, thereby affording the parties the certainty they seek;

A process that enables a tribal government to enter into a compact with the Secretary of the Interior, when a State opts out of the compacting procedure;

A comprehensive licensing system to regulate the privilege of doing business in Indian country, similar to those systems employed in the States of Nevada and New Jersey;

A procedure for assuring the consideration of the interests of all parties when land is taken into trust for gaming purposes; and

A mechanism for assessing the costs of Federal regulation.

Nonetheless, Mr. President, we would be the first to acknowledge that we have not been able to address every matter that we brought to us for resolution.

In the final days before introduction of this measure, we received scores of phone calls from various representatives of the four Settlement Act States.

Conflicting positions on the part of Settlement Act States left us in the unenviable position of knowing that any language we put in the bill would in one way or another be offensive to one of those States.

Some want the bill to be silent on Settlement Acts—others want specific provisions on Settlement Acts.

One State has said that if any one of the Settlement Acts is addressed, then they all must be addressed.

It has become clear that we cannot satisfy one State without doing so at the expense of the desires of another State.

In addition, we have heard from the tribal governments in those States and

have been advised that compact negotiations hold the potential for resolving the need for amendments to the act.

Accordingly, we have opted not to take any action at this time of introduction of this measure with regard to the Settlement Acts, in the hope that the Settlement Act States can come to some agreement on how they wish us to proceed.

Another unresolved area which we have not attempted to address at this juncture is the concern that has been expressed by at least one member of the Committee on Indian Affairs concerning the accountability of tribal governments to their citizens in the arena of gaming.

Respecting the sovereign nature of Indian tribal governments, it is my hope that they might come forward with a proposal that responds to this concern, rather than have a federally fashioned solution.

It is thus, within this context, that we ask our colleagues to view this measure not as a panacea to all problems, but as a foundation upon which additional solutions might be built.

Such is the nature of a highly controversial matter that gaming has become in this country.

The proliferation of State lotteries and commercial gaming in States across the Nation define the trend, of which Indian gaming represents but a small percentage.

Indian gaming is not the engine that will drive the national debate as to whether gaming is an acceptable means of funding essential Government functions.

What we do know is that Indian gaming has brought to historically impoverished Indian communities across the country, something that the Federal Government has never been able to provide in a meaningful way—

Job opportunities in communities where unemployment ranges from a low of 37 percent to a high of 95 percent;

Clinics and schools and day-care facilities, and long-term care for those in need;

Roads and housing and safe water and sanitation systems;

Fire and police protection;

And perhaps, most important of all, hope to those who have long ago given up hope that they could share in the American dream—that they could end the cycle of despair and devastation that has been wrought on their communities.

Mr. President, I am not one who supports gaming.

But I count myself amongst those who acknowledge our shameful treatment of America's Native people, and who recognize their rights as sovereigns, to employ the same tools of economic development that so many States have adopted.

The Committee on Indian Affairs will hold hearings on the measure on July 19 and July 25. Thereafter, we hope to proceed to consideration of the measure for report to the full Senate before the August recess if possible.

Mr. President, I urge my colleagues to give this measure their most careful consideration, as we once again, begin this debate.

Mr. MCCAIN. Mr. President, I am pleased to join today with the chairman of the Committee on Indian Affairs, Senator INOUE, as a sponsor of the Indian Gaming Regulatory Act Amendments Act of 1994. I want to associate myself with Senator INOUE's remarks regarding this legislation and the issue of Indian gaming. I commend Senator INOUE for his outstanding leadership over the years on this complex issue.

The bill we are introducing today would provide for a major overhaul of the Indian Gaming Regulatory Act of 1988. It will provide for a direct Federal presence in the regulation and licensing of class II and class III gaming as well as all of the industries associated with such gaming. This will be accomplished through the establishment of an expanded Federal Indian Gaming Commission which will be funded through assessments on Indian gaming and fees imposed on license applicants. The bill also provides a new process for the negotiation of class III compacts which will allow the States to opt out of the negotiations if they so choose. Consistent with the 1987 decision of the U.S. Supreme Court in the case of *Cabazon Band of Mission Indians versus California*, the bill contains new provisions intended to reduce disagreements between tribes and States over the scope of gaming and to provide for prompt resolution of any disputes which may arise. Provisions of the Bank Secrecy Act would be applied to Indian gaming activities to the same extent that the act is applied to any other gaming activity.

Since the enactment of the Indian Gaming Regulatory Act in 1988, there has been a dramatic increase in the amount of gaming activity among the Indian tribes. Indian gaming is now estimated to yield gross revenues of about \$4 billion per year and net revenues are estimated at \$750 million. There are about 160 class II bingo and card games in operation and there are now over 100 tribal/State compacts governing class III in 20 States. Indian gaming comprises about 3 percent of all gaming in the United States. Gaming activities operated by State governments comprise about 36 percent of all gaming and the private sector accounts for the balance of the gaming activity in the Nation.

Indian gaming has become the single largest source of economic activity for Indian tribes. Annual revenues derived from Indian agricultural resources

have been estimated at \$550 million and have historically been the leading source of income for Indian tribes and individuals. Annual revenues from oil, gas and minerals are about \$230 million and Indian forestry resources revenues are estimated at \$61 million. The estimated annual earnings on gaming now equal or exceed all of the revenues derived from Indian natural resources. In addition, Indian gaming has generated tens of thousands of new jobs for Indians and non-Indians. On many reservations gaming has meant the end of unemployment rates of 90 or 100 percent and the beginning of an era of full employment.

Under the Indian Gaming Regulatory Act, Indian tribes are required to expend the profits from gaming activities to fund tribal government operations or programs and to promote tribal economic development. Profits may only be distributed directly to the members of an Indian tribe under a plan which has been approved by the Secretary of the Interior. Only a few such plans have been approved. Virtually all of the proceeds from Indian gaming activities are used to fund the social welfare, education and health needs of the Indian tribes. Schools, health facilities, roads and other vital infrastructure is being built by the Indian tribes with the proceeds of Indian gaming.

In the years before the enactment of the Indian Gaming Regulatory Act and in the years since its enactment we have heard concerns about the possibility for organized criminal elements to penetrate Indian gaming. Both the Department of Justice and the FBI have repeatedly testified before the Committee on Indian Affairs and have indicated that there is not any substantial criminal activity of any kind associated with Indian gaming. Some of our colleagues have suggested that no one would now if there is criminal activity because not enough people are looking for it. I believe that this point of view overlooks the fact that the act provides for a very substantial regulatory and law enforcement role by the States and Indian tribes in class III gaming and by the Federal Government in class II gaming. The record clearly shows that in the few instances of known criminal activity in class III gaming, the Indian tribes have discovered the activity and have sought Federal assistance in law enforcement.

Nevertheless, the record before the Committee on Indian Affairs also shows that the absence of minimum Federal standards for the regulation and licensing of Indian gaming has allowed a void to develop which will become more and more attractive to criminal elements as Indian gaming continues to generate increased revenues. The legislation we are introducing today includes strict minimum Federal standards which are patterned after the laws of Nevada and New Jer-

sey—the two States with the most experience in regulating gaming and confronting gaming related criminal activity. Several of the larger Indian gaming operations have also looked to Nevada and New Jersey as models for their own regulatory systems.

The bill provides for a continued regulatory role for Indian tribes and States when the Federal standards are met or exceeded by State or tribal laws. The National Indian Gaming Commission will continuously monitor the regulation of all class II and class III gaming and will directly regulate these activities when the minimum Federal standards are being enforced by the Indian tribe or the tribe and State.

As most of our colleagues know, one of the areas which has caused the greatest controversy under the current law relates to what has come to be known as the scope of gaming. A related issue is the refusal of some States to enter into negotiations for a class III compact and their assertion of sovereign immunity under the 11th amendment to the Constitution when an Indian tribe seeks judicial relief as provided by the act. The bill we are introducing incorporates the explicit standards of the *Cabazon* decision to guide all parties in determining the permissible gaming activities under the laws of any State. State laws will continue to govern this issue. We have not pre-empted the gaming laws of any State.

In an effort to assist the application of the *Cabazon* criteria, we have included definitions for gambling devices, lottery games, parimutuel wagering and other games of chance and we have provided that each of these are distinct from each other. These provisions should help to resolve concerns which have come to be characterized by the phrase "any mans all." In addition, the scope of gaming provisions of the bill would establish new procedures for the resolution of disputes over which activities are subject to compact negotiations.

With regard to the issue of the refusal of some States to negotiate and the 11th amendment, the bill would establish a new process for compact negotiation which allows a State to choose to opt out of the negotiations. In such a circumstance, the Secretary of the Interior would negotiate the compact. If a State chooses to enter into negotiations, then that choice is voluntary and has the effect of waiving the State's sovereign immunity under the 11th amendment. In either case, the bill would establish firm timelines for the completion of negotiations and new procedures for the resolution of any disputes.

Mr. President, as Senator INOUE stated I am sure that we will find many things to change in this legislation as it moves through the Senate. However,

I believe that it provides a good foundation for our further consideration of this important issue. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2230

*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 "Indian Gaming Regulatory Act Amendments Act of 1994."

#### SEC. 2. AMENDMENTS.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended as follows:

(1) Section 2 of the Act (25 U.S.C. 2701) is amended to read as follows:

#### "SEC. 2. FINDINGS REGARDING INDIAN GAMING.

"The Congress finds that—

"(1) Indian tribal governments are engaged in the operation of gaming activities on Indian lands as a means of generating tribal governmental revenue and are licensing such activities;

"(2) Clear federal standards and regulations for the conduct of gaming on Indian lands will assist tribal governments in assuring the integrity of gaming activities conducted on Indian lands;

"(3) A principal goal of the United States' federal-Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government;

"(4) While Indian tribal governments have the right to regulate the operation of gaming activities on Indian lands if such gaming activities are not specifically prohibited by federal law and are conducted within a State which does not prohibit such activities as a matter of criminal law and public policy, the Congress has the authority to regulate the privilege of doing business in Indian country;

"(5) Systems for the regulation of gaming activities on Indian lands should conform to federally-established minimum regulatory requirements;

"(6) The operation of gaming activities on Indian lands has had a significant impact on commerce with foreign nations, among the several States and with the Indian tribes; and

"(7) The United States Constitution vests the Congress with the powers to '... regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes...' and this Act is enacted in the exercise of those powers."

(2) Section 3 of the Act (25 U.S.C. 2702) is amended as follows:

#### "SEC. 3. DECLARATION OF POLICY REGARDING INDIAN GAMING.

"The purpose of this Act is—

"(1) to provide a statutory basis for the conduct of gaming activities on Indian lands as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments;

"(2) to provide a statutory basis for the regulation of gaming activities on Indian lands by an Indian tribal government adequate to shield such activities from organized crime and other corrupting influences, to ensure that an Indian tribal government is the primary beneficiary of the operation of gaming activities, and to ensure that gaming is conducted fairly and honestly by both the operator and players; and

"(3) to declare that the establishment of independent federal regulatory authority for

the conduct of gaming activities on Indian lands, the establishment of federal standards for the account of gaming activities on Indian lands, and the establishment of a National Indian Gaming Commission are necessary to address congressional concerns regarding the conduct of gaming activities on Indian lands and to protect such gaming as a means of generating tribal revenue."

(3) Section 4 of the Act (25 U.S.C. 2703) is amended as follows:

#### "SEC. 4. DEFINITIONS.

"For purposes of this Act—

"(1) The term 'Attorney General' means the Attorney General of the United States.

"(2) The term 'banking game' means any game of chance that is played with the house as a participant in the game, where the house takes on all players, collects from all losers, and pays all winners, and the house can win.

"(3) The term 'Chairman' means the Chairman of the National Indian Gaming Commission.

"(4) The term 'Class I gaming' means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

"(5)(A) The term 'Class II gaming' means—  
 "(i) the game of chance commonly known as bingo or lotto (whether or not electronic, computer, or other technologic aids are used in connection therewith)—

"(I) which is played for prizes, including monetary prizes,

"(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

"(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards,

including, if played in the same location, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo, and

"(ii) card games that—

"(I) are explicitly authorized by the laws of the State, or

"(II) are not prohibited as a matter of State criminal law and are legally played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

"(B) The term 'Class II games' does not include—

(i) any banking card games, including baccarat, chemin de fer, or blackjack (21) or

(ii) gambling devices as defined in section 1(a)(2) or section 1(a)(3) of the Act of January 2, 1951 (15 U.S.C. 1171(a)(2) or (3)), or slot machines of any kind.

"(6) The term 'Class III gaming' means all forms of gaming that are not class I gaming or class II gaming.

"(7) The term 'Commission' means the National Indian Gaming Commission established pursuant to section 5 of this Act.

"(8) The term 'compact' means the regulatory regime for operating class III gaming entered into either by a tribe and the Secretary, or a tribe and a State, published pursuant to section 10 of this Act, and includes procedures in lieu of a compact published by the Secretary prior to the effective date of the Indian Gaming Regulatory Act Amendments Act of 1994.

"(9) the term 'electronic, computer, or other technologic aid' means a device, such

as a computer, telephone, cable, television, satellite, or bingo blower, which, when used—

"(A) is not a game of chance, a gambling device, or a slot machine;

"(B) merely assists a player or the playing of a game; and

"(C) is operated according to applicable Federal communications law.

"(10) The term 'electronic or electromechanical facsimile' means any gambling device as defined in section 1(a)(2) or section 1(a)(3) of the Act of January 2, 1951 (15 U.S.C. 1171(a)(2) or (3)).

"(11) The term 'gambling device' means any gambling device as defined in section 1(a)(2) or section 1(a)(3) of the Act of January 2, 1951 (15 U.S.C. 1171(a)(2) or (3)), including any electronic or electromechanical facsimile.

"(12) The term 'gaming activity' means a game of chance, whether electronic, electromechanical or otherwise, that is distinguished from another game of chance by its principal characteristics.

"(13) The term 'gaming-related contract' means any agreement under which an Indian tribe or its agent procures gaming materials, supplies, equipment or services which are used in the conduct of a class II or class III gaming activity, or financing contracts or agreements for any facility in which a gaming activity is to be conducted.

"(14) The term 'gaming-related contractor' means any person, corporation, partnership or other entity entering into a gaming-related contract with an Indian tribe or its agent, including any person, corporation, partnership or other entity among which there is common ownership.

"(15) The term 'gaming service industry' means any form of enterprise which provides goods or services which are used in conjunction with any class II or class III gaming activity, including, without limitation, travel services, security, gaming schools, manufacturers, distributors and servicers of gaming devices, garbage haulers, linen suppliers, maintenance and cleaning services, food and non-alcohol beverage purveyors and construction companies.

"(16) The term 'key employee' means any natural person employed in a gaming operation licensed pursuant to this Act in a supervisory capacity or empowered to make any discretionary decision with regard to the gaming operation, including, without limitation, pit bosses, shift bosses, credit executives, cashier supervisors, gaming facility managers and assistant managers, and managers or supervisors of security employees.

"(17) The term 'lottery game' means a scheme for the distribution of a prize by chance where multiple players pay for the opportunity to win the prize and select a chance either (A) from a finite number of chances where the winning combinations are predetermined but concealed prior to purchase and the selection of each choice depletes the number of chances remaining, or (B) where the winner or winners are determined by random selection after all entries are completed, including where a time limit for entry has passed, when a predetermined number of players have entered, or when a predetermined sum of money has been wagered.

"(18) The term 'net revenues' means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees.

"(19) The term 'notify' means the act of sending a notice in writing, delivered by certified mail, with receipt requested, to the

chief executive officer, and the chief legal officer of a State or of an Indian tribe; and, for purposes of that Act, the date of notification shall be the actual date of receipt as evidenced by the return receipt.

"(20) The term "other games of chance" means any class III gaming activity which is not a gambling device, a lottery game, a banking game, or parimutuel wagering.

"(21) The term "parimutuel wagering" means a system of betting on contests involving human or animals in which bets are pooled and the winners are paid according to odds determined by the volume of betting on the entries, with or without a deduction for the operator.

"(22) The term "person" means an Indian tribe, individual, firm, corporation, association, partnership, trust, consortium, joint venture, or commercial entity.

"(23) The term "principal characteristics" means the pace of play, complexity or type of choices for the player, appearance of the activity, nature of the interaction with the operator, other players or machine, and other attributes of a gaming activity which would be perceived by and be significant to a player familiar with games of chance.

"(24) The term "prohibited as a matter of State criminal law" means an activity in a State which, under the law of that State, is subject to prosecution and a criminal sanction.

"(25) The term "Secretary" means the Secretary of the Interior.

"(26) The term "slot machine" means any player activated gaming device involving mechanical, electronic, electromechanical, or computer technology, or any combination thereof which—

(A) accepts anything of monetary value, whether coin, currency or tokens, to initiate the operation of the gaming device;

(B) has as an integral part, a system of generating infinite random numbers or combinations thereof, which determine the successful operation of the device;

(C) rewards the successful operation of the device with anything of monetary value; and

(D) rewards the successful operation of the device solely on the basis of chance.

"(27) The term "social gaming activity" means a gaming activity which is not—

(A) a commercial, governmental, charitable or systematic gaming enterprise;

(B) where no person, organization or entity other than the participants obtains or receives money or something of more than minimal value from the gaming activity, whether by taking a percentage of wagers or winnings or by banking the game;

(C) where no person, organization or entity charges admission or other fees to participate in the game; and

(D) where such gaming activity is not conducted in places ordinarily and regularly used for gaming and is only played for nominal value.

(4) Section 5 of the Act (25 U.S.C. 2704) is amended to read as follows:

**"SEC. 5. ESTABLISHMENT OF THE NATIONAL INDIAN GAMING COMMISSION.**

"(a) There is established as an independent agency of the United States a Commission to be known as the National Indian Gaming Commission.

"(b)(1) **COMPOSITION OF THE COMMISSION.**—The Commission shall be composed of five full-time members who shall be appointed by the President with the advice and consent of the Senate.

"(2) Each member of the Commission shall be a citizen of the United States.

"(3) Each member of the Commission shall devote his entire time and attention to the business of the Commission and shall not—

"(A) pursue any other business or occupation or hold any other office;

"(B) be actively engaged in or have any direct pecuniary interest in gaming activities;

"(C) have any pecuniary interest in any business or organization holding a gaming license under this Act or doing business with any person or organization licensed under this Act;

"(D) have been convicted of a felony or gaming offense; or

"(E) have any financial interest in, or management responsibility for, any gaming-related contract or any other contract approved pursuant to this Act.

"(4) Not more than three of such members of the Commission shall be members of the same political party and in making appointments, members of different political parties shall be appointed alternatively as nearly as may be practicable.

"(5) At least two members of the Commission shall be enrolled members of any Indian tribe.

"(6) The Commission shall be composed of the most qualified persons available, provided that—

"(A) one member of the Commission must be a certified public accountant with at least 5 years of progressively responsible experience in accounting and auditing, and comprehensive knowledge of the principles and practices of corporate finance; and

"(B) one member of the Commission must be selected with special reference to his training and experience in the fields of investigation or law enforcement.

"(7) The Attorney General of the United States shall conduct a background investigation on any person considered for appointment to the Commission, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

"(c) **TERMS OF OFFICE.**—(1) Each member of the Commission shall hold office for a term of five years.

"(2) Initial appointments to the Commission shall be for terms as follows—

"(A) the Chairman for 5 years;

"(B) one member for 4 years;

"(C) one member for 3 years;

"(D) and the remaining members for terms of 2 years each.

"(3) After the initial appointments, all members shall be appointed for terms of 5 years; provided that no member shall serve more than two terms of 5 years each.

"(d) **VACANCIES.**—(1) The persons appointed by the President to serve as Chairman and members of the Commission shall serve in such capacities throughout their entire terms and until their successors shall have been duly appointed and qualified, unless the Chairman or a member of the Commission has been removed for cause under paragraph (2) of this subsection.

"(2) The Chairman or any member of the Commission may only be removed from office before the expiration of their term of office by the President for neglect of duty, or malfeasance in office, or for other good cause shown.

"(3) Appointment to fill vacancies on the Commission shall be for the unexpired term of the member to be replaced.

"(e) **QUORUM.**—Three members of the Commission, at least one of which is the Chairman or Vice-Chairman, shall constitute a quorum.

"(f) **CHAIRMAN.**—The President shall designate one of the five members of the Commission to serve as Chairman of the Commission.

"(g) **VICE CHAIRMAN.**—The Commission shall select, by majority vote, one of the members of the Commission to serve as Vice Chairman. The Vice Chairman shall serve as Chairman of the Commission in the Chairman's absence and shall exercise such other powers as may be delegated by the Chairman.

(h) **MEETINGS.**—(1) The Commission shall meet at the call of the Chairman or a majority of its members.

"(2) A majority of the members of the Commission shall determine any action of the Commission.

"(i) **COMPENSATION.**—(1) The Chairman of the Commission shall be paid at a rate equal to that of level III of the Executive Schedule under section 5316 of title 5, United States Code.

"(2) The members of the Commission shall each be paid at a rate equal to that of level IV of the Executive Schedule under section 5316 of title 5, United States Code.

"(3) All members of the Commission shall be reimbursed in accordance with title 5, United States Code, for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties."

(5) Section 6 of the Act (25 U.S.C. 2705) is amended to read as follows—

**"SEC. 6. POWERS OF THE CHAIRMAN.**

"(a) The Chairman shall serve as the chief executive officer of the Commission.

"(b) Subject to the provisions of subsection (c) of this section, the Chairman shall—

"(1) employ and supervise such personnel as is deemed necessary to carry out the functions of the Commission, and assign work among such personnel;

"(2) use and expend federal funds and funds collected pursuant to section 15 of this Act.

"(3) contract for the services of other professional, technical and operational personnel and consultants as may be necessary to the performance of the Commission's responsibilities under this Act;

"(c) In carrying out any of the functions pursuant to this section, the Chairman shall be governed by the general policies of the Commission and by such regulatory decisions, findings and determinations as the Commission may by law be authorized to make."

(6) Section 7 of the Act (25 U.S.C. 2706) is amended to read as follows—

**"SEC. 7. POWERS AND AUTHORITY OF THE COMMISSION.**

"(A) **GENERAL POWERS.**—The Commission shall have the power to—

"(1) approve the annual budget of the Commission;

"(2) adopt regulations to carry out the provisions of this Act;

"(3) exercise the law enforcement powers necessary to fulfill the purposes of this Act and the regulations promulgated thereunder;

"(4) establish a rate of fees and assessments as provided in section 15 of this Act;

"(5) conduct investigations;

"(6) issue a temporary order closing the operation of gaming activities;

"(7) after a hearing, make permanent a temporary order closing the operation of gaming activities as provided in section 13 of this Act;

"(8) grant, deny, limit, condition, restrict, revoke or suspend any license issued pursuant to this Act or fine any person pursuant to this Act for any cause deemed reasonable by the Commission;

"(9) inspect and examine all premises located on Indian lands on which class II or class III gaming is conducted;

"(10) demand access to inspect, examine, photocopy, and audit all papers, books, and

records of Class II and Class III gaming activities conducted on Indian lands and any other matters necessary to carry out the duties of the Commission under this Act;

"(11) use the United States mail in the same manner and under the same conditions as any department or agency of the United States;

"(12) procure supplies, services, and property by contract in accordance with applicable federal laws and regulations;

"(13) enter into contracts with federal, state, tribal, and private entities for activities necessary to the discharge of the duties of the Commission;

"(14) serve or cause to be served its process or notices in a manner provided for by the Commission or in a manner provided for the service of process and notice in civil actions in accordance with the rules of a tribal, state or federal court;

"(15) propound written interrogatories and appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, and require testimony under oath;

"(16) conduct all hearings pertaining to civil violations of this Act or regulations promulgated thereunder;

"(17) collect all fees and assessments imposed by this Act and the regulations promulgated thereunder;

"(18) assess penalties for the violation of provisions of this Act and the regulations promulgated thereunder;

"(19) provide training and technical assistance to Indian tribal governments in all aspects of the conduct and regulation of gaming activities; and

"(20)(A) In addition to its existing authority, the Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual member of the Commission, an administrative law judge, or an employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter;

"(B) Nothing in this section shall be deemed to authorize the delegation of the function of the rule-making as defined in subchapter II of chapter 5 of title 5 of the United States Code, with reference to general rules as distinguished from rules of particular applicability, or the making of any rule;

"(C) with respect to the delegation of any of its functions, the Commission shall retain a discretionary right to review the action of any division of the Commission, individual member of the Commission, administrative law judge, or employee, upon its own initiative.

"(D) the vote of one member of the Commission shall be sufficient to bring any such action before the Commission for review;

"(E) if the right to exercise such review is declined or, if no such review is sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual member of the Commission, administrative law judge, or employee, shall, for all purposes, including appeal or review thereof, be deemed the action of the Commission."

"(b) REGULATORY AUTHORITY.—The Commission shall—

"(1) approve all gaming-related contracts;

"(2) establish minimum regulatory requirements for background investigations, licensing of persons and licensing of gaming operations associated with the conduct of

class II and class III gaming on Indian lands by tribal governments;

"(3) establish minimum internal control requirements for the operation of class II and class III gaming activities on Indian lands, including but not limited to—

"(A) surveillance and security personnel and systems capable of monitoring all gaming activities including the conduct of games, cashiers' cages, change booths, count rooms, movements of cash and chips, entrances and exits to gaming facilities and other critical areas of any gaming facility;

"(B) the rules for the play of games and controls related to such rules;

"(C) credit and debit collection controls;

"(D) controls over gambling devices and equipment; and

"(E) accounting and auditing;

"(4) inspect and examine all premises located on Indian lands on which class II or class III gaming is conducted;

"(5)(A) monitor and regulate the background investigations conducted by tribal governments of persons involved in a class II gaming operation, including but not limited to key employees of any licensed gaming operation, gaming-related contractors, and any persons who have a material involvement, either directly or indirectly, with a licensed gaming operation, to assure that background investigations are consistent with the minimum regulatory requirements for background investigations established by the Commission;

"(B) monitor and regulate the licensing by tribal governments of persons involved in a class II gaming operation, including but not limited to key employees of any licensed gaming operation, gaming-related contractors, gaming service industries, and any persons having a material involvement, either directly or indirectly, with a licensed gaming operation, gaming related contractor or gaming service industry, to assure that such licensing is consistent with the minimum regulatory requirements for the licensing of persons established by the Commission;

"(C) monitor and regulate the licensing by tribal governments of class II gaming operations to assure that such licensing is consistent with the minimum regulatory requirements for the licensing of gaming operations established by the Commission;

"(D) except where a tribal government's system for the conduct of background investigation, the licensing of persons or the licensing of gaming operations fails to meet the minimum regulatory background investigation or licensing requirements established by the Commission, the Commission's authority to conduct background investigations, to license and directly regulate Class II gaming activities conducted on Indian lands shall be exclusive until such time as the Commission determines that the regulation of Class II gaming activities on Indian lands by a tribal government meets the established minimum regulatory requirements;

"(6)(A) monitor and regulate a tribal gaming operation and the tribal government's system for internal controls to assure that such system is consistent with the minimum regulatory requirements for internal controls established by the Commission;

"(B) except that where a tribal government's system for internal controls fails to meet the minimum internal control requirements established by the Commission, the Commission's authority to directly establish and regulate internal control systems associated with Class II gaming activities shall be exclusive until such time as the Commission

determines that the regulation of Class II gaming activities on Indian lands by a tribal government meets the minimum internal control requirements established by the Commission;

"(7) monitor and regulate Class III gaming activities conducted on Indian lands, and have the exclusive authority to—

"(A) license

"(i) Class III gaming operations conducted on Indian lands;

"(ii) key employees of all licensed Class III gaming operations conducted on Indian lands;

"(iii) any persons having a material involvement, either directly or indirectly, with a licensed Class III gaming operation conducted on Indian lands;

"(iv) gaming-related contractors, including but not limited to any vendor or supplier of gaming equipment or gambling devices associated with a licensed class III gaming operation;

"(v) gaming service industries pursuant to which an Indian tribal government or its agent enters into an agreement in excess of \$10,000 for the procurement of materials, supplies, equipment or services which are used in association with a licensed Class III gaming operation, or financing contracts or agreements with a gaming service industry in excess of \$10,000 associated with any facility which is used in association with a licensed Class III gaming activity; and

"(vi) any other person or company or other entity for which the Commission may require licensure;

"(B) conduct background investigations on—

"(i) key employees of any licensed class III gaming operation conducted on Indian lands;

"(ii) principal investors having a material involvement, either directly or indirectly, with a licensed class III gaming operation;

"(iii) principal gaming-related contractors; and

"(iv) any other person or company or other entity for which the Commission may require a background investigation;

"(C) The Commission shall make a determination as to principal investors and principal gaming-related contractors;

"(8)(A) in the context of a compact entered into by a tribal government with a state government, monitor and regulate the conduct of background investigations of (i) non-principal investors having a material involvement, either directly or indirectly, with a licensed Class III gaming operation; (ii) non-principal gaming-related contractors, including but not limited to vendors or suppliers of gaming equipment or gambling devices associated with a licensed Class II gaming operation, and (iii) non-principal key employees of any licensed Class III gaming operation; either in conjunction with Indian tribal governments or state governments, or both;

"(B) except that where the regulatory system of a tribal government or a state government, or both, for the conduct of background investigations fails to meet minimum regulatory requirements established by the Commission for the conduct of background investigations, the Commission shall have the exclusive authority to conduct background investigations until such time as the regulatory system of a tribal government or a state government, or both, meet the minimum regulatory requirements established by the Commission for the conduct of background investigations;

"(9)(A) in the context of a compact entered into by a tribal government with the Secretary of the Interior, monitor and regulate

the conduct of background investigations of (i) non-principal investors having a material involvement, either directly or indirectly, with a licensed Class III gaming operation; (ii) non-principal gaming-related contractors, including but not limited to vendors or suppliers of gaming equipment or gambling devices associated with a licensed Class III gaming operation, and (iii) non-principal key employees of any licensed Class III gaming operation; in conjunction with an Indian tribal government to assure that the tribal government's system for the conduct of background investigations is consistent with the minimum regulatory requirements for backgrounds investigations established by the Commission;

"(B) except that where the regulatory system of a tribal government for the conduct of background investigations fails to meet minimum regulatory requirements established by the Commission for the conduct of background investigations, the Commission shall have the exclusive authority to conduct background investigations until such time as the regulatory system of a tribal government meets the minimum regulatory requirements established by the Commission for the conduct of background investigations;

"(10)(A) monitor and regulate the internal control systems associated with a licensed class III gaming operation to assure that such systems are consistent with the minimum regulatory requirements for internal controls established by the Commission;

"(B) except that where the internal control systems fail to meet the minimum internal control requirements established by the Commission, the Commission's authority to directly establish and regulate internal control systems associated with a licensed class III gaming operation shall be exclusive until such time as the Commission determines that the internal control systems meet the minimum internal control requirements established by the Commission;

"(c) LICENSING.—A license approved by the Commission shall be required of—

"(A) any person having a material involvement, either directly or indirectly, with a licensed gaming operation;

"(B) any person having a material involvement, either directly or indirectly, with a gaming-related contract;

"(C) any gaming-related contractor, including but not limited to any vendor or supplier of gaming equipment or gambling devices associated with a licensed gaming operation;

"(D) any gaming service industry for which the Commission may require licensure;

"(E) any gaming operation, including the management of any gaming operation; and

"(F) any other person or company or other entity for which the Commission may require licensure;

"(2)(A) The Commission may issue a statement of compliance to an applicant for any license or for qualification status under this Act at any time the Commission is satisfied that one or more particular eligibility criteria have been satisfied by an applicant.

"(B) Such statement shall specify the eligibility criterion satisfied, the date of such satisfaction and a reservation to the Commission to revoke the statement of compliance at any time based upon a change of circumstances affecting such compliance.

"(3)(A) No gaming operation shall operate unless all necessary licenses and approvals therefor have been obtained in accordance with this Act.

"(B)(i) Prior to the operation of any gaming facility or activity, every agreement for

the management of the gaming operation shall be in writing and filed with the Commission pursuant to section 11 of this Act.

"(ii) No such agreement shall be effective unless expressly approved by the Commission.

"(iii) The Commission may require that any such agreement include within its terms any provisions reasonably necessary to best accomplish the policies of this Act.

"(iv) The Commission may determine that any applicant who does not have the ability to exercise any significant control over a licensed gaming operation shall not be eligible to hold or required to hold a license.

"(4)(A) The Commission shall deny a license for the management of a gaming operation to any applicant who is disqualified on the basis of any of the following criteria—

"(i) Failure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of this Act;

"(ii) Failure of the applicant to provide information, documentation and assurances required by the Act or requested by the Commission, or failure of the applicant to reveal any fact material to qualification, or the supplying information which is untrue or misleading as to a material fact pertaining to the qualification criteria;

"(iii) The conviction of the applicant, or of any person required to be qualified under this Act as a condition of a license for the management of a gaming operation, of any offense in any jurisdiction which is deemed by the Commission to disqualify the applicant; provided that—

"(B) the automatic disqualification provisions of this subsection shall not apply with regard to any conviction which did not occur within the 10-year period immediately preceding application for licensure and which the applicant demonstrates by clear and convincing evidence does not justify automatic disqualification pursuant to this subsection and any conviction which has been the subject of a judicial order of expungement;

"(5)(A) Upon the filing of an application for a license for the management of a gaming operation and such supplemental information as the Commission may require, the Commission shall conduct an investigation into the qualifications of the applicant, and the Commission shall conduct a hearing thereon concerning the qualifications of the applicant in accordance with its regulations;

"(B) After such investigation and hearing, the Commission may either deny the application or grant a gaming operation license to an applicant whom it determines to be qualified to hold such license.

"(C)(i) The Commission shall have the authority to deny any application pursuant to the provisions of this Act;

"(ii) When an application is denied, the Commission shall prepare and file an order denying such application with the general reasons therefor, and if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of facts.

"(iii) After an application is submitted to the Commission, final action of the Commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the Commission;

"(D) If satisfied that an applicant is qualified to receive a license for the management of a gaming operation, and upon tender of all license fees and assessments as required by this Act and regulations of the Commission, and such bonds as the Commission may re-

quire for the faithful performance of all requirements imposed by this Act or regulations promulgated thereunder, the Commission shall issue a license for the management of a gaming operation for the term of 1 year;

"(E)(i) The Commission shall fix the amount of the bond or bonds to be required under this section in such amounts as it may deem appropriate, by rules of uniform application;

"(ii) The bonds so furnished may be applied by the Commission to the payment of any unpaid liability of the licensee under this Act;

"(iii) The bond shall be furnished in cash or negotiable securities, by a surety bond guaranteed by a satisfactory guarantor, or by an irrevocable letter of credit issued by a banking institution of any state acceptable to the Commission;

"(iv) If furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the Commission, but any income shall inure to the benefit of the licensee;

"(6)(A)(i) Subject to the power of the Commission to deny, revoke, or suspend licenses, any license for the management of a gaming operation in force shall be renewed by the Commission for the next succeeding license period upon proper application for renewal and payment of license fees and assessments as required by law and the regulations of the Commission;

"(ii) The license period for a renewed license for the management of a gaming operation shall be up to one year for each of the first two renewal periods succeeding the initial issuance of a license for the management of a gaming operation pursuant to subsection (5) of this section;

"(iii) Thereafter, a license for the management of a gaming operation may be renewed for a period of up to two years, but the Commission may reopen licensing hearings at any time;

"(B)(i) Notwithstanding the other provisions of this subsection, the Commission may, for the purpose of facilitating its administration of this Act, renew the license for the management of a gaming operation of the holders of licenses initially opening after the date of enactment of this Act for a period of one year, provided the renewal period for those particular licenses for the management of a gaming operation may not be adjusted more than once pursuant to this provision;

"(ii) The Commission shall act upon any such application prior to the date of expiration of the current license;

"(C) Application for renewal shall be filed with the Commission no later than 90 days prior to the expiration of the current license, and all license fees and assessments as required by law shall be paid to the Commission on or before the date of expiration of the current license;

"(D) Upon renewal of any license the Commission shall issue an appropriate renewal certificate or validating device or sticker which shall be attached to each license for the management of a gaming operation;

"(7) Subject to the power of the Commission to deny, revoke or suspend any license, any license other than a license for the management of a gaming operation may be renewed upon proper application for renewal and the payment of fees in accordance with the rules of the Commission, but in no event later than the date of expiration of the current license.

"(d) HEARINGS.—(1) The Commission shall establish procedures for the conduct of hearings associated with—

"(A) licensing of gaming operations and the management of a gaming operation, including the denial, limiting, conditioning, restriction, revocation, or suspension of any such license;

"(B) licensing of—

"(i) key employees of gaming operations;

"(ii) any persons having a material involvement, either directly or indirectly, with a licensed gaming operation;

"(iii) gaming-related contractors, including but not limited to any vendor or supplier of gaming equipment or gambling devices associated with a licensed gaming operation;

"(iv) gaming service industries pursuant to which an Indian tribal government or its agent enters into an agreement in excess of \$10,000 for the procurement of materials, supplies, equipment or services which are used in association with a gaming operation, or financing contracts or agreements with a gaming service industry in excess of \$10,000 associated with any facility which is used in association with a gaming operation; and

"(v) any other person or company or other entity for which the Commission may require licensure;

including the denial, limiting, conditioning, restriction, revocation, or suspension of any such license;

"(2) Following a hearing for any of the purposes authorized in this section, the Commission shall render its decision and issue an order, and serve such decision and order upon the affected parties;

"(3)(A) The Commission may, upon motion made within 10 days after the service of a decision and order, order a rehearing before the Commission upon such terms and conditions as it may deem just and proper when the Commission finds cause to believe that the decision and order should be reconsidered in view of the legal, policy or factual matters advanced by the moving party or raised by the Commission on its own motion;

"(B) Following a rehearing, the Commission shall render its decision and issue an order, and serve such decision and order upon the affected parties;

"(C) The Commission's decision and order under subsection (2) of this section when no motion for a rehearing is made, or the Commission's decision and order upon rehearing shall constitute final agency action for purposes of judicial review under the Administrative Procedure Act;

"(4) The District of Columbia Circuit Court of Appeals shall have jurisdiction to review the Commission's licensing decisions and orders.

"(e) COMMISSION STAFFING.—(1) The Chairman shall appoint a General Counsel to the Commission who shall be paid at the annual rate of basic pay payable for ES-6 of the Senior Executive Service Schedule under section 5382 of title 5 of the United States Code.

"(2) The Chairman shall appoint and supervise other staff of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such staff shall be paid without regard to the provisions of chapter 51 and subchapters III and VIII of chapter 53 of such title relating to classification and General and Senior Executive Service Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for ES-5 of the Senior Executive Service Schedule under section 5382 of that title.

"(3) The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily

equivalent of the maximum annual rate of basic pay payable for ES-6 of the Senior Executive Service Schedule;

"(4) Upon the request of the Chairman, the head of any federal agency is authorized to detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act, unless otherwise prohibited by law;

"(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(f) COMMISSION ACCESS TO INFORMATION.—(1) The Commission may secure from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law;

"(2) The Commission may secure from any law enforcement agency of any State or Indian tribal government information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of any State or tribal law enforcement agency shall furnish such information to the Commission, unless otherwise prohibited by law.

"(g) INVESTIGATIONS AND ACTIONS.—(1)(A) The Commission may, in its discretion, conduct such investigations as it deems necessary to determine whether any person has violated, is violating, or is about to violate any provision of this Act or the rules and regulations promulgated thereunder and may require or permit any person to file with it a statement in writing, under oath, or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

"(B) The Commission is authorized, in its discretion, to investigate any facts, conditions, practices, or matters which it may deem necessary or proper to aid in the enforcement of such provisions, in the prescribing of rules and regulations under this Act, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this Act relates;

"(2)(A) For the purpose of any investigation or any other proceeding under this Act, any member of the Commission or any officer designated by the Commission is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing;

"(B) In case of contumacy by or refusal to obey any subpoena issued to any person, the Commission may invoke the jurisdiction of any court of the United States within the jurisdiction of which an investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records.

"(C) Any such court may issue an order requiring such person to appear before the Commission or member of the Commission or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof;

"(3) Whenever it shall appear to the Commission that any person is engaged or about to engage in acts or practices constituting a violation of any provision of this Act or rules or regulations thereunder, the Commission may—

"(A) in its discretion, bring an action in the proper district court of the United States or the United States District Court for the District of Columbia, to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond; or

"(B) transmit such evidence as may be available concerning such acts or practices as may constitute a violation of any criminal laws of the United States to the Attorney General, who may institute the necessary criminal proceedings;

"(4) Upon application of the Commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus, injunctions, and orders commanding any person to comply with the provisions of this Act and the rules and regulations thereunder;

"(7) Section 8 of the Act (25 U.S.C. 2707) is amended to read as follows:

SECTION 8 REQUIREMENTS AND PROCEDURES FOR APPLICANTS AND LICENSEES

"(a) REQUIREMENTS OF APPLICANTS AND LICENSEES.—(1)(A) It shall be the affirmative responsibility of each applicant for a license and each licensee to establish by clear and convincing evidence their individual qualifications, and for an applicant for a license for the management of a gaming operation, the qualifications of each person or entity that is required to be qualified under this Act;

"(B) For purposes of this section, the terms "applicant" and "licensee" shall include any person, any entity, any corporation, any company or any other organization for whom the Commission requires an approved license pursuant to section 7(c) of this Act as a condition of doing business in Indian country;

"(2)(A) Any applicant or licensee shall provide all information required by this Act and satisfy all requests for information pertaining to qualifications and in the form specified by the Commission;

"(B) All applicants and licensees shall waive the liability of the Commission and its members, employees and agents, for any damages resulting from any disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations or hearings;

"(3) All applicants and licensees shall consent to inspections, searches and seizures and the supplying of handwriting exemplars as authorized by this Act and regulations promulgated thereunder;

"(4)(A) All applicants and licensees shall have the continuing duty to provide any assistance or information required by the Commission, and to cooperate in any inquiry or investigation conducted by the Commission and any inquiry, investigation, or hearing conducted by the Commission;

"(B) If, upon issuance of a formal request to answer or produce information, evidence or testimony, any applicant or licensee refuses to comply, the application or license of such person may be denied or revoked by the Commission.

"(5) No applicant or licensee shall give or provide, offer to give or provide, directly or indirectly, any compensation or reward or any percentage or share of the money or property played or received through gaming

activities, except as authorized by this Act, in consideration for obtaining any license, authorization, permission or privilege to participate in any way in the operation of gaming activities;

"(6) Each applicant or licensee shall be photographed and fingerprinted for identification and investigation purposes in accordance with procedures established by the Commission;

"(7)(A) All applicants and licensees, and all persons employed by a gaming service industry licensed pursuant to this Act, shall have a duty to inform the Commission of any action which they believe would constitute a violation of this Act;

"(B) No person who so informs the Commission shall be discriminated against by an applicant or licensee because of the supplying of such information;

"(8)(A) Any person who must be qualified pursuant to this Act in order to hold the securities of a licensee or any holding or intermediary company of a licensee may apply for qualification status prior to the acquisition of any such securities;

"(B) The Commission may determine to accept such an application upon a finding that there is a reasonable likelihood that, if qualified, the applicant will obtain and hold securities of a licensee sufficient to require qualification;

"(C) Such an applicant shall be subject to the provisions of this section and shall pay for the costs of all investigations and proceedings in relation to the application unless the applicant provides to the Commission an agreement with one or more licensees which states that the licensee or licensees will pay those costs;

"(b) LICENSE FOR THE MANAGEMENT OF A GAMING OPERATION—APPLICANT ELIGIBILITY.

"(1) No corporation shall be eligible to apply for a license for the management of a gaming operation unless—

"(A) The corporation shall be incorporated in one of the fifty states or by an Indian tribe, although such corporation may be a wholly or partially owned subsidiary of a corporation which is incorporated in one of the fifty states or of a foreign country;

"(B) The corporation shall maintain an office of the corporation on the premises licensed or to be licensed;

"(C) The corporation shall comply with all of the requirements of the laws of the state or Indian tribe pertaining to corporations in which the corporation is incorporated;

"(D) The corporation shall maintain a ledger in the principal office of the corporation which shall at all times reflect the current ownership of every class of security issued by the corporation and shall be available for inspection by the Commission and authorized agents of the Commission at all reasonable times without notice;

"(E) The corporation shall maintain all operating accounts required by the Commission and shall notify the Commission of the financial institution in which such operating accounts are located;

"(F) The corporation shall include among the purposes stated in its certificate of incorporation the conduct of gaming operations and provide that the certificate of incorporation includes all provisions required by this Act;

"(G)(1) If the corporation is not a publicly-traded corporation, the corporation shall file with the Commission such adopted corporate charter provisions as may be necessary to establish the right of prior approval by the Commission with regard to transfers of securities, shares, and other interests in the applicant corporation; and

"(2) If the corporation is a publicly-traded corporation, provide in its corporate charter that any securities of such corporation are held subject to the condition that if a holder thereof is found to be disqualified by the Commission pursuant to the provisions of this Act, such holder shall dispose of his interest in the corporation, provided that nothing herein shall be deemed to require that any security of such corporation bear any legend to this effect;

"(H) If the corporation is not a publicly-traded corporation, the corporation shall establish to the satisfaction of the Commission that appropriate charter provisions create the absolute right of such non-publicly-traded corporations and companies to repurchase at the market price or the purchase price, whichever is the lesser, any security, share or other interest in the corporation in the event that the Commission disapproves a transfer in accordance with the provisions of this Act;

"(I) Any publicly-traded holding, intermediary, or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall contain in its corporate charter the same provisions required under paragraph (H) for a publicly-traded corporation to be eligible to apply for a license for the management of a gaming operation; and

"(J) Any non-publicly-traded holding, intermediary or subsidiary company of the corporation, whether the corporation is publicly-traded or not, shall establish to the satisfaction of the Commission that its charter provisions are the same as those required under paragraphs (H) and (I) for a non-publicly-traded corporation to be eligible to apply for a license for the management of a gaming operation;

"(K) The provisions of this subsection shall apply with the same force and effect with regard to applicants for a license and licensees for the management of a gaming operation which have a legal existence that is other than corporate to the extent which is appropriate;

"(c) LICENSE FOR THE MANAGEMENT OF A GAMING OPERATION—APPLICANT REQUIREMENTS.—

"(1) Any applicant for a license for the management of a gaming operation must produce information, documentation and assurances concerning the following qualification criteria—

"(A) Each applicant shall produce such information, documentation and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers; and

"(B) Each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Commission;

"(C)(1) Each applicant shall produce such information, documentation and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bond holders, and holders of indentures, notes or other evidences of indebtedness, either in effect or proposed, which bears any relation to the proposal of the management of a gaming operation submitted by the applicant or applicants, provided that this sec-

tion shall not apply to banking or other licensed lending institutions and institutional investors;

"(2) Any such banking or licensed lending institution or institutional investor shall, however, produce for the Commission upon request any document or information which bears any relation to the proposal for the management of a gaming operation submitted by the applicant or applicants;

"(3) The integrity of financial sources shall be judged upon the same standards as the applicant;

"(4) In addition, each applicant shall produce whatever information, documentation or assurances as may be required to establish by clear and convincing evidence the adequacy of financial resources as to the completion of the proposal for the management of the gaming operation;

"(D)(1) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity;

"(2) Such information shall include, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application;

"(3) Each applicant shall notify the Commission of any civil judgments obtained against any such applicant pertaining to antitrust or security regulation laws of the United States, or of any state, jurisdiction, province or country;

"(4) In addition, each applicant shall produce letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letters of reference shall indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what the information is;

"(5) If the applicant has managed gaming operations in a jurisdiction which permits such activity, the applicant shall produce letters of reference from the gaming or casino enforcement or control agency which shall specify the experiences of such agency with the applicant, his associates, and the gaming operation, provided that if no such letters are received within 60 days of request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency;

"(E)(1) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence that the applicant has sufficient business ability and gaming management experience as to establish the likelihood of creation and maintenance of a successful, efficient gaming operation;

"(2) The applicant shall produce the names of all proposed key employees of the proposed gaming operation as they become known and a description of their respective or proposed responsibilities, and a full description of security system and management control proposed for the gaming operation and related facilities;

"(F)(1) Each applicant shall produce such information, documentation and assurances to enable the Commission to comply with the National Environmental Policy Act, the

National Historic Preservation Act, and the Endangered Species Act.

“(d) ADDITIONAL REQUIREMENTS.—

“(1) In addition to other information required by this Act, a corporation applying for a license for the management of a gaming operation shall provide the following information—

“(A) the organization, financial structure and nature of all businesses operated by the corporation;

“(B) the names and personal employment and criminal histories of all officers, directors and principal employees of the corporation;

“(C) the names of all holding, intermediary and subsidiary companies of the corporation;

“(D) the organization, financial structure and nature of all businesses operated by such of its holding, intermediary and subsidiary companies as the Commission may require, including names and personal employment and criminal histories of such officers, directors and principal employees of such corporations and companies as the Commission may require;

“(E) The rights and privileges acquired by the holders of different classes of authorized securities of such corporations and companies as the Commission may require, including the names, addresses and amounts held by all holders of such securities;

“(F) The terms upon which securities have been or are to be offered;

“(G) The terms and conditions of all outstanding loans, mortgages, trust deeds, pledges or any other indebtedness or security devices utilized by the corporation;

“(H) The extent of the equity security holding in the corporation of all officers, directors and underwriters, and their remuneration in the form of salary, wages, fees or otherwise;

“(I) Names of persons other than directors and officers who occupy positions specified by the Commission or whose compensation exceeds an amount determined by the Commission, and the amount of their compensation;

“(J) A description of all bonus and profit-sharing arrangements;

“(K) Copies of all management and service contracts; and

“(L) A listing of stock options existing or to be created;

“(2) If a corporation applying for a license for the management of a gaming operation is, or if a corporation holding a license for the management of a gaming operation is to become, a subsidiary, each holding company and each intermediary company with respect thereto must, as a condition of the said subsidiary acquiring or retaining such license, as the case may be—

“(A) Qualify to do business in one of the fifty states or with a federally-recognized Indian tribe; and

“(B) If it is a corporation, register with the Commission and furnish the Commission with all the information required of a corporate licensee as specified in subsections (A) through (F) of this section and such other information as the Commission may require; or

“(C) If it is not a corporation, register with the Commission and furnish the Commission with such information as the Commission may prescribe;

“(3) No corporation shall be eligible to hold a license for the management of a gaming operation unless each officer; each director, each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation; any per-

son who in the opinion of the Commission has the ability to control the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; each principal employee; and any lender, underwriter, agent, employee of the corporation, or other person whom the Commission may consider appropriate for approval or qualification would, but for residence, individually be qualified for approval as a gaming operation key employee pursuant to the provisions of this Act;

“(4) No corporation which is a subsidiary shall be eligible to receive or hold a licensing for the management of a gaming operation unless each holding and intermediary company with respect thereto—

“(A) If it is a corporation, shall comply with the provisions of this section as if said holding or intermediary company were itself applying for a license for the management of a gaming operation, provided that the commission may waive compliance with the provisions of this section on the part of a publicly-traded corporation which is a holding company as to any officer, director, lender, underwriter, agent or employee thereof, or person directly or indirectly holding a beneficial interest or ownership of the securities of such corporation, where the Commission is satisfied that such officer, director, lender, underwriter, agent or employee is not significantly involved in the activities of the corporate licensee, and in the case of security holders, does not have the ability to control the publicly-traded corporation or elect one or more directors thereof; or

“(B) If it is not a corporation, shall comply with the provisions of this section as if said company were itself applying for a license for the management of a gaming operation;

“(5)(A) Any noncorporate applicant for a license for the management of a gaming operation shall provide the information required of this section in such form as may be required by the Commission;

“(B) No such applicant shall be eligible to hold a license for the management of a gaming operation unless each person who directly or indirectly holds any beneficial interest or ownership in the applicant, or who in the opinion of the Commission has the ability to control the applicant, or whom the Commission may consider appropriate for approval or qualification, would individually be qualified for approval as a key employee pursuant to the provisions of this Act;

“(6) Notwithstanding the provisions of this section, and in the absence of a prima facie showing that there is any cause to believe that the institutional investor may be found unqualified, an institutional investor holding either—

“(A) under 10% of the equity securities of a holding or intermediary companies of a licensee for the management of a gaming operation, or

“(B) debt securities of a holding or intermediary companies, or another subsidiary company of a holding or intermediary companies which is related in any way to the financing of the licensee for the management of a gaming operation, where the securities represent a percentage of the outstanding debt of the company not exceeding 20%, or a percentage of any issue of the outstanding debt of the company not exceeding 50%, shall be granted a waiver of qualification if such securities are those of a publicly-traded corporation and its holdings of such securities were purchased for investment purposes only

and upon request by the Commission, it files with the Commission a certified statement to the effect that it has no intention of influencing or affecting the affairs of the issuer, the licensee for the management of a gaming operation or its holding or intermediary companies, provided that it shall be permitted to vote on matters put to the vote of the outstanding security holders;

“(C) The Commission may grant a waiver of qualification to an institutional investor holding a higher percentage of such securities upon a showing of good cause and if the conditions specified in this subsection are met;

“(D) Any institutional investor granted a waiver under this subsection which subsequently determines to influence or affect the affairs of the issuer shall provide not less than 30 days notice of such intent and shall file with the Commission an application for qualification before taking any action that may influence or affect the affairs of the issuer, provided that it shall be permitted to vote on matters put to the vote of the outstanding security holders;

“(E) If an institutional investor changes its investment intent, or if the Commission finds reasonable cause to believe that the institutional investor may be found unqualified, no action other than divestiture shall be taken by such investor with respect to its security holdings until there has been compliance with the provisions of this Act including the execution of a trust agreement;

“(F) The licensee for the management of a gaming operation and its relevant holding, intermediary or subsidiary company shall immediately notify the Commission of any information about, or actions of, an institutional investor holding its equity or debt securities where such information or action may have an impact upon the eligibility of such institutional investor for a waiver pursuant to this subsection;

“(7) If at any time the Commission finds that an institutional investor holding any security of a holding or intermediary company of a licensee for the management of a gaming operation, or, where relevant, of another subsidiary company of a holding or intermediary company of a licensee for the management of a gaming operation which is related in any way to the financing of the licensee for the management of a gaming operation, fails to comply with the terms of this section, or if at any time the Commission finds that, by reason of the extent or nature of its holdings, an institutional investor is in a position to exercise such a substantial impact upon the controlling interests of a licensee that qualification of the institutional investor is necessary to protect the public interest, the Commission may, in accordance with the provisions of this section of this Act, take any necessary action to protect the public interest, including requiring such an institutional investor to be qualified pursuant to the provisions of this Act;

“(d) LICENSING OF KEY EMPLOYEES OF GAMING OPERATIONS.—

“(1) No person may be employed as a key employee of a class III gaming operation unless he is the holder of a valid gaming operation key employee license issued by the Commission;

“(2) Each applicant must, prior to the issuance of any gaming operation key employee license, produce information, documentation and assurances concerning the following qualification criteria—

“(A) Each applicant for a gaming operation key employee license shall produce such information, documentation and assurances as

may be required to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursements schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers;

"(B) In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Commission;

"(C) Each applicant for a gaming operation key employee license shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity;

"(D) Such information shall include, without limitation, data pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application;

"(E) Each applicant shall notify the Commission of any civil judgments obtained against such applicant pertaining to anti-trust or security regulation laws of the United States or of any state of any jurisdiction, province or country;

"(F) In addition, each applicant shall, upon request of the Commission, produce letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letters of reference shall indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what that information is;

"(G) If the applicant has been associated with gaming operations in any capacity, position or employment in a jurisdiction which permits such activity, the applicant shall, upon request of the Commission, produce letters of reference from the gaming or casino enforcement or control agency, which shall specify the experience of such agency with the applicant, his associates and his participation in the gaming operations of that jurisdiction, provided that if no such letters are received from the appropriate law enforcement agencies within 60 days of the applicant's request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency; and

"(H) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence that the applicant has sufficient business ability and gaming operation experience as to establish the reasonable likelihood of success and efficiency in the particular position involved;

"(3) The Commission shall endorse upon any license issued hereunder the particular positions as defined by this Act or by regulation which the licensee is qualified to hold;

"(4) The Commission shall deny a gaming operation key employee license to any applicant who is disqualified on the basis of the criteria contained in section 7(c)(4) of this Act;

"(5) For the purposes of this section, gaming operation security employees shall be considered key employees of a gaming operation;

"(6) Key employees of a gaming operation directly related to gaming operation shall include, but not be limited to, boxmen, floormen, dealers or croupiers, cage personnel, count room personnel, slot and slot booth personnel, credit and collection personnel, gaming operation surveillance personnel, and gaming operation security employees whose employment duties require or authorize access to the gaming operation facility;

"(e) LICENSING AND REGISTRATION OF GAMING-RELATED CONTRACTORS AND SERVICE INDUSTRIES.—

"(1)(A) All gaming-related contractors and gaming service industries offering goods or services which directly relate to a gaming operation, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and gaming operation security services, shall be licensed in accordance with the provisions of this Act prior to conducting any business whatsoever with a gaming operation applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not, provided that upon a showing of good cause by a gaming operation applicant or licensee for each business transaction, the Commission may permit an applicant for a gaming-related contractor or gaming service industry license to conduct business transactions with such gaming operation applicant or licensee prior to the licensure of that gaming-related contractor or gaming service industry applicant under this subsection;

"(B)(i) In addition to the requirements of paragraph (A) of this subsection, any gaming-related contractor or gaming service industry intending to manufacture, sell, distribute or repair gambling devices, other than antique slot machines, shall be licensed in accordance with the provisions of this Act prior to engaging in any such activities, provided that—

"(ii) upon a showing of good cause by a gaming operation applicant or licensee for each business transaction, the Commission may permit an applicant for a gaming-related contractor or gaming service industry license to conduct business transactions with the gaming operation applicant or licensee prior to the licensure of that contractor or service industry applicant under this subsection, and provided further that—

"(iii) upon a showing of good cause by an applicant required to be licensed as gaming-related contractor or gaming service industry pursuant to this paragraph, the Commission may permit the contractor or service industry applicant to initiate the manufacture of gambling devices or engage in the sale, distribution or repair of gambling devices with any person other than a gaming operation applicant or licensee, its employees or agents, prior to the licensure of that contractor or service industry applicant under this subsection;

"(2)(A) Each gaming-related contractor or gaming service industry in subsection (1) of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards established for qualification of a gaming operation key employee under this Act;

"(B) In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each director, instructor, principal employee, and sales representative employed thereby shall be li-

censed under the standards established for qualification of a key gaming operation employee under this Act, provided that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques;

"(C) The Commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experimental requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of a gaming school;

"(3)(A) All gaming-related contractors and gaming service industries not included in subsection (1) of this section shall be licensed in accordance with rules of the Commission prior to commencement or continuation of any business with a gaming operation applicant or licensee or its employees or agents;

"(B) Such gaming-related contractors and gaming service industries, whether or not directly related to gaming operations, shall include any person, entity or enterprise contracting with gaming operation applicants or licensees or their employees or agents;

"(C) The Commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates—

"(i) that it is regulated by a public agency or that it will provide goods or services in substantial or insignificant amounts or quantities, and

"(ii) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this Act;

"(D) Upon granting an exemption or at any time thereafter, the Commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the Commission and, upon request, to provide information in the same manner as required of a gaming-related contractor or gaming service industry licensed pursuant to this subsection, provided that no exemption be granted unless the gaming-related contractor or gaming service industry complies with the requirements of this section of this Act.

(8) Section 9 of the Act (25 U.S.C. 2708) is amended to read as follows:

**"SEC. 9. REQUIREMENTS FOR THE CONDUCT OF CLASS I AND CLASS II GAMING ON INDIAN LANDS.**

"(a) CLASS I GAMING.—Class I gaming on Indian lands is within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act;

"(b) CLASS II GAMING.—(1) Any Class II gaming on Indian lands shall continue to be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this Act;

"(2) An Indian tribe may engage in, or license and regulate class II gaming on Indian lands within such tribe's jurisdiction, if—

"(A) such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization or entity;

"(B) such gaming is not otherwise specifically prohibited on Indian lands by Federal law; and

"(C) the Class II gaming operation meets the requirements of sections 7 and 9 of this Act;

"(3) The Commission shall insure that any class II gaming operation on Indian lands meets the following requirements—

"(A) a separate license is issued by the Indian tribe for each place, facility, or location on Indian lands at which Class II gaming is conducted;

"(B) the Indian tribe has or will have the sole proprietary interest and responsibility for the conduct of any Class II gaming activity, unless the conditions of subsection (3)(I) of this section apply;

"(C) net revenues from any Class II gaming activity are not to be used for purposes other than—

"(i) to fund tribal government operations or programs;

"(ii) to provide for the general welfare of the Indian tribe and its members;

"(iii) to promote tribal economic development;

"(iv) to donate to charitable organizations; or

"(v) to help fund operations of local government agencies;

"(D) annual outside audits of the gaming, which may be encompassed within existing independent tribal audit systems, are provided by the Indian tribal government to the Commission;

"(E) all contracts for supplies, services, or concessions for a contract amount in excess of \$10,000 annually, except contracts for professional legal or accounting services, relating to such gaming shall be subject to such independent audits and audit by the Commission;

"(F) the construction and maintenance of a Class II gaming facility, and the operation of Class II gaming is conducted in a manner which adequately protects the environment and the public health and safety; and

"(G) there is an adequate system which—

"(i) ensures that background investigations are conducted on primary management officials, key employees and persons having a material involvement, either directly or indirectly, in a licensed Class II gaming operation, and gaming-related contractors associated with a licensed Class II gaming operation and that oversight of such officials and their management is conducted on an ongoing basis; and

"(ii) includes—

"(I) tribal licenses for persons involved in Class II gaming operations, including but not limited to key employees, gaming related contractors, gaming service industries, and any person having a material involvement, either directly or indirectly, with a licensed gaming operation in accordance with Section 8 of this Act;

"(II) a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment; and

"(III) notification by the Indian tribal government to the Commission of the results of such background investigation before the issuance of any of such licenses;

"(H) Net revenues from any Class II gaming activities conducted or licensed by any Indian tribal government may be used to make per capita payments to members of the Indian tribe only if—

"(i) the Indian tribe has prepared a plan to allocate revenues to uses authorized by paragraph (3)(C) of this section;

"(ii) the plan is approved by the Secretary as adequate, particularly with respect to uses described in clause (i) or (iii) of paragraph (3)(C) of this section;

"(iii) the interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person under a plan approved by the Secretary and the governing body of the Indian tribe; and

"(iv) the per capita payments are subject to federal taxation and tribes notify members of such tax liability when payments are made;

"(I)(i) A separate license is issued for any Class II gaming operation owned by any person or entity other than the Indian tribal government and conducted on Indian lands, and such license includes the requirements set forth in the subclasses of subparagraph (C)(i) and are at least as restrictive as those established by State law governing similar gaming with the jurisdiction of the State within which such Indian lands are located;

"(ii) No person or entity, other than the Indian tribal government, shall be eligible to receive a tribal license to own a Class II gaming operation conducted on Indian lands within the jurisdiction of the Indian tribe if such person or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State;

"(iii) The provisions of subparagraph (i) of this paragraph and the provisions of subparagraphs (B) and (C) of subsection (3) shall not bar the continued operation of an individually-owned Class II gaming operation that was operating on September 1, 1986, if—

"(I) such gaming operation is licensed and regulated by an Indian tribal government;

"(II) income to the Indian tribal government from such gaming is used only for the purposes described in paragraph (c)(3) of this subsection,

"(III) not less than 60 percent of the net revenues is income to the licensing tribal government, and

"(IV) the owner of such gaming operation pays an appropriate assessment to the Commission under section 15 for regulation of such gaming;

"(iv) The exemption from application of this subsection provided under this subparagraph may not be transferred to any person or entity and shall remain in effect only so long as the gaming operation remains within the same nature and scope as operated on October 17, 1988;

"(v) The Commission shall maintain a list of each individually-owned gaming operation to which clause (iii) applies and shall publish such list in the Federal Register;

"(d)(1) LICENSE REVOCATION.—If, after the issuance of a license by an Indian tribal government, reliable information is received from the Commission indicating that any licensee does not meet the standards established under section 8 and the regulations promulgated by the Commission, the Indian tribal government shall suspend such license and, after notice and hearing, may revoke such license.

(9) Section 10 of the Act (25 U.S.C. 2709) is amended to read as follows:

#### SEC. 10. CLASS III GAMING ON INDIAN LANDS.

"(a). REQUIREMENTS FOR THE CONDUCT OF CLASS III GAMING ON INDIAN LANDS.—

"(1) Class III gaming activities shall be lawful on Indian lands only if such activities are—

"(A) authorized by a compact that:

"(i) is adopted by the governing body of the Indian tribe having jurisdiction over such lands,

"(ii) meets the requirements of subsection (b) of this section, and

"(iii) is approved by the Secretary;

"(B) located in a State where the requirements of this section of the Act are satisfied, and the gaming activity is determined to be eligible for inclusion in a compact in accordance with the provisions of this section of the Act;

"(C) conducted in conformance with a compact entered into by the Indian tribe under paragraph (3) that is in effect.

"(D) the Class III gaming operation meets the requirements of Sections 7, 8, 10 and 11 of this Act.

"(2)(A) The governing body of an Indian tribe, in its sole discretion, may adopt an ordinance or resolution revoking any prior ordinance or resolution that authorized Class III gaming on the Indian lands of the Indian tribe. Such revocation shall render Class III gaming illegal on the Indian lands of such Indian tribe.

"(B) The Indian tribe shall submit any revocation ordinance or resolution described in subparagraph (A) to the Chairman. The Chairman shall publish such ordinance or resolution in the Federal Register and the revocation provided by such ordinance or resolution shall take effect on the date of such publication.

"(C) Notwithstanding any other provision of this subsection—

"(i) any person or entity operating a Class III gaming activity pursuant to this paragraph on the date on which an ordinance or resolution described in subparagraph (A) that revokes authorization for such Class III gaming activity is published in the Federal Register may, during the 1-year period beginning on the date on which such revocation ordinance or resolution is published under subparagraph (B), continue to operate such activity in conformance with the compact entered into under paragraph (3) that is in effect; and

"(ii) any civil action that arises before, and any crime that is committed before, the close of such 1-year period shall not be affected by such revocation ordinance or resolution.

"(3)(A)(i) Any Indian tribe having jurisdiction over the lands upon which a Class III gaming activity is to be conducted may request the Secretary to enter into negotiations for a compact.

"(ii) Such request shall be in writing and shall specify the gaming activity or activities to be included in the compact and within 30 days the Secretary shall determine if any such requested activities should not be included in the compact under the laws of the State in which the Indian tribe is located in conformity with the standards set forth in subparagraphs (C) and (D) of this subsection and shall so notify the Indian tribe.

"(iii) Such negotiations shall be completed within 120 days after the expiration of the 60-day period in subparagraph (B)(iii) of this subsection.

"(iv) Any compact negotiated under this paragraph shall be effective upon its publication in the Federal Register by the Secretary.

"(v) The Commission, pursuant to section 7, shall monitor, regulate and license Class III gaming with respect to any compact negotiated under this paragraph and published by the Secretary in the Federal Register.

"(vi) Any compact negotiated under this paragraph shall be for a fixed term of years, consistent with the purposes of this Act.

"(vii) A tribal request for a change in a compact shall be considered a request for purposes of this subsection.

"(B)(i) When an Indian tribe makes a request pursuant to subparagraph (A), it shall also notify the State within which the gaming activity is to be conducted.

"(ii) Such notice to the State shall include the specific gaming activities which the Indian tribe is requesting that the Secretary include in the compact.

"(iii) Within 60 days from such notification, the State may request the Indian tribe to enter into negotiations for a compact. The State and Indian tribe by mutual agreement may extend the 60-day period.

"(iv) When a State requests an Indian tribe to negotiate a compact within the designated time period, that request shall toll the operation of subparagraph (A), and shall be deemed to constitute a voluntary waiver of the sovereign immunity of the State for the purposes of this Act.

"(C) Any compact negotiated under subparagraph (A) may include provisions relating to—

"(i) the application of the criminal and civil laws and regulations of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of such activity;

"(ii) the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of such laws and regulations;

"(iii) the assessment by the State of such activities in such amounts as are necessary to defray the costs of regulating such activity;

"(iv) taxation by the Indian tribe of such activity in amounts comparable to amounts assessed by the State for comparable activities;

"(v) remedies for breach of contract;

"(vi) standards for the operation of such activity and maintenance of the gaming facility, including licensing; and

"(vii) any other subjects that are reasonably related to the operation of gaming activities, and the impact on tribal, State, and local governments.

"(4) Except for any assessments for services agreed to by an Indian tribe in compact negotiations, nothing in this section shall be construed as conferring upon a State or any of its political subdivisions the authority to impose any tax, fee, charge or other assessment upon an Indian tribe, an Indian gaming operation or the value generated therein, or any person or entity authorized by an Indian tribe to engage in a Class III gaming activity in conformity with the provisions of this Act.

"(5) Nothing in this subsection shall impair the right of an Indian tribe to regulate Class III gaming on its Indian lands concurrently with the State and the Commission, except to the extent that such regulation is inconsistent with, or less stringent than, this Act or the laws and regulations made applicable by any compact entered into by the Indian tribe under paragraph (3) that is in effect.

"(6) The provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175) shall not apply to any gaming activity conducted pursuant to a compact entered into after the effective date of the Indian Gaming Regulatory Act Amendments Act, but in no event shall this paragraph, as amended by such Act, be construed as invalidating any exemp-

tion from section 5 under this Act prior to its enactment by the Indian Gaming Regulatory Act Amendments Act of 1994, or under any compact, or procedure in lieu of a compact, in effect on the date of enactment of the Indian Gaming Regulatory Act Amendments Act.

"(7)(A) The United States district courts shall have jurisdiction over—

"(i) any cause of action for a declaratory judgment brought by an Indian tribe or a State pursuant to subparagraph (C), or the review of any decision by the Secretary with regard to the gaming activities which are subject to inclusion in a compact or to resolve any dispute pursuant to subparagraph (E) or (F);

"(ii) any cause of action initiated by a State or Indian tribe to enjoin a Class III gaming activity located on Indian lands and conducted in violation of any compact entered into under paragraph (3) that is in effect; or

"(iii) any cause of action initiated by the Secretary to enforce any provision of a compact.

"(B)(i) Where a State elects to negotiate a compact, within 30 days after notice of the election, the State shall notify the tribe if it determines that any gaming activity requested is prohibited as a matter of State criminal law and is not otherwise subject to negotiation under this Act.

"(ii) Following the State's notification to the tribe of its determination, the parties shall have 30 days in which to meet and confer to resolve any dispute regarding the State's determination.

"(iii) Notwithstanding any declaratory judgment action pending under subparagraph (C), a tribe and State may negotiate and establish procedures for mediating any issue not subject to the declaratory judgment action.

"(C) No later than 120 days after the State has notified the tribe of its election to negotiate a compact, or such longer period as may be agreed to in writing by the parties, either party may initiate an action in an appropriate United States district court for a declaration whether the disputed gaming activity is subject to compact negotiation under this Act. In any such declaratory action, the court shall declare that the disputed gaming activity as a matter of Federal law shall be the subject of negotiation if it finds that—

"(i) the disputed gaming activity is not prohibited as a matter of State criminal law, or

"(ii) even if the disputed activity is prohibited as a matter of State criminal law, the gaming activity meets one or more of the following criteria:

"(I) Its principal characteristics are not distinguishable from a gaming activity that is not prohibited by State criminal law and there is no rational basis for differentiating between the disputed gaming activity and the activity not prohibited by the state;

"(II) State law permits the disputed gaming activity subject to regulation;

"(III) As a matter of State law any person, organization, or entity within the State may engage in the disputed gaming activity for any purpose, except that the permitting of a social gaming activity does not make that activity subject to negotiations pursuant to this section after the date of the enactment of the Indian Gaming Regulatory Act Amendments Act; provided that this exception shall have no effect on the continued validity of any compacts or procedures in lieu thereof which are in effect on the date of en-

actment of the Indian Gaming Regulatory Act Amendments Act;

"(D) In any determination of whether a gaming activity is subject to compact negotiation under this Act, the following categories of gaming activities are distinguishable from each other:

"(i) gambling device;

"(ii) lottery game;

"(iii) banking game;

"(iv) parimutuel wagering;

"(v) other games of chance.

"(E) Where the State elects to negotiate a compact under this Act, the negotiation shall be completed within 120 days after the expiration of the 60-day period in paragraph (3)(B)(iii) of this subsection, unless the State and Indian tribe by mutual agreement extend the time period.

"(F) The Secretary in consultation with the Indian tribes and the States shall develop a panel of independent mediators which shall be periodically updated. If after 120 days from a State's request for negotiations or a final declaratory judgment not subject to further review, the State and Indian tribe have not agreed to recommend a compact to the Secretary, the State and Indian tribe shall enter into compulsory mediation, pursuant to the following procedures:

"(i) The Secretary shall provide the State and Indian tribe with a list of names of 3 mediators randomly selected from the panel of independent mediators. The State and Indian tribe each shall remove a different 1 of the 3 from the list, and the remaining mediator shall conduct the mediation.

"(ii) The mediator shall attempt to achieve a compact within a 60-day period, which period may be extended at the agreement of the State and Indian tribe.

"(iii) If compulsory mediation fails, the State and Indian tribe shall submit their last best offer to the mediator, who shall evaluate the offers under the terms of the Act and recommend a compact to the Secretary, except that by mutual agreement the parties may substitute either compulsory arbitration, or a decision by the Secretary instead of a mediator's recommendation.

"(iv) The recommended compact also shall include such provisions which in the opinion of the mediator or arbitrator best meet the objectives of this Act and are consistent with any declaratory judgment issued pursuant to subparagraph (C).

"(G) If the parties or the mediator or arbitrator pursuant to this paragraph recommend a compact to the Secretary, the Secretary shall approve such compact and shall publish it in the Federal Register; except that the compact shall not be approved by the Secretary unless it contains provisions for internal controls which are consistent with this Act and the regulations promulgated by the Commission, including, without limitation, provisions relating to cash flow transactions, recordkeeping and reporting, accounting, security, licensing and training of employees, and related matters. The compact also shall not be approved if it violates—

"(i) any provision of this Act or the regulations promulgated by the Commission;

"(ii) any other provision of Federal law that does not relate to jurisdiction over gaming on Indian reservations; or

"(iii) the trust obligations of the United States to Indians.

"(H) Except for an appeal under subchapter II of chapter 5, of title 5, United States Code, by an Indian tribe or State on the publication of a compact, publication of a compact pursuant to this subsection which permits a

form of Class III gaming shall, for the purposes of this Act, be conclusive evidence that such Class III gaming is an activity subject to negotiations under the laws of the State where the gaming is to be conducted, in any matter under consideration by the Commission or a Federal court.

"(I) If the Secretary does not approve or disapprove a compact under this subsection before the date that is 45 days after the date that the compact is submitted to the Secretary for approval, or after the expiration of the 180-day period with respect to the last compact proposal in subparagraph (3), the compact shall be considered approved, but only to the extent that the compact is consistent with the provisions of this Act and any regulations promulgated by the Commission.

"(J) The Secretary shall publish in the Federal Register notice of any compact that has been approved, or considered to have been approved, under this paragraph.

"(8)(A) The Secretary is authorized to approve any compact entered into between an Indian tribe and a State governing gaming on Indian lands of such Indian tribe.

"(B) The Secretary may disapprove a compact described in subparagraph (A) only if such compact violates—

"(i) any provision of this Act or the regulations promulgated by the Commission;

"(ii) any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or

"(iii) the trust obligations of the United States to Indians.

"(C) If the Secretary does not approve or disapprove a compact described in subparagraph (A) before the date that is 45 days after the date on which the compact is submitted to the Secretary for approval, the compact shall be considered to have been approved by the Secretary, but only to the extent the compact is consistent with the provisions of this Act and the regulations promulgated by the Commission.

"(D) The Secretary shall publish in the Federal Register notice of any compact that is approved, or considered to have been approved, under this paragraph.

"(b) EFFECT OF AMENDMENTS.—Class III gaming activities that are as a matter of Federal law, lawful in any jurisdiction on the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1994, shall, notwithstanding any provisions of this Act, remain lawful for purposes of section 10.

(10) Section 11 of the Act (25 U.S.C. 2710) is amended to read as follows:

#### SEC. 11. REVIEW OF CONTRACTS.

"(a) CONTRACTS INCLUDED.—The Commission shall review and approve or disapprove—

"(1) any management contract for the operation and management of any gaming activity that an Indian tribe may engage in under the Act; and

(2) gaming-related contracts

"(b) MANAGEMENT CONTRACT REQUIREMENTS.—The Commission shall approve any management contract between an Indian tribe and a person or entity licensed by an Indian tribe or the Commission which is entered into pursuant to this Act only if it determines that the contract provides for—

"(1) adequate accounting procedures that are maintained and for verifiable financial reports that are prepared by or for the governing body of the Indian tribe on a monthly basis;

"(2) access to the daily gaming operations by appropriate officials of the Indian tribe who shall have the right to verify the daily gross revenues and income derived from any gaming activity;

"(3) a minimum guaranteed payment to the Indian tribe that has preference over the retirement of any development and construction costs;

"(4) an agreed upon ceiling for the repayment of any development and construction costs;

"(5) grounds and mechanisms for the termination of the contract, but any such termination shall not require the approval of the Commission; and

"(6) such other provisions as the Commission deems necessary as provided for in regulations promulgated by the Commission.

"(c) MAXIMUM TERMS AND FEES FOR MANAGEMENT CONTRACTS.—The Commission may approve a management contract providing for a fee of up to 40 percent of net revenues from an Indian gaming activity determined in accordance with generally accepted accounting principles and a term of up to ten years, pursuant to regulations to be promulgated by the Commission. Such regulations shall take into consideration the nature of the management services being provided, the capital investment being made, the income projections for the particular gaming activity, and any other factors the Commission deems relevant.

"(d) GAMING-RELATED CONTRACT REQUIREMENTS.—The Commission shall approve a gaming related contract between an Indian tribe and a person or entity licensed by the Commission which is entered into pursuant to this Act only if it determines that the contract provides for—

"(1) grounds and mechanisms for termination of the contract, but such termination shall not require the approval of the Commission; and

"(2) such other provisions as the Commission deems necessary as provided for in regulations promulgated by the Commission.

"(e) TIME PERIOD FOR REVIEW.—By no later than the date that is 180 days after the date on which a management contract or other gaming-related contract is submitted to the Commission for approval, the Commission shall approve or disapprove such contract on its merits. The Commission may extend the 180-day period by not more than 90 days if the Commission notifies the Indian tribe in writing of the reason for the extension of time. The Indian tribe may bring an action in a Federal district court to compel action by the Commission if a contract has not been approved or disapproved within the period required by this subsection.

"(f) CONTRACT MODIFICATIONS AND VOID CONTRACTS.—The Commission, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if it determines that any of the provisions of this Act have been violated.

"(g) INTERESTS IN REAL PROPERTY.—No contract regulated by this Act shall transfer or, in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and such transfer or conveyance is clearly specified in the contract.

"(h) AUTHORITY OF THE SECRETARY.—The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) does not extend to any contracts which are regulated pursuant to this Act.

"(i) DISAPPROVAL OF CONTRACTS.—The Commission shall not approve any contract if it determines that—

"(1) any person having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the

board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock—

"(A) is an elected member of the governing body of the Indian tribe which is the party to the contract;

"(B) has been or subsequently is convicted of any felony or gaming offense;

"(C) has knowingly and willfully provided materially important false statements or information to the Commission or the Indian tribe pursuant to this Act or has refused to respond to questions propounded by the Commission; or

"(D) has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

"(2) the contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of tribal government relating to the gaming activity;

"(3) the contractor has deliberately or substantially failed to comply with the terms of the contract; or

"(4) a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract.

(11) Section 12 of the Act (25 U.S.C. 2711) is amended as read as follows:

#### "SEC. 12. REVIEW OF EXISTING COMPACTS AND CONTRACTS; INTERIM AUTHORITY.

"(a) REVIEW OF EXISTING COMPACTS.—(1) At any time after the Commission authorized by the Indian Gaming Regulatory Act Amendments Act has been sworn in and regulations have been promulgated for the implementation of the Act as amended, the Commission shall notify each Indian tribe and state which, prior to the enactment of the Indian Gaming Regulatory Act Amendments Act, entered into a compact that was approved by the Secretary, that the compact must be submitted to the Commission for its review within 60 days of such notification. Any such compact shall be valid under this Act and shall remain in full force and effect in accordance with its terms, unless the Commission determines that the regulatory and licensing provisions of the compact fail to meet the requirements of this Act and any regulations promulgated by the Commission.

"(2) If the Commission should determine that a compact fails to meet the regulatory and licensing requirements of this Act and any regulations promulgated by the Commission, then the Commission shall so notify the Indian tribe and the State and the Commission shall provide for the direct regulation and licensing of the gaming activities authorized by such compact pursuant to this Act until such time as the Indian tribe or the Indian tribe and the State have developed regulations and licenses to govern the gaming activity which meet or exceed the requirements imposed by this Act and any regulations promulgated by the Commission.

"(b) REVIEW OF EXISTING CONTRACTS.—(1) At any time after the Commission authorized by the Indian Gaming Regulatory Act Amendments Act is sworn in and promulgated regulations for the implementation of the Act as amended, the Commission shall notify each Indian tribe and management contractor who, prior to the enactment of the Indian Gaming Regulatory Act Amendments Act, entered into a management contract that was approved by the Secretary,

that such contract, including all collateral agreements relating to the gaming activity, must be submitted to the Commission for its review within 60 days of such notification. Any such contract shall be valid under this Act, unless it is disapproved by the Commission under this section.

"(2)(A) Within 180 days after the submission of a management contract, including all collateral agreements, pursuant to this section, the Commission shall subject such contract to the requirements and procedures under section 11 of this Act.

"(B) If the Commission determines that a management contract submitted under this section meets the requirements of section 11, and the management contractor obtains all of the required licenses, the Commission shall approve the management contract.

"(C) If the Commission determines that a contract submitted under this section does not meet the requirements of section 11, then the Commission shall provide written notification to the parties to such contract of the necessary modifications and the parties shall have 180 days to make the modifications.

"(c) INTERIM AUTHORITY OF THE NATIONAL INDIAN GAMING COMMISSION.—Notwithstanding any other provision of this Act, the Secretary and the Chairman and the associate members of the National Indian Gaming Commission who are holding office on the date of enactment of the Indian Gaming Regulatory Act Amendments Act shall continue to exercise those authorities vested in them by the Act until such time as the members of the Commission authorized by the Act as amended are sworn into office. The Commission authorized by the Act as amended shall exercise all of the authority conferred on it by the Act as amended and shall enforce all of the regulations previously promulgated under the Act until the same are revised or superseded by regulations promulgated by the Commission to implement the Act as amended.

(12) Section 13 of the Act (25 U.S.C. 2712) is repealed.

(13) Section 14 of the Act (25 U.S.C. 2713) is redesignated as section 13 and is amended to read as follows:

**"SEC. 13. CIVIL PENALTIES.**

"(a) AMOUNT.—Any person who commits any act or causes to be done any act that violates any provision of this Act or the rules or regulations promulgated thereunder, or omits to do any act or causes to be omitted any act that is required by any provision or such rule or regulation shall be subject to a civil penalty not to exceed \$50,000 per day for each such violation.

"(b) ASSESSMENT AND COLLECTION.—Any civil penalty under this section shall be assessed by the Commission and collected in a civil action brought by the Attorney General on behalf of the United States. Before referral of civil penalty claims to the Attorney General, civil penalties may be compromised by the Commission after affording the person charged with a violation of this Act, or the rules or regulations promulgated by the Commission an opportunity to present views and evidence in support thereof to establish that the alleged violation did not occur. In determining the amount of such penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior violations, ability to pay, the effect on ability to continue to do business, and such other matters as justice may require.

"(c) TEMPORARY CLOSURES.—(1) The Commission may order the temporary closure of all or part of an Indian gaming operation for substantial violations of the provisions of this Act or rules or regulations promulgated by the Commission.

"(2) Not later than 30 days after the issuance of an order of temporary closure, the Indian tribe or the individual owner of a gaming operation shall have the right to request a hearing before the Commission to determine whether such order should be made permanent or dissolved. A hearing shall be conducted within 30 days after the request for a hearing and a final decision shall be rendered 30 days after the completion of the hearing.

(14) Section 15 of the Act (25 U.S.C. 2714) is redesignated as section 14 and is amended to read as follows:

**"SEC. 14. JUDICIAL REVIEW.**

"Decisions made by the Commission pursuant to sections 7, 8, 9, 10, 11, 12, and 13 shall be final agency decisions for purposes of appeal to the appropriate Federal district court pursuant to chapter 7 of title 5".

(15) Section 16 of the Act (25 U.S.C. 2715) is repealed.

(16) Section 17 of the Act (25 U.S.C. 2716) is repealed.

(17) Section 18 of the Act (25 U.S.C. 2717) is redesignated as section 15 and is amended to read as follows:

**"SEC. 15. COMMISSION FUNDING.**

"(a) ANNUAL FEES.—(1) The Commission shall establish a schedule of fees to be paid to the Commission annually by each Class II and Class III gaming activity that is regulated by this Act.

"(2) The rate of the fees imposed under the schedule established under paragraph (1) shall be not less than 0.5 percent nor more than 2 percent of the gross revenues of each gaming operation regulated by this Act.

"(3) The Commission, by a vote of a majority of its members, shall annually adopt the rate of the fees authorized by this section which shall be payable to the Commission on a monthly basis.

"(4) The fees to be paid by a gaming operation may be adjusted downward by the Commission to the extent that regulatory functions are performed by the tribe or the State and a State, pursuant to regulations promulgated by the Commission.

"(5) Failure to pay the fees imposed under the schedule established under paragraph (1) shall, subject to the regulations of the Commission, be grounds for revocation of the approval of the Commission of any license required under this Act for the operation of gaming activities.

"(6) To the extent that revenue derived from fees imposed under the schedule established under paragraph (1) are not expended or committed at the close of any fiscal year, such surplus funds shall be credited to each gaming activity on a pro rata basis against such fees imposed for the succeeding year.

"(7) For purposes of this section, gross revenue shall constitute the annual total amount of money wagered, less any amounts paid out as prizes or paid for prizes awarded and less allowance for amortization of capital expenditures for structures.

"(b) REIMBURSEMENT OF COSTS.—The Commission is authorized to assess any applicant, except the governing body of an Indian tribe, for any license required pursuant to this Act for the actual costs of conducting all reviews and investigations necessary to determine whether a license should be granted or denied pursuant to this Act.

"(c)(1) The Commission, in conjunction with the fiscal year of the United States,

shall adopt an annual budget for the expenses and operation of the Commission.

"(2) The budget of the Commission may include a request for appropriations as authorized by section 16 of this Act.

"(3) A request for appropriations pursuant to paragraph (2) shall be submitted by the Commission directly to the Congress beginning in the first full fiscal year after the date of enactment of the Indian Gaming Regulatory Act Amendments Act.

(18) Section 19 of the Act (25 U.S.C. 2718) is redesignated as section 16 and is amended to read as follows:

**"SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

"Subject to the provisions of section 15 of this Act, there are hereby authorized to be appropriated and to remain available until expended, \$5,000,000 to provide for the operation of the Commission for fiscal years 1996, 1997 and 1998.

(19) Section 20 of the Act (25 U.S.C. 2719) is redesignated as section 17 and is amended to read as follows:

**"SEC. 17. GAMING ON LANDS ACQUIRED AFTER ENACTMENT OF THIS ACT.**

"(a) GAMING PROSCRIBED ON LANDS ACQUIRED IN TRUST.—Except as provided in subsection (b), gaming regulated by this Act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of enactment of this Act unless—

"(1) such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on the date of enactment of this Act; or

"(2) the Indian tribe has no reservation on the date of enactment of this Act and—

"(A) such lands are located in Oklahoma and

"(i) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary; or

"(ii) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or

"(B) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located.

"(b) EXCEPTIONS.—Subsection (a) will not apply when—

"(1) the Secretary, after consultation with the Indian tribe and a review of the recommendations, if any, of the Governor of the State in which such lands are located, and any other State and local officials, including officials of other Indian tribes or adjacent States, determines that a gaming establishment would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community; or

"(2) lands are taken in trust as part of—

"(A) a settlement of a land claim,

"(B) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or

"(C) the restoration of lands for an Indian tribe that is restored to Federal recognition.

"(3) Subsection (a) shall not apply to—

"(A) any lands involved in the trust petition of the St. Croix Chippewa Indians of Wisconsin that is the subject of the action filed in the United States District Court for the District of Columbia entitled *St. Croix Chippewa Indians of Wisconsin v. United States*, Civ. No. 86-2278, or

"(B) the interests of the Miccosukee Tribe of Indians of Florida in approximately 25 contiguous acres of land, more or less, in Dade County, Florida, located within one

mile of the intersection of State Road Numbered 27 (also known as Krome Avenue) and the Tamiami Trail.

"(c) AUTHORITY OF THE SECRETARY.—Nothing in this section shall affect or diminish the authority and responsibility of the Secretary to take land into trust.

"(d) APPLICATION OF THE INTERNAL REVENUE CODE.—(1) The provisions of the Internal Revenue Code of 1986 (including sections 1441, 3402(q), 6041, and chapter 35 of such Code) concerning the reporting and withholding of taxes with respect to the winnings from gaming or wagering operations shall apply to Indian gaming operations conducted pursuant to this Act, or under a compact entered into under Section 10 of this Act that is in effect, in the same manner as such provisions apply to State gaming and wagering operations, and any exemptions allowed to States from taxation of such gaming or wagering operations shall be allowed to Indian tribes.

"(2) The provisions of section 6050I of the Internal Revenue Code of 1986 shall apply to an Indian gaming establishment not designated by the Secretary of the Treasury as a financial institution pursuant to chapter 53 of title 31, United States Code.

"(3) The provisions of this subsection shall apply notwithstanding any other provision of law enacted before, on, or after the date of enactment of this Act unless such other provision of law specifically cites this subsection.

(20) Section 21 of the Act (25 U.S.C. 2720) is redesignated as section 18.

(21) Section 22 of the Act (25 U.S.C. 2721) is redesignated as section 19.

(22) Section 23 of the Act is redesignated as section 20.

(23) Section 24 of the Act is redesignated as section 21.

(24) At the end of the Act, add the following new section 22:

"Sec. 22. Section 5312(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (X) and (Y) as subparagraphs (Y) and (Z) respectively; and

(2) by inserting after subparagraph (W) the following new subparagraph:

"(X) an Indian gaming establishment."

Mr. WELLSTONE. Mr. President, let me commend my two colleagues, the Senator from Hawaii and the Senator from Arizona.

I am honored to serve on the Select Committee on Indian Affairs. There simply are not two Senators who are more committed to Indian people in this country, and they are dealing with an extremely difficult issue.

I appreciate their leadership. I am going to carefully examine this, and I hope to be able to work with them and be part of this effort.

I thank them and their staffs for really very, very important work.

By Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. DECONCINI, and Mrs. HUTCHISON):

S. 2231. A bill to amend the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") to authorize appropriations for each of fiscal years 1994 through 2001 for the construction of wastewater treatment works to provide water pollution control in or near the United

States-Mexico border area, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. DECONCINI) (by request):

S. 2232. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for each of fiscal years 1994 through 1998 for the construction of wastewater treatment works to serve United States colonias by providing water pollution control in the vicinity of the international boundary between the United States and Mexico, and for other purposes; to the Committee on Environment and Public Works.

#### CLEAR WATER ACT-AMENDMENT LEGISLATION

Mr. BINGAMAN. Mr. President, today I am introducing legislation to amend the Clean Water Act. I believe this bill is particularly important because it follows through on a critical commitment. That is a commitment that convinced many of my colleagues in the Senate to ultimately pass the North American Free-Trade Agreement. This pledge was to ensure the cleanup and future preservation of the environment along the United States-Mexico border—an area already suffering from a lack of infrastructure which is needed to provide the basic level of protection to human health and the environment.

The legislation I am introducing today—the United States-Mexico Border Water Pollution Control Act—will authorize funding for the specific construction of international wastewater treatment facilities in the vicinity of the United States-Mexico border.

Mr. President, the United States-Mexico border stretches 2,000 miles and consists of over 9 million people living within 65 miles of that border. Rapid population growth and industrialization in the border cities has overwhelmed existing wastewater, water supply, and solid waste infrastructure. Untreated domestic and industrial sewage currently flows north to the United States and into the Rio Grande River. Thousands of residents lack safe drinking water and adequate solid waste disposal facilities.

The Federal Government must meet NAFTA's promise that bilateral cooperation and funding of environmental cleanup projects will be a top priority. The NAFTA agreement establishes a new environmental infrastructure which gives United States-Mexico border communities a much greater role in determining their needs and how to fill them. Specifically, the NAFTA agreement establishes the Border Environmental Cooperation Commission [BECC]—which will assist border States and local communities to coordinate, design and finance environmental infrastructure projects with a crossborder impact.

The BECC will have a binational board of directors comprising of five members from each country. The U.S. members will consist of the Administrator of the Environmental Protection Agency, the Commissioner of the International Boundary and Water Commission, and three other border representatives. The BECC will include an advisory council with nine members from each country.

The main purposes of this organization is to help find the financing for high priority border projects. However, the Environmental Protection Agency will have to provide initial grants for wastewater projects. Mexico and the United States have each committed to provide \$700 million in Federal grants over 7 to 10 years.

While the President has requested \$100 million for fiscal year 1995 for border infrastructure funding, EPA must have congressional authorization to receive funding. The legislation I am introducing today would provide the needed authorization.

I want to make clear that while this funding is for binational projects, U.S. citizens will realize substantial benefits from potential border infrastructure improvements. About 6 million people live in metropolitan areas along the United States-Mexico border. This population is critically impacted by water pollution coming across the border from Mexico in areas such as the Tijuana River and New River in California, the Santa Cruz River in Arizona, and the Rio Grande in Texas and my home State of New Mexico. By investing in water pollution control in these areas, there is a direct and important benefit to U.S. citizens in terms of health protection, crop protection, and improved recreational benefits and increased property values.

I also want to stress how important the authorization of the BECC is for the entire population of the country. The United States has a strong competitive advantage for providing equipment, instrumentation and professional services for the construction of Mexico wastewater facilities along the border. With a potential need of almost \$8 billion in border water-related facilities over the next decade, up to \$2 billion of business could be generated in U.S. products and services. United States jobs will be generated in the equipment manufacturing and professional services sectors which are found in almost all 50 States.

For example, the Flyght Corp. which manufactures pumps in Norwalk, CT, supplies pumps for all the International Boundary Water Commission projects. In another border project, the concession was granted to the U.S. Filter Corp., which has manufacturing, processing, and assembling facilities located in Iowa, New Jersey, Minnesota, the State of Washington, Illinois, and Pennsylvania. Most pump

manufacturers are located in the Northeast United States and in Midwestern States such as Wisconsin, Michigan, Kansas, Missouri, and Indiana. With the passage of this legislation and the authorization of the BECC, U.S. companies all over the country stand to benefit.

Specifically, the bill I am introducing today would allow EPA to provide financial or other assistance to the Border Environment Cooperation Commission, the International Boundary and Water Commission, the United States and Mexico, and any appropriate Federal Agency, State, or local governmental entity for the design and construction of wastewater treatment facilities in the vicinity of the United States-Mexico border.

Mr. President, this bill authorizes activities that are good for the environment along the United States-Mexico border and good for the economy of the entire United States.

I want to thank EPA Administrator Carol Browner for her leadership in assuring the administration's commitment that NAFTA would provide the needed infrastructure to cleanup and protect the environment of this rapidly growing area.

I look forward to working with my colleagues in the Senate to pass this important legislation.

Mr. President, I would also like to take this opportunity to introduce a bill on behalf of the administration. This legislation—the U.S. Colonias Water Pollution Control Act—would authorize funding for domestic wastewater facilities for colonias in States along the United States-Mexico border.

Mr. President, last July I introduced legislation S. 1286 the Colonias Wastewater Treatment Act of 1993 that would provide desperately needed funding to these U.S. communities. The bill I have been asked to introduce today differs from mine in the amount of funding a State is required to contribute. I am concerned about the State match requirement and have shared this with the Environmental Protection Agency. I am pleased that EPA Administrator Carol Browner has stated she is open to working this issue out so that the affected border States like my home State of New Mexico can participate in the great program. I look forward to working with the EPA and the other border States—Arizona, Texas, and California to reach a compromise on this important issue.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2231

*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 "U.S.-Mexico Border Water Pollution Control Act".

#### SEC. 2. WASTEWATER TREATMENT WORKS IN U.S.-MEXICO BORDER AREA.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended by adding at the end the following new section:

##### "WASTEWATER TREATMENT WORKS IN U.S.-MEXICO BORDER AREA

"SEC. 520. (a) PURPOSE.—The purpose of this section is to protect the economy, public health, environment, surface water, ground water, and water quality of the U.S.-Mexico border area which is endangered and is being polluted by raw or partially treated sewage, in furtherance of the goals of the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank (signed November 16 and 18, 1993), and this Act. This section shall not be construed so as to affect or impair the provisions of any international agreement of the United States. Nor shall this section be construed so as to affect or impair any Federal legislation applicable to the Border Environment Cooperation Commission, the North American Development Bank, or the International Boundary and Water Commission, the United States and Mexico.

(b) FINANCIAL ASSISTANCE FOR WASTEWATER TREATMENT WORKS.—The Administrator is authorized to provide financial and other assistance to the Border Environment Cooperation Commission, any appropriate Federal, State, or local governmental entity, and the International Boundary and Water Commission, the United States and Mexico, subject to such terms and conditions as the Administrator considers appropriate, for planning, design, and construction of wastewater treatment works for the purposes specified in subsection (a). The wastewater treatment works shall be located, regardless of the place of origin or ultimate destination of the wastewater, in the U.S.-Mexico border area (or near the U.S.-Mexico border area if the treatment works would remedy a transboundary environmental or health problem) and shall be planned, designed, and constructed in accordance with any applicable international agreement to which the United States is a party.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 1994, \$47,500,000 for fiscal year 1995, \$100,000,000 for each of fiscal years 1996 through 2000, and \$22,000,000 for fiscal year 2001."

#### SEC. 3. DEFINITION OF U.S.-MEXICO BORDER AREA.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following new paragraph:

"(21) The term 'U.S.-Mexico border area' has the meaning the term has under Article 4 of the Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area (signed on August 14, 1983; commonly known as the 'La Paz Agreement')."

S. 2232

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ASSISTANCE TO UNITED STATES COLONIAS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following new section:

#### "SEC. 220. ASSISTANCE TO UNITED STATES COLONIAS.

(a) PURPOSE.—The purpose of this section is to protect the economy, public health, environment, surface water, ground water, and water quality in the United States colonias areas, which are endangered and are being polluted by raw or partially treated sewage, in furtherance of the goals of this Act.

(b) DEFINITION OF UNITED STATES COLONIA.—As used in this section, the term 'United States colonia'—

(1) means any identifiable community that—

(A) is in the State of Arizona, California, New Mexico, or Texas;

(B) is in the area of the United States within 100 kilometers of the border between the United States and Mexico; and

(C) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply or lack of adequate sewage systems; and

(2) includes a community within a standard metropolitan statistical area that has a population exceeding 1,000,000, but does not include the entire standard metropolitan statistical area.

(c) FINANCIAL ASSISTANCE TO UNITED STATES COLONIAS.—The Administrator is authorized to provide financial assistance to any State of the United States along the United States-Mexico border, or to any entity designated by the President, for the construction of treatment works to service United States colonias.

(d) APPROVAL OF PLANS.—Any wastewater treatment works to serve United States colonias for which financial assistance is provided under this section shall be constructed in accordance with plans approved by the State under appropriate standards required by the Administrator. The plans shall include construction cost estimates and identify responsible parties and the appropriate allocation of costs associated with operating and maintaining the treatment works.

(e) COST SHARE.—The Federal share of construction costs for grants under this section shall be 50 percent. The non-Federal share shall consist of State funds from State sources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$60,000,000 for fiscal year 1994 and \$50,000,000 for each of fiscal years 1995 through 1998."

Mrs. HUTCHISON. Mr. President, I would like to voice my strong support for S. 2231 the United States-Mexico Border Water Pollution Control Act, introduced by Senator BINGAMAN today. I am pleased to be an original cosponsor of this legislation.

This bill addresses a reality that citizens who live near the Rio Grande River, which is the United States-Mexico border in Texas, face every day: pollution from raw or partially treated sewage. The awfulness of this situation is hard for most Americans to imagine. It ranges from mere inconvenience—a malodorous breeze coming from the Rio Grande—to serious health concerns associated with untreated sewage in

water supplies used for drinking water, irrigation, recreational, and industrial use.

This legislation recognizes the reality of cross-border pollution problems: Regardless of where the pollution originates, all the border area residents are endangered. Down along the Rio Grande, the river serves not so much to divide the nations but to link the communities inextricably through their mutual dependence on it. Inadequate sewage treatment facilities on the Mexican side of the border cause United States residents to suffer as much as the residents of Mexico. Therefore, our efforts to assist the 6 million U.S. residents on the border to live in a clean, pollution-free environment must reach across the border.

Congress recognized the reality of transborder pollution and the need for a bilateral solution when it authorized the Border Environment Cooperation Commission-NADBank Agreement in NAFTA implementing legislation. This agreement is intended to make wastewater treatment facility financing available where it is needed—in both the United States and Mexico. Under the BECC-NADBank Agreement, about \$8 billion—from United States and Mexico public and private financing sources—will be available for United States-Mexico border environmental infrastructure financing over the next 10 years. The Border Environment Cooperation Commission will help find financing for needed wastewater treatment projects along the Rio Grande, using Federal EPA grants for initial project assistance, and for projects which cannot be financed by the NADBank or in the private market.

The United States-Mexico Border Pollution Control Act introduced today jumpstarts the new BECC-NADBank Agreement. The legislation provides the authorization for the EPA grants that will assist the BECC in coordinating and leveraging wastewater treatment facility financing on both sides of the border.

Specifically, this bill amends the Clean Water Act to provide authorization for the construction of international wastewater treatment facilities in the vicinity of the United States-Mexico border.

This legislation authorizes the appropriation of \$20 million for fiscal year 1994, \$47.5 million for fiscal year 1995, and \$100 million for each of fiscal years 1996 through 2000, and \$22 million for fiscal year 2001. Funding for these grants is paid for from the existing Clean Water Act hardship account.

The funding authorized in this legislation will assist with planning, design, and construction of wastewater facilities, which may treat wastewater without regard to its origin or destination. These grants may be provided to the Border Environment Cooperation Commission, Federal, State, and local enti-

ties, and the International Boundary and Water Commission, the United States and Mexico.

I support this legislation and will actively work for its enactment. I would like to point out that I am not a cosponsor of the second piece of legislation Senator BINGAMAN has introduced, The U.S. Colonias Water Pollution Control Act. I support the intent of Senator BINGAMAN's colonias legislation introduced today and will work closely with him and the administration to enact authorization for colonias grant funding as soon as possible. However, I have not cosponsored this legislation because it contains a one for one State matching requirement that I believe is counter-productive to the objectives of the legislation.

In closing, I comment Senator BINGAMAN for his unwavering interest in helping to improve the lives of border residents, and I look forward to working with him and the other cosponsors of this legislation to enact legislation that accomplishes that goal.

By Mr. BAUCUS (by request):

S. 2233. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 1994

• Mr. BAUCUS. Madam President, today I introduce at the request of the Assistant Secretary of the Army for Civil Works the Water Resources Development Act of 1994. This bill is the biannual reauthorization of ongoing and new water projects to be built and maintained by the Army Corps of Engineers in their civil works program. This legislation is critical to the orderly execution of the Army's civil works program.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2233

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1994."

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for the Act is as follows—

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Project authorizations.
- Sec. 5. Project modifications.
- Sec. 6. Cost-sharing of environmental projects.

Sec. 7. Recovery of costs for cleanup of hazardous or toxic substances.

Sec. 8. Collaborative research and development.

Sec. 9. National inventory of dams.

Sec. 10. Hydroelectric power project upgrading.

Sec. 11. Engineering and environmental innovations of national significance.

Sec. 12. Federal lump-sum payments for federal operation and maintenance costs.

Sec. 13. Cost-sharing for removal of existing project features.

Sec. 14. Technical advisory committee.

Sec. 15. Technical corrections.

Sec. 16. Project deauthorizations.

Sec. 17. Contract goals for small disadvantaged business concerns and historically black colleges and universities or minority institutions.

Sec. 18. Cost-sharing for dam safety work.

Sec. 19. Revocation of section 211, River and Harbor Act of 1950.

Sec. 20. Research and development in support of Army Civil Works Program.

Sec. 21. Interagency and international support authority.

Sec. 22. Expansion of section 1135 program.

Sec. 23. Regulatory program fund.

**SEC. 3. DEFINITIONS.**

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

**SEC. 4. PROJECT AUTHORIZATIONS**

[Reserved.]

**SEC. 4. PROJECT MODIFICATIONS.**

[Reserved.]

**SEC. 5. COST-SHARING OF ENVIRONMENTAL PROJECTS.**

Section 103(c) of the Water Resources Development Act of 1986 [100 Stat. 4085] is amended by adding the following new subsection:

"(7) environmental protection and restoration: 25 percent."

**SEC. 6. RECOVERY OF COSTS FOR CLEAN UP OF HAZARDOUS OR TOXIC SUBSTANCES.**

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works Program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

**SEC. 7. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

Section 7 of the Water Resources Development Act of 1988 [102 Stat. 4022] is amended by—

(1) redesignating subsections (b), (c) and (d) as paragraphs (1), (2) and (3);

(2) deleting subsection (e); and,

(3) adding the following new subsection:

"(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate

protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such information or the last day of the 2-year period beginning on the date of such determination. Any information covered by this subsection which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under 15 U.S.C. 3710a(c)(7)(B) as if such information had been developed under a cooperative research and development agreement."

#### SEC. 8. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92-367, 33 U.S.C. 4671, is amended by striking the second sentence in its entirety and replacing it with the following:

"There is authorized to be appropriated up to \$500,000 each fiscal year for the purpose of carrying out this section."

#### SEC. 9. HYDROELECTRIC POWER PROJECT UPGRATING.

(a) In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and,

(4) will not involve major structural or operation changes in the project.

(b) This section does not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).

#### SEC. 10. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations. There is authorized to be appropriated up to \$3,000,000 each fiscal year for the purpose of carrying out this section. The Secretary may also accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

#### SEC. 11. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) At a water resources project where the non-Federal interest is responsible for performing the operation, maintenance, replacement, and rehabilitation of the project and the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs, the Secretary may provide, under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of such costs to the non-Federal interest after completion of construction of the project or a separable element thereof.

(b) The amount to be paid shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) The Secretary may make a payment under this section only if the non-Federal interest has entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement must be in accordance with the requirements of section 221 of the Flood Control Act of 1970 [84 Stat. 1818], and must contain provisions specifying the terms and conditions under which a payment may be made under this section and the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section in the event the non-Federal interest suspends or terminates its performance of operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform such activities in a manner satisfactory to the Secretary.

(d) Except as provided in subsection (c), a payment provided to the non-Federal interest under this section shall relieve the Government of any future obligations for paying any of the operation, maintenance, replacement, and rehabilitation costs for the project or separable element.

#### SEC. 12. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to the Congress by the Secretary for modification of an existing authorized water resources development project by removal of one or more of the project features which would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal sponsor shall bear 50 percent of the cost of any such modification, including the costs of acquiring any additional interests in lands which become necessary for accomplishing the modification.

#### SEC. 13. TECHNICAL ADVISORY COMMITTEE.

The Technical Advisory Committee established pursuant to section 310(a) of Pub. L. 101-640 shall no longer exist after the date of enactment of this Act.

#### SEC. 14. TECHNICAL CORRECTIONS.

(a) Section 203(b) of the Water Resources Development Act of 1992 [106 Stat. 4826] is amended by striking out "(8662)" and inserting in lieu thereof "(8862)".

(b) Section 225(c) of the Water Resources Development Act of 1992 [106 Stat. 4838] is amended by striking out "(8662)" in the second sentence and inserting in lieu thereof "(8862)".

#### SEC. 15. PROJECT DEAUTHORIZATIONS.

(a) Section 1001 of the Water Resources Development Act of 1986 as amended (33 U.S.C. 579a) is further amended by—

(1) striking "10" where it appears in the first sentence of paragraph (2) of subsection (b) and replacing it with "5";

(2) striking the word "Before" at the beginning of the second sentence of paragraph (2) of subsection (b) and replacing it with the words "Upon official"; and,

(3) inserting the words "planning, designing, or" immediately before the word "construction" in the last sentence of paragraph (2) of subsection (b).

(b) Section 52(a) of the Water Resources Development Act of 1988 [102 Stat. 4044] is repealed.

#### SEC. 16. CONTRACT GOALS FOR SMALL DISADVANTAGED BUSINESS CONCERNS AND HISTORICALLY BLACK COLLEGES AND UNIVERSITIES OR MINORITY INSTITUTIONS.

(a) GOAL.—Except as provided in subsection (c), the Secretary shall establish a goal of 5 percent of the total amount of civil works funds obligated for contracts and subcontracts entered into by the Department of the Army for fiscal years 1994 through 2000 for award to small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations under that section), the majority of the earnings of which directly accrue to such individuals, and to historically Black colleges and universities or minority institutions (as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058)).

(b) COMPETITIVE PROCEDURE.—To the extent practicable and when necessary to facilitate achievement of the 5 percent goal in subsection (a)—

(1) the Secretary is authorized to enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding the fair market cost by more than 10 percent in payment per contract to contractors or subcontractors of contracts described in subsection (a).

(2) the Secretary shall maximize the number of small disadvantaged business concerns, historically Black colleges and universities, and minority institutions participating in the program.

(c) EXCEPTION.—The Secretary shall adjust the percentage specified in subsection (b)(1) of this section for any industry category if available information clearly indicates that nondisadvantaged small business concerns in such industry category are generally being denied a reasonable opportunity to compete for contracts because of the use of that percentage.

(d) NONAPPLICABILITY.—Subsection (a) does not apply if—

(1) the Secretary determines that the existence of a national emergency requires otherwise; and,

(2) the Secretary notifies the Congress of such determination and the reasons therefor.

#### SEC. 17. COST-SHARING FOR DAM SAFETY WORK.

Section 1203(a)(1) of the Water Resources Development Act of 1986 is amended by inserting the following language immediately after the first sentence:

"Where cost sharing was not based on a cost allocation, 15% of the modification costs shall be assigned among project purposes in the same manner as costs were originally assigned, as determined by the Secretary."

#### SEC. 18. REVOCATION OF SECTION 211, RIVER AND HARBOR ACT OF 1950.

Section 211 of the River and Harbor Act of 1950, Public Law 516, 81st Congress, is hereby repealed.

#### SEC. 19. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) In carrying out research and development in support of the Civil Works program

of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and non-profit organizations.

(b) With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may also use such potential application as an evaluation factor where appropriate.

#### SEC. 20. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The Secretary may engage in activities in support of other Federal agencies or international organizations on problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Department of State. The Secretary may apply the technical and managerial expertise of the Army Corps of Engineers to domestic and international problems related to water resources, infrastructure development and environmental protection. There is authorized to be appropriated up to \$3,000,000 each fiscal year for the purpose of carrying out this section. The Secretary may also accept and expend additional funds from other Federal agencies or international organizations for purposes of carrying out this section.

#### SEC. 21. EXPANSION OF SECTION 1135 PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by—

(1) striking the period at the end of subsection (a) and inserting the following: "and to determine if the operation of such projects has contributed to the degradation of the quality of the environment.";

(2) striking the last two sentences of subsection (b); and,

(3) redesignating subsections (c), (d), and (e) as (e), (f), and (g) and inserting the following new subsections:

"(c) If the Secretary determines that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may also undertake measures for restoration of environmental quality, provided such measures are feasible and consistent with the authorized project purposes."

"(d) The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsections (b) or (c) of this section shall be 25 percent. No more than \$5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section."

#### SEC. 22. REGULATORY PROGRAM FUND.

(a) There is hereby established in the Treasury of the United States the "Army Civil Works Regulatory Program Fund" (hereafter referred to as the "Regulatory Program Fund") into which shall be deposited fees collected by the Secretary of the Army pursuant to paragraph (b) of this section. Amounts deposited into the Regulatory Program Fund are authorized to be appropriated to the Secretary of the Army to cover a portion of the expenses incurred by the Department of the Army in administering laws pertaining to the regulation of the navigable waters of the United States as well as wetlands.

(b) REGULATORY FEES.—(1) To the extent provided for in appropriation Acts, the Sec-

retary of the Army shall establish and collect fees for the evaluation of commercial permit applications; for the recovery of costs associated with the preparation of Environmental Impact Statements required by the National Environmental Policy Act of 1969; and for the recovery of costs associated with wetlands delineations for major developments affecting wetlands. Amounts collected pursuant to this paragraph shall be deposited into the Regulatory Program Fund established by paragraph (a) of this section.

(2) The fees described in paragraph (1) of this subsection shall be established by the Secretary of the Army at rates that will allow for the recovery of receipts at amounts as provided for in appropriation Acts.

#### DEPARTMENT OF THE ARMY.

Washington, DC, April 29, 1994.

Hon. ALBERT GORE, Jr.,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill entitled the "Water Resources Development Act of 1994." Accompanying the bill is draft report language.

The proposals included in the bill constitute the Department of the Army's Civil Works Legislative Program for the Second Session of the 103rd Congress. The items in the program are being submitted in the form of a Water Resources Development Act.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no object to the presentation of this proposal for consideration by the Congress and that its enactment would be in accord with the program of the President.

#### PURPOSE OF THE LEGISLATION

The legislation preserves and strengthens the critical cost-sharing reforms established in the Water Resources Development Act of 1986. Its purpose is to continue the biennial cycle for water resources authorizations, thereby serving the public's need for navigation, flood control and flood plain management, and storm damage reduction. It will also benefit the Nation's economic growth and enhance environmental protection.

The proposed water resources development bill contains a number of significant provisions which are important to the Civil Works program of the Department of the Army and which also reflect the Administration's goal of reinventing Government. For example the provision on regulatory fees is a part of Vice President Gore's national performance review.

All of the provisions are intended to improve the administration of the Army Civil Works program to allow for more efficient and effective utilization of available resources and to enhance mission accomplishment. Many of the provisions seek to eliminate unnecessary legislative requirements and to revise outdated legislation. For example, included is a provision which would eliminate the legislated requirement to impound a board of advisors on matters pertaining to water management at Corps reservoirs. We believe this board is not needed for execution of the agency's water control mission, and by eliminating the board we would do away with the requirement to commit unnecessary funding or manpower. There is also a provision to amend the project deauthorization laws so as to streamline the process, thereby resulting in substantial cost savings to the Federal Government.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS  
These proposals will have no significant environmental or civil rights impacts.

Sincerely,

JOHN H. ZIRSCHKY,  
Acting Assistant Secretary  
of the Army (Civil Works)•

By Mr. BREAUX (for himself, Mr. JOHNSTON, Mr. PRYOR, Mr. BUMPERS, Mr. DURENBERGER, Mr. SASSER, Ms. MOSELEY-BRAUN, Mr. SIMON, and Mr. FEINGOLD):

S. 2234. A bill to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the Commission established under that act; to the Committee on Energy and Natural Resources.

#### MISSISSIPPI RIVER CORRIDOR STUDY COMMISSION ACT AMENDMENT ACT OF 1994

• Mr. BREAUX. Mr. President, I introduce legislation for myself and Senators JOHNSTON, PRYOR, BUMPERS, DURENBERGER, SASSER, MOSELEY-BRAUN, SIMON, and FEINGOLD, to amend the Mississippi River Corridor Study Commission Act of 1989 in order to extend the life of the Commission for a period of 2 years.

The Heritage Corridor Study Commission was established in 1990 to study the resources of the Mississippi River Valley and make recommendations to Congress on the boundaries of the proposed Mississippi River National Heritage Corridor stretching from the headwaters to the gulf. The Commission was authorized for a period of 3 years from the date of their first meeting which occurred in June 1991.

Since that time, the Commission has been working in cooperation with Federal, State and local units of Government to gather inventory data, develop boundaries and make recommendations to enhance the resources of the river valley. However, limited appropriations, the size of the study area—the largest heritage corridor in the United States—and the Commission's late start will prevent the Commission from completing the final study by the end of this month, when the authorization for the Commission is scheduled to expire.

As required by the original act, an interim heritage corridor study report is required to be submitted and was submitted to Congress last fall, which outlines the progress made to date. The interim study highlights the work remaining to complete the study, which includes finalizing a description of the corridor and its resources, proposing boundaries for the National Heritage Corridor, and conducting a public meeting in each of the 10 river States. A final study is required to be produced by June 1996.

While the original legislation—Public Law 101-398—authorized a total of \$1.5 million for the Corridor Study Commission to complete its work, the

Commission has received \$499,000, or one-third of the total amount authorized. This legislation, by extending the authorization, would give the Commission the time and resources needed to complete this important project.

Mr. President, the work of the Mississippi River National Heritage Corridor Study Commission holds great promise for promoting the historic, cultural, and economic resources of our 10 Mississippi River States. The final phase of this important project is at hand and the Commission must be allowed the time and resources it needs to prepare its final report to Congress, as required by the original act.

Mr. President, this legislation would extend the life of the Commission for 2 years so that its final report will be submitted to Congress in June 1996. I urge the Senate to act on this important issue as soon as possible so that the Commission can continue its work without any delay. •

By Mr. WELLSTONE:

S. 2235. A bill to authorize the establishment of an Accredited Lenders Program for qualified State or local development companies under the Small Business Investment Act of 1958 and an Accredited Loan Packagers Pilot Program for loan packagers under the Small Business Act; to the Committee on Small Business.

SMALL BUSINESS ACCREDITED LENDERS AND PACKAGERS ACT

• Mr. WELLSTONE. Mr. President, today I am introducing a bill to authorize the establishment of an Accredited Lenders Program [ALP] for qualified State or local development companies under the Small Business Investment Act of 1958 and an Accredited Loan Packagers Pilot Program for loan packagers under the Small Business Act.

As chairman of the Senate Small Business Subcommittee on Rural Economy and Family Farms, I learned about the importance of these programs from Terry Stone, the executive director of the Region 9 Development Commission. It is as a result of his testimony last year before my subcommittee that I am introducing this legislation today.

Mr. President, this bill seeks to make a significant improvement in the operation of the Small Business Administration's 504 and 7(a) loan guarantee programs, especially in rural areas. The bill would build on the efforts of the current Administrator, Erskine Bowles, to improve SBA loan programs by streamlining their service to the ultimate customer—small businesses. Specifically, the bill would authorize SBA district offices to provide expedited processing of applications for 504 and 7(a) guaranteed loans in certain cases.

The bill would establish a permanent Accredited Lenders Program within

SBA's 504 Loan Guarantee Program. And it would further create a new pilot program, called the Accredited Packagers Pilot Program, within SBA's 7(a) Program. The concept in each case is modeled after the existing Certified Lender program in SBA's 7(a) Program.

Small businesses are currently responsible for the largest growth in job creation in the United States and their principal problem is access to credit. The 504 and 7(a) programs are the two key credit programs run by the Small Business Administration. In the last few years these programs have experienced a dramatic increase in demand which has placed pressure on the SBA and its credit programs.

This bill will help insure that credit can be delivered as quickly as possible to small businesses which are creating new jobs, especially in rural areas, without placing taxpayer money at greater risk.

THE ACCREDITED LENDERS PROGRAM

The Accredited Lenders Program would authorize SBA to expand and make permanent an SBA pilot program which is already in operation. The ALP program would allow the SBA to rely on the credit analysis performed by qualifying SBA 504 Certified Development Companies [CDC's] in order to complete documentation for and guarantee loans quickly, usually within 5 working days. Based on the proven lending record of an accredited CDC, SBA could process the loans without conducting its own credit analysis. Expedited turnaround would be accomplished by eliminating duplication of paperwork.

This program is currently operating as a pilot for approximately 25 community development corporations that make 504 loans. This is a proven program that should be expanded. My bill will turn this ALP from a pilot into a permanent authorization, expanded to cover the entire country.

THE ACCREDITED LOAN PACKAGERS PILOT PROGRAM

The second component of the bill would be to authorize the creation of an Accredited Loan Packagers Pilot Program to provide loan packaging service to rural small businesses. It would target a pilot program to qualified rural packagers of 7(a) loans in areas where there is a lack of SBA certified or preferred lenders. The provision would allow SBA to provide expedited processing, usually within 5 working days, in chosen locations for loan applicants whose applications have been packaged by development organizations with a proven record of success. This pilot program would authorize the SBA to provide pilot programs in areas of the country that are currently underserved or that have no providers—rural America.

Both programs call for expedited processing of loans. Under the existing ALP Pilot Program and under SBA's

7(a) Program the SBA relies on the credit analyses of others and is therefore able to process loans in an expedited fashion in 5 working days. In fact, the SBA's standard operating procedure for the ALP Pilot Program actually states that the " \* \* \* SBA should be able to process a 504 loan within 5 business days." The intent of this legislation is that the SBA similarly expedite the processing of loans under the new ALP program and the Accredited Loan Packagers Pilot Program within 5 working days by eliminating the need for a duplicative credit analysis.

I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2235

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ACCREDITED LENDERS PROGRAM.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by inserting after section 504 the following new section:

"SEC. 504A. ACCREDITED LENDERS PROGRAM.

"(a) IN GENERAL.—The Administration shall establish an Accredited Lenders Program for qualified State or local development companies that meet the requirements of subsection (b).

"(b) DESIGNATION OF ACCREDITED LENDERS.—The Administration shall designate a qualified State or local development company as an accredited lender if such company—

"(1) demonstrates adequate knowledge of applicable laws and regulations concerning the guaranteed loan program under section 504;

"(2) demonstrates proficiency in meeting the requirements of such guaranteed loan program; and

"(3) meets such other requirements as the Administration may prescribe by regulation.

"(c) EXPEDITED PROCESSING.—The Administration may expedite the processing of any loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) SUSPENSION OR REVOCATION OF DESIGNATION.—The designation of a qualified State or local development company as an accredited lender shall be suspended or revoked if the Administration determines that—

"(1) the development company is not adhering to the Administration's rules and regulations or is violating any other applicable provision of law; or

"(2) the loss experience of the development company is excessive as compared to other lenders;

but such suspension or revocation shall not affect any outstanding loan guarantee.

"(e) DEFINITION.—For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).

"(f) REGULATIONS.—The Administration shall promulgate such regulations as may be necessary to carry out this section."

## SEC. 2. ACCREDITED LOAN PACKAGERS PILOT PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

### "(2) ACCREDITED LOAN PACKAGERS PILOT PROGRAM.—

"(A) IN GENERAL.—The Administration shall establish an Accredited Loan Packagers Pilot Program (hereafter in this paragraph referred to as the 'Program') for loan packagers, which shall be administered in accordance with subparagraphs (B) through (G).

### "(B) DESIGNATION OF ACCREDITED LOAN PACKAGERS.—

"(i) QUALIFICATIONS.—Subject to the limitation contained in clause (ii), the Administration may designate a loan packager as an accredited loan packager if such loan packager—

"(I) is located in a rural area in which, in the determination of the Administration, there is a severe shortage or an absence of lenders that have been designated as—

"(aa) certified lenders under the Certified Lenders Program authorized by paragraph (19); or

"(bb) preferred lenders under the Preferred Lenders Program authorized by section 5(b)(7);

"(II) demonstrates adequate knowledge of applicable laws and regulations concerning guaranteed loan programs under this subsection;

"(III) demonstrates proficiency in meeting the requirements of such guaranteed loan programs; and

"(IV) meet such other requirements as the Administration may prescribe by regulation.

"(ii) TOTAL NUMBER.—In carrying out the Program, the Administration shall designate not less than 10 and not more than 15 loan packagers as accredited loan packagers.

"(C) EXPEDITED PROCESSING.—During the 3-year period described in subparagraph (G), the Administration may expedite the processing of any loan application or servicing action prepared by a loan packager that has been designated as an accredited loan packager in accordance with subparagraph (B).

"(D) SUSPENSION OR REVOCATION OF DESIGNATION.—The designation of a loan packager as an accredited loan packager shall be suspended or revoked if the Administration determines that—

"(i) the loan packager is not adhering to the Administration's rules and regulations or is violating any other applicable provision of law; or

"(ii) the loss experience of the loan packager is excessive as compared to other loan packagers;

but such suspension or revocation shall not affect any outstanding loan guarantee.

"(E) DEFINITION.—For purposes of this paragraph, the term 'loan packager' means any—

"(i) qualified State or local development company, as such term is defined in section 503(e) of the Small Business Investment Act of 1958; or

"(ii) other regional or local development organization selected by the Administration.

"(F) REGULATIONS.—The Administration shall promulgate such regulations as may be necessary to carry out this paragraph.

"(G) SUNSET.—The Program shall terminate 3 years after the date of enactment of this paragraph."•

By Mr. GRAHAM:

S. 2237. A bill to amend the Immigration and Nationality Act to strengthen

the criminal offenses and penalties for the smuggling of aliens; to the Committee on the Judiciary.

### ALIEN SMUGGLING ACT OF 1994

• Mr. GRAHAM. Mr. President, I introduce legislation to address the growing problem of alien smuggling. In the last several years, we have seen an unprecedented rise in the number of aliens being smuggled into the United States. Increasingly, newspapers and television news programs relate horror stories regarding the shipboard conditions experienced by these aliens. Too often they are smuggled aboard overcrowded, unseaworthy vessels, in deplorable, inhumane, and unsanitary conditions.

The legislation I am proposing today would increase the current penalty for alien smuggling from 5 to 10 years. We need to send a message to those who seek to profit from transporting aliens, without regard for human safety or lives.

A recent incident off the coast of south Florida underscores the potential for tragedy in smuggling aliens, and the need to increase the penalty for smuggling. On March 28, 1994, a smuggling ring operating out of the Bahamas arranged for the passage of 10 people on a 19-foot boat. The boat, clearly designed to safely transport a much lesser load, encountered severe weather conditions. One day later, the U.S. Coast Guard discovered the craft overturned. Clinging to its side were seven people. The three other passengers, including a 16-month old baby, were lost in the water. The baby was later found dead.

The captain of this boat has since been tried, and was sentenced to only 41 months in jail for three counts of alien smuggling and for involuntary manslaughter. The current law carries a penalty of 5 years for alien smuggling. Yet, had this smuggler been transporting drugs, he would have been sentenced to at least a mandatory 10 years.

It is time to bring the severity of the punishment in line with the seriousness of the crime, creating a strong disincentive for alien smugglers. Until we do so, smugglers will continue to pursue their trade and continue to jeopardize the health and lives of those so desperate to reach our shores.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

"(A) knowing that a person is an alien—

"(i) brings to or attempts to bring to the United States, in any manner whatsoever or at any place whatsoever, such person (other than a person who on has received prior official authorization to come to, enter, or reside in the United States), knowing or in reckless disregard of the fact that such coming to or entry is or will be in violation of law, or

"(ii) brings to or attempts to bring to the United States, in any manner whatsoever, such person at a place other than a designated port of entry or place other than as

designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien"

(b) ENHANCED PENALTY FOR SMUGGLING.—Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by striking "shall be fined" and all that follows and inserting the following:

"shall—

"(i) in the case of a violation of subparagraph (A)(i), be fined in accordance with such title, or imprisoned not more than ten years, or both, or

"(ii) in the case of any violation of subparagraph (A)(ii), (B), (C), or (D), be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both, for each alien in respect to whom such violation occurs."

(c) REPEAT OFFENSES.—Section 274(a)(2)(B) of such Act is amended by inserting "(or, in the case of an offense described in clause (ii), ten years)" after "five years".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses occurring on or after the date of enactment of this Act.•

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. AKAKA, Mr. JEFFORDS, Mr. BINGAMAN, Mr. PACKWOOD, Mrs. BOXER, Mr. BRADLEY, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. RIEGLE, Mr. ROBB, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S. 2238. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

### EMPLOYMENT NON-DISCRIMINATION ACT OF 1994

Mr. KENNEDY. Mr. President, I am pleased to introduce today the Employment Non-Discrimination Act of 1994.

From the beginning, civil rights has been the unfinished business of America—and it still is. In the past 30 years, America has made significant progress in removing the burden of bigotry from our land. We have had an ongoing peaceful revolution of change, and that change and its accomplishments are a tribute to our democracy and to the remarkable resilience of this Nation's founding principles.

Current Federal law rightly prohibits job discrimination on the basis of race, gender, religion, national origin, age, and disability. Establishing these essential protections was not easy or quick. But they have stood the test of time—and they have made us a better and a stronger nation.

Today, we move forward again by seeking to extend this protection to sexual orientation.

So I am proud to stand again with individuals—such as Coretta Scott King

and Justin Dart—and organizations whose tireless commitment to freedom, justice, and opportunity for all has guided our national journey. In large part, we are here today, and America is America today, because of them.

We have been here before—and our work goes on.

The Employment Non-Discrimination Act is a great endeavor. It is another significant step on freedom's journey—another milestone in the civil rights march of our time.

The act parallels protections against job discrimination already provided under title VII of the Civil Rights Act. The bill prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as the basis for employment decisions, such as hiring, firing, promotion, or compensation. This prohibition on discrimination is familiar territory, and these well-established standards can be easily applied to sexual orientation.

The act is simple and straightforward. Its goal is to eliminate job discrimination against fellow Americans.

Under the act, no disparate impact claims would be permitted based on under-representation in the work force, and the religious exemption is broadly defined. In addition, the legislation makes clear that preferential treatment, including quotas, is prohibited, and benefits for domestic partners are not required. Finally, the act does not apply to members of the Armed Forces.

This bill is not about granting special rights—it is about righting senseless wrongs.

What it requires is simple justice for gay men and lesbians who deserve to be judged in their job settings—like all other Americans—by their ability to do the work.

Today, job discrimination on the basis of sexual orientation is too often a fact of life. From corporate suites to plant floors, qualified employees live in fear of losing their livelihood for reasons that have nothing to do with their skills or their performance. Yet there is no Federal prohibition on such discrimination.

This bill is not about statistics. It is about real Americans whose lives and livelihoods are being shattered by prejudice.

This bill is for the postal worker in Michigan who was verbally harassed and then beaten unconscious by his co-workers for being gay. He reported continued harassment to his superiors—but they did nothing. In a subsequent law suit, the court rejected his claim because discrimination based on sexual orientation is not covered under Federal law.

This bill is for a cook from Georgia who was fired despite a solid 3-year perfect performance record, after a nation-wide restaurant chain adopted a

blanket policy excluding employees whose sexual orientation did not demonstrate normal heterosexual values. Her separation notice read: "This employee is being terminated due to violation of company policy. The employee is gay."

It doesn't get any clearer than that.

Job discrimination is not only un-American—it is unprofitable and counterproductive. It excludes qualified individuals, lowers work force productivity, and eventually hurts us all. If we are to compete effectively in a global economy, we have to use all our available talent and create a workplace environment where everyone can excel.

This reality had been recognized by many Fortune 500 companies, including General Electric, AT&T, and the Bank of Boston. They understand that ending discrimination based on sexual orientation is good for business and good for the country.

In the absence of a Federal remedy, many State and local governments have acted responsibly to prohibit job discrimination based on sexual orientation. Over a hundred mayors and Governors, Republicans and Democrats, have signed laws and issued orders protecting gay and lesbian employees.

Based on this successful State and local experience, it is time for the Federal Government to secure this fundamental promise of freedom by ensuring fairness throughout the workforce.

We know we cannot change attitudes overnight. But if we have learned anything from the burdens and the achievements of American history, it is that changes in the law are an essential step in breaking down barriers, exposing prejudice, and building a better tomorrow.

Today's action brings us one step closer to the ideals of liberty. I am pleased to be introducing the Employment Non-Discrimination Act of 1994 in the Senate along with Senator CHAFFEE—and more than 30 Senators committed to this effort. And I am also grateful to Representatives FRANK, STUDDS, EDWARDS, and MORELLA for their leadership in the House.

The bipartisan coalition for civil rights in Congress has been a powerful force for justice and opportunity.

Our case is strong—our cause is just—and we intend to prevail.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2238

*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 "Employment Non-Discrimination Act of 1994".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) an individual's sexual orientation bears no relationship to the individual's ability to contribute fully to the economic and civic life of society;

(2) historically, American society has tended to isolate, stigmatize, and persecute gay men, lesbians, and bisexuals;

(3) one of the main areas in which gay men, lesbians, and bisexuals face discrimination is employment;

(4) employment discrimination on the basis of sexual orientation violates fundamental American values of equality and fairness;

(5) the continuing existence of employment discrimination on the basis of sexual orientation denies gay men, lesbians, and bisexuals equal opportunity in the workplace and affects interstate commerce;

(6) individuals who have experienced employment discrimination on the basis of sexual orientation often lack recourse under Federal law; and

(7) gay men, lesbians, and bisexuals have historically been excluded from full participation in the political process, comprise a discrete and insular minority, and have historically been subjected to purposeful unequal treatment based on characteristics not indicative of their ability to participate in or contribute to society.

(b) PURPOSES.—It is the purpose of this Act—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

#### SEC. 3. DISCRIMINATION PROHIBITED.

A covered entity, in connection with employment or employment opportunities, shall not—

(1) subject an individual to different standards or treatment on the basis of sexual orientation;

(2) discriminate against an individual based on the sexual orientation of persons with whom such individual is believed to associate or to have associated; or

(3) otherwise discriminate against an individual on the basis of sexual orientation.

#### SEC. 4. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of his or her partner.

#### SEC. 5. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

#### SEC. 6. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

#### SEC. 7. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to religious organizations.

(b) FOR-PROFIT ACTIVITIES.—This Act shall apply to a religious organization's for-profit

activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986 as in effect on the date of the enactment of this Act.

**SEC. 8. NON-APPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.**

(a) **ARMED FORCES.**—

(1) For purposes of this Act, the term "employment or employment opportunities" does not apply to the relationship between the United States and members of the Armed Forces.

(2) As used in paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) **VETERANS' PREFERENCES.**—This Act does not repeal or modify any Federal, State, territorial, or local law creating special rights or preferences for veterans.

**SEC. 9. ENFORCEMENT.**

(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this Act—

(1) the Commission and the Librarian of Congress shall have the same powers, respectively, as the Commission and the Librarian of Congress have to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) the Attorney General of the United States shall have the same powers as the Attorney General has to administer and enforce such title; and

(3) the district courts of the United States shall have the same jurisdiction and powers as such courts have to enforce such title and section 309 of the Civil Rights Act of 1991 (2 U.S.C. 1209).

(b) **PROCEDURES AND REMEDIES.**—The procedures and remedies applicable to a claim for a violation of this Act are as follows:

(1) For a violation alleged by an individual, other than an individual specified in paragraph (2) or (3), the procedures and remedies applicable to a claim brought by an individual for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall apply.

(2) For a violation alleged by an employee of the House of Representatives or of an instrumentality of the Congress, the procedures and remedies applicable to a claim by such employee for a violation of section 117 of the Civil Rights Act of 1991 (2 U.S.C. 60f) shall apply.

(3) For a violation alleged by an employee of the Senate, the procedures and remedies applicable to a claim by such employee for a violation of section 302 of the Civil Rights Act of 1991 (2 U.S.C. 1202) shall apply.

**SEC. 10. STATE AND FEDERAL IMMUNITY.**

(a) **STATE IMMUNITY.**—A State shall not be immune under the 11th amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this Act. In an action against a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) **LIABILITY OF THE UNITED STATES.**—The United States shall be liable for all remedies under this Act to the same extent as a private person and shall be liable to the same extent as a nonpublic party for interest to compensate for delay in payment.

**SEC. 11. ATTORNEYS' FEES.**

In any action or administrative proceeding commenced pursuant to this Act, the court or the Commission, in its discretion, may allow the prevailing party, other than the

United States, a reasonable attorneys' fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the foregoing the same as a private person.

**SEC. 12. RETALIATION AND COERCION PROHIBITED.**

(a) **RETALIATION.**—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this Act or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) **COERCION.**—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of or on account of his or her having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right protected by this Act.

**SEC. 13. POSTING NOTICES.**

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this Act, in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

**SEC. 14. REGULATIONS.**

The Commission shall have the authority to issue regulations to carry out this Act.

**SEC. 15. RELATIONSHIP TO OTHER LAWS.**

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

**SEC. 16. SEVERABILITY.**

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

**SEC. 17. EFFECTIVE DATE.**

This Act shall take effect 60 days after the date of the enactment of this Act, and shall not apply to conduct occurring before such effective date.

**SEC. 18. DEFINITIONS.**

As used in this Act—

(1) the term "commerce" has the meaning given such term in section 701(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(g));

(2) the term "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4);

(3) the term "covered entity" means an employer, employment agency, labor organization, joint labor-management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)) applies, an employing authority of the House of Representatives, an employing office of the Senate, or an instrumentality of the Congress;

(4) the term "employee of the Senate" has the meaning given such term in section 301(c) of the Civil Rights Act of 1991 (2 U.S.C. 1201(c));

(5) the term "employer" has the meaning given such term in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(6) the term "employment agency" has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c));

(7) the term "employment or employment opportunities" includes job application procedures, hiring, advancement, discharge,

compensation, job training, or any other term, condition, or privilege of employment;

(8) the term "instrumentalities of the Congress" has the meaning given such term in section 117(b)(4) of the Civil Rights Act of 1991 (2 U.S.C. 60f(b)(4));

(9) the term "labor organization" has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d));

(10) the term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(11) the term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(i) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society; or

(ii) its curriculum is directed toward the propagation of a particular religion;

(12) the term "sexual orientation" means lesbian, gay, bisexual, or heterosexual orientation, real or perceived, as manifested by identity, acts, statements, or associations; and

(13) the term "State" has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

**REMARKS BY CORETTA SCOTT KING AT THE PRESS CONFERENCE ON THE INTRODUCTION OF THE EMPLOYMENT NON-DISCRIMINATION ACT OF 1994**

Thank you for your gracious introduction. And I want to thank all of the members of the press for joining us today for this important press conference on the Employment Non-Discrimination Act of 1994.

Senator CHAFFEE, Senator KENNEDY, Representatives EDWARDS, FRANK, STUDDS, and MORELLA, distinguished guests, members of the press, today I am proud to join in supporting this much-needed legislation, which would provide some long-overdue protection to American workers from the injustice of discrimination based on sexual orientation.

I support this legislation because lesbian and gay people are a permanent part of the American work force, who currently have no protection from the arbitrary abuse of their rights on the job. For too long, our Nation has tolerated the insidious form of discrimination against this group of Americans, who have worked as hard as any other group, paid their taxes like everyone else, and yet have been denied equal protection under the law.

By including victims of discrimination based on sexual orientation, this bill would do much to rectify this injustice in the workplaces of America. I am much encouraged that a recent newsweek opinion poll found that 74 percent of the respondents favored protecting gay and lesbian people from job discrimination, and I am proud to stand with this overwhelming majority of Americans who recognize the justice of this cause.

This bill would grant the same rights to victims of discrimination based on sexual orientation that are extended to victims or racial, gender, and religious discrimination and those who have been unfairly treated in the workplace because of their age, ethnicity, or disability. The bill provides no preferential treatment or special rights that have been denied these groups.

I support the Employment Non-discrimination Act of 1994 because I believe that freedom and justice cannot be parceled out in

pieces to suit political convenience. As my husband, Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere." On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible." Like Martin, I don't believe you can stand for freedom for one group of people and deny it to others.

So I see this bill as a step forward for freedom and human rights in our country and a logical extension of the Bill of Rights and the civil rights reforms of the 1950's and 60's.

The great promise of American democracy is that no group of people will be forced to suffer discrimination and injustice. I believe that this legislation will provide protection to a large group of working people, who have suffered persecution and discrimination for many years. To this endeavor, I pledge my wholehearted support.

REMARKS BY JUSTIN DART, FORMER CHAIRMAN OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES, PRESS CONFERENCE, THE EMPLOYMENT NON-DISCRIMINATION ACT 1994

This is a great day for democracy. Mr. Jefferson and Martin Luther King are smiling.

On behalf of my colleagues in the Disability Rights Movement, I congratulate all the sponsors and other supporters of the Employment Non-Discrimination Act of 1994.

I call on the Members of Congress to pass and the President to sign this historic bill. I call on all who love the American dream to support it.

It is a special privilege to be here today with great patriots of justice like Coretta Scott King, Pat Wright and many others.

Senator EDWARD KENNEDY is an authentic hero of the Civil and Disability Rights Movements.

Senator JOHN CHAFEE and Representatives CONNIE MORELLA and BARNEY FRANK have been consistent supporters of the rights of people with and without disabilities.

The Non-Discrimination Act of 1994 will be another landmark of justice in the great tradition of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991.

Why am I, a disability Rights Advocate, supporting this bill on sexual orientation?

Because what Martin Luther King said is profoundly true. "Injustice anywhere is a threat to justice everywhere." None of us are truly free until all of us are free.

Because eventually every family in the United States will have one or more members whose basic constitutional rights will be protected by this law. This is not a law for "them." This is a law for us. All of us.

Historically, there has been opposition to civil rights. There is the assertion that civil rights is a kind of bothersome burden that do-gooders impose on sound business and sound government. This is a dangerous fallacy.

Civil rights and free enterprise are two sides of the same solid gold cultural currency that has revolutionized the productivity and the quality of human life.

Our forefathers and mothers came to this country because we offered extraordinary legal guarantees of equal opportunity. They got rich and America got rich. Every time we expanded those civil rights guarantees to include another oppressed minority, Americans got richer, America became more democratic.

Civil rights puts the "free" in free enterprise. America is not rich in spite of civil rights. America is rich because of civil rights.

The Non-Discrimination Act of 1994 will produce profits that will reduce deficits and enrich every citizen in terms of money and of quality of life.

It's the right thing to do. We will keep the sacred pledge of liberty and justice for all.

Let us join together, Republicans, Democrats, just plain Americans, to support the passage of this great law, and then to implement it in every heart and mind and community in America. Together, we shall overcome.

• Mr. PACKWOOD. Mr. President, I am pleased to be an original cosponsor of the Employment Non-Discrimination Act of 1994, a bill to prohibit job discrimination based on sexual orientation. It is surely time to ensure that the rights of all Americans simply to earn a living are protected. The key issue in employment decisions should be: Can the person do the job? No characteristics such as race, gender, age, or sexual orientation should in and of themselves have a bearing on such a determination.

I am concerned over what I see as a growing intolerance in this country for people and groups with different ideas or ways of life. The danger to the liberties of all Americans is most threatened by those who want to compel conformity of thought and deed. Conversely, our liberties are most secured by a decent respect for diversity, particularly on those subjects upon which there is no consensus.

The genesis of all civil rights in our great country is the U.S. Constitution. This document prohibits the Federal Government from depriving any person of life, liberty, or property without due process of law. Our Constitution also forbids States from denying any person the equal protection of the laws. States are further obliged to protect the rights of persons equally, that is, without discrimination against any class of persons.

The Constitution gives Congress the power to enforce our civil rights by appropriate legislation. The first Civil Rights Act, passed in 1866, guaranteed to every U.S. citizen the same rights that white citizens have to inherit, purchase, lease, and sell property. A series of other laws in years following the Civil War made it clear that our nonwhite citizens were to enjoy the same rights as whites in other areas such as contracting and sitting on juries.

Twentieth-century civil rights laws reflect the growing recognition of Congress and the American people of the need for equal protection in the areas of voting, public accommodation, education, employment, housing, credit, and access to Federal programs. In addition to the protection of these substantive rights, Congress has acted to extend constitutional protection beyond race to religion, sex, handicap,

national origin, age, and marital status. Our history reflects a dynamic process, expanding protection to ensure that all basic rights of all groups are safeguarded.

Consistent with this pattern of extending protection to all citizen's liberties, or those perceived as such, it is time to end discrimination in the workplace against gays and lesbians. Employment should be based solely on merit. This bill does not create any special rights; rather, it protects a right that everyone should enjoy—the right to be free of discrimination based on irrational prejudice on the job.

It should be noted that the Employment Non-Discrimination Act of 1994 prohibits any form of preferential treatment, including quotas, based on sexual orientation. Also, the legislation does not require an employer to provide benefits, such as insurance, for the same-sex partner of an employee. And finally, the act does not apply to the uniform military and thus does not affect the military ban on gay men and lesbians.

Mr. President, I wish this legislation were not necessary, but unfortunately it is. We must now take steps to protect the gains of the last 25 years in eliminating employment discrimination. I am proud and pleased to be a cosponsor of the Employment Non-Discrimination Act of 1994.

• Mrs. FEINSTEIN. Mr. President, today's introduction of the Employment Non-Discrimination Act of 1994, which will prohibit employment discrimination on the basis of sexual orientation, has in a way, been a long journey for me.

Twenty-five years ago, I ran for my first elected office as a supervisor for the city and County of San Francisco. When I did so, I was told of the very real problem of job discrimination on the basis of sexual orientation, and the need for antidiscrimination legislation.

Well, I won that election, and when I did, one of the first pieces of legislation that I authored was an amendment, to San Francisco's Human Rights Ordinance, to prohibit employment discrimination on the basis of sex or sexual orientation. Frankly, the legislation languished in committee for some time. Eventually, as president of the board of supervisors, I called it out of committee, whereupon it passed with strong support. As far as I know, it was the first such legislation in any major jurisdiction in the country.

After that ordinance was adopted, and over the years that I served as a supervisor and mayor of San Francisco, I came to know many gay and lesbian people who excelled in their professions. Attorneys, physicians, educators, judges, journalists, airline pilots, elected officials, one of whom is now an assistant secretary in the administration, and business men and women in virtually every endeavor.

Many of these people broke new ground. And many excelled.

It is interesting that, on more than one occasion, various people remarked to me that they could not have accomplished in their hometowns, what they were able to accomplish professionally in San Francisco.

Well, some 20 years later, I'm pleased to report that no businesses went bankrupt as a result of that ordinance. No employers faced hardships. On the contrary, many companies found that the principle of hiring and promoting the best-qualified employees, based solely on merit, yielded the most productive work force.

That principle which saw its beginning as a groundbreaking ordinance in a relatively small west coast city will, today, be introduced into the U.S. Senate. Crossing this frontier carries a very special significance for me.

These are tough economic times for our country. And I believe that nobody should be denied opportunity especially during these hard times. And I also believe that our society should be denied nobody's contribution. Employment decisions should be based on qualifications, and ability, and merit. Not on race, creed, color, disability, sex, or sexual orientation.

I want to commend the distinguished senator from Massachusetts. Clearly, a great deal of thought has gone into the crafting of this bill. It is simple in its approach. It anticipates legitimate concerns and, I feel, addresses them.

Simply stated—this legislation prohibits employment discrimination on the basis of sexual orientation.

Basically, the legislation follows the approach used in the Americans with Disabilities Act, and provides for the same enforcement powers and remedies as provided for by title VII of the Civil Rights Act of 1964.

Let us be clear about what this legislation does not do. It does not create special rights or suggest quotas. On the contrary, the act specifically prohibits preferential treatment or quotas.

The act does not apply to members of the Armed Forces.

There is an exemption for religious organizations and educational institutions which are attached to a religious organization.

Like the Civil Rights Act of 1964, small employers with less than 15 employees are not covered by this act.

The act does not apply to employee benefits for an employee's partner.

Finally, there can be no disparate impact claim, requiring employers to justify a neutral hiring practice absent any specific evidence of discrimination.

This is well-crafted legislation whose time has come.

Throughout my public life, I have had a simple vision for society. It is one of many different people living together in harmony without fear of bias. Also, throughout my public life, gay

men and lesbians have been among my employees, and served in my administration when I was mayor. I am proud to have seen them grow and move on to advance in their respective careers.

Our Constitution guarantees equal protection. The promise of our Nation is one of equality and freedom—of life, liberty, and the pursuit of happiness.

Our commitment to equality cannot be a passing one, nor can it be selective. For too long, in too many parts of our country, too many people have suffered the pain of employment discrimination, and have been held back. Opportunity has been denied. And often, along with that lost opportunity, we have lost the contributions of some of our society's most gifted individuals. For the most part, these are losses we will never know. But we can do something to bring those losses to an end. We can pass this legislation.

I believe that a people, when allowed to be free, will make its greatest contribution. That is the vision of America. That is the promise for all. That promise is embodied in this legislation. •

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S.J. Res. 203. A joint resolution designating July 12, 1994, as "Public Health Awareness Day"; to the Committee on the Judiciary.

#### PUBLIC HEALTH AWARENESS DAY

Mr. KENNEDY. Mr. President, 50 years ago next month, Congress enacted landmark legislation consolidating the various public health activities of the Federal Government into the U.S. Public Health Service. Today, it consists of the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, the Agency for Toxic Substances and Disease Registry, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Service Administration, the Indian Health Service, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration.

Together, these agencies are on the front lines of a wide range of public health activities, helping to prevent unnecessary death and disability, protecting the public against dangerous products, improving access to health care, enhancing the quality of life for large numbers of our citizens, and greatly reducing disparities in the health status of the poor and minorities in our society.

The U.S. Public Health Service has achieved these successes by working in partnership with State and local governments and private organizations. Americans are living longer and healthier lives due in large part to these activities.

The accomplishments of the U.S. Public Health Service over the past 50

years are among our Nation's greatest modern achievements. It is fitting for Congress and for the Nation to pay tribute to this proud organization on this auspicious anniversary.

I urge prompt action on this joint resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

#### S.J. RES. 203

Whereas the modern United States Public Health Service was shaped by legislation passed by the Congress 50 years ago this month;

Whereas the Public Health Service has been at the vanguard of health: protecting the public from disease and epidemics and, in conjunction with the States, maintaining public health capacity;

Whereas the Public Health Service is a world leader in addressing the challenge of promoting and protecting health in America and worldwide;

Whereas the Public Health Service protects the safety and quality of foods, drugs, and medical devices for all Americans;

Whereas the Public Health Service provides emergency health services in response to America's natural disasters;

Whereas the Public Health Service is a world leader in health and medical research;

Whereas the Public Health Service is a world leader in the effort to immunize children and adults against preventable infectious diseases both in the United States and worldwide;

Whereas the Public Health Service is a world leader in the fight against AIDS and AIDS-related illnesses; and

Whereas the Public Health Service is comprised of 50,000 dedicated professionals: Now, therefore, be it

Resolved, That July 12, 1994, is designed as "Public Health Awareness Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities.

#### ADDITIONAL COSPONSORS

##### S. 1288

At the request of Mr. AKAKA, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

##### S. 1495

At the request of Mr. INOUE, the name of the Senator from Utah [Mr. BENNETT] 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. 1539

At the request of Mr. INOUE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of

S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1908

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1908, a bill to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans' benefits.

S. 1941

At the request of Mr. BUMPERS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1941, a bill to terminate the Milstar II Communications Satellite Program.

S. 2061

At the request of Mr. BUMPERS, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2061, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 2071

At the request of Mr. LIEBERMAN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes.

S. 2120

At the request of Mr. INOUE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

SENATE JOINT RESOLUTION 157

At the request of Mr. SASSER, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. COATS], the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. BRYAN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. REID], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Indiana

[Mr. COATS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE RESOLUTION 232—RELATIVE TO THE HOUSTON ROCKETS

Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas the Houston Rockets began the 1993-94 season with a 15-0 start, tying an NBA record;

Whereas the Rockets finished the 1993-94 season with a 58-24 record, second best in the NBA, and won the Midwest Division for the second consecutive year;

Whereas second-year coach Rudy Tomjanovich and his assistants helped transform the Rockets from a solid playoff team into the NBA's best;

Whereas Hakeem Olajuwon was named the NBA's most valuable player for the regular season, defensive player of the year, and most valuable player of the NBA Finals;

Whereas the Rockets won a hard-fought seven game series with the New York Knicks in which each game was decided by less than ten points;

Whereas the Rockets gave the City of Houston its first NBA Championship, a unique and special accomplishment in Houston sports history; Now therefore be it

Resolved, That the Senate congratulates the Houston Rockets for their outstanding heart, resolve, and determination in winning the 1994 National Basketball Association Championship.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

SPECTER (AND OTHERS)  
AMENDMENT NO. 1839

Mr. SPECTER (for himself, Mr. WOFFORD, and Mr. LAUTENBERG) proposed an amendment to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title XXVIII of the bill, insert the following:

SEC. 28. JUDICIAL REVIEW OF REQUIREMENTS FOR DISCLOSURE OF INFORMATION BY THE SECRETARY.

Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) JUDICIAL REVIEW.—If the Secretary transmits recommendations to the Commission under subsection (c)(1), any person adversely affected thereby or any member of Congress may, upon a prima facie showing of not less than two documentary material acts of fraudulent concealment, bring an action in a district court of the United States for the review of the compliance of the applicable official or entity with the requirement that such official or entity make available to Congress, to the Commission, and to the Comptroller General all information used by or available to the Secretary to prepare the recommendations.

JOHNSTON (AND OTHERS)  
AMENDMENT NO. 1840

Mr. JOHNSTON (for himself, Mrs. FEINSTEIN, Mr. BREAUX, Mrs. BOXER, and Mr. KOHL) proposed an amendment to the bill S. 2182, supra; as follows:

On page 249, line 7, strike out "1949" and insert in lieu thereof the following: 1949.

SEC. 1068. ACQUISITION OF STRATEGIC SEALIFT SHIPS.

(a) AMOUNT FOR SHIPBUILDING AND CONVERSION.—Notwithstanding section 102(3), there is hereby authorized to be appropriated for the Navy for fiscal year 1995, \$5,532,007,000 for procurement for shipbuilding and conversion.

(b) NATIONAL DEFENSE SEALIFT FUND.—Notwithstanding section 302(2), there is hereby authorized to be appropriated for the Armed Forces and other activities and agencies of the Department of Defense \$828,600,000 for providing capital for the National Defense Sealift Fund.

FEINGOLD (AND OTHERS)  
AMENDMENT NO. 1841

Mr. FEINGOLD (for himself, Mr. SIMON, Mr. HARKIN, Mr. BUMPERS, Mr. SASSER, and Mr. WELLSTONE) proposed an amendment to the bill S. 2182, supra; as follows:

On page 22, between lines 9 and 10, insert the following:

SEC. 122. CVN-76 AIRCRAFT CARRIER PROGRAM.

No contract (including a contract for advance procurement of long lead items) may be entered into for procurement of a CVN-76 aircraft carrier on or after the date of the enactment of this Act and before October 1, 1999. Any such contract (other than a contract for procurement of long lead items) that has been entered into before the date of the enactment of this Act shall be terminated.

MCCAIN AMENDMENT NO. 1842

Mr. MCCAIN proposed an amendment to the bill S. 2182, supra; as follows:

On page 223, beginning with line 14, strike out all through page 227, line 11, and insert in lieu thereof the following:

SEC. 1042. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) IMMEDIATE TERMINATION.—Except as provided in subsection (c), notwithstanding the date set forth in subsection (a) of section 1151 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1758; 10 U.S.C. 113 note), the reporting requirements referred to in subsection (b) are terminated effective on the date of the enactment of this Act.

(b) **APPLICABILITY.**—Subsection (a) applies to each reporting requirement specified in enclosures 1 and 2 of the letter, dated April 29, 1994, by which the Director for Administration and Management, Office of the Secretary of Defense, citing the authority of the provision of law referred to in subsection (a), submitted a list of reporting requirements recommended for termination by the Department of Defense.

(c) **PRESERVATION OF REQUIREMENTS.**—(1) The reporting requirements set forth in the provisions of law referred to in paragraph (2) shall not terminate under subsection (a) of section 1151 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1758; 10 U.S.C. 113 note).

(2) Paragraph (1) applies to the following reports:

(A) Reports required under the following provisions of title 10, United States Code:

(i) Section 2662, relating to reports on real property transactions.

(ii) Section 2672a(b), relating to reports on urgent acquisitions of land.

(iii) Section 2687(b)(1), relating to notifications of certain base closures and realignments.

(iv) Section 2690(b)(2), relating to notifications of proposed conversions of heating facilities at United States installations in Europe.

(v) Section 2804(b), relating to reports on contingency military construction projects.

(vi) Section 2806(c)(2), relating to reports on contributions for NATO infrastructure in excess of amounts appropriated for such contributions.

(vii) Subsections (b) and (c) of section 2807, relating to notifications and reports on architectural and engineering services and construction design.

(viii) Section 2823(b), relating to notifications regarding disagreements between certain officials on the availability of locations for suitable alternative housing for the Department of Defense.

(ix) Subsections (b) and (c) of section 2825, relating to notifications regarding improvements of family housing or construction of replacement family housing.

(x) Section 2827(b), relating to notifications regarding relocation of military family housing units.

(xi) Section 2835(g)(1), relating to economic analyses on the cost effectiveness of leasing family housing to be constructed or rehabilitated.

(xii) Section 2861(a), relating to the annual report on military construction activities and family housing activities.

(xiii) Subsections (e) and (f) of section 2865, relating to notifications regarding unauthorized energy conservation construction projects and an annual report regarding energy conservation actions.

(B) Reports required under the following provisions of title 37, United States Code:

(i) Section 406(i), relating to the annual report regarding dependents accompanying members stationed outside the United States in relation to the eligibility of such members to receive travel and transportation allowances.

(ii) Section 1008(a), relating to the annual report by the President on adjustments of rates of pay and allowances for members of the uniformed services.

(C) Reports required under the following provisions of law:

(i) Section 326(a)(5) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2368; 10 U.S.C. 2301 note), relating to reports on use of certain ozone-depleting substances.

(ii) Subsections (e) and (f) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2687 note), relating to notifications regarding negotiations for payments-in-kind for the release of improvements at overseas military installations to host countries and an annual report on the status and use of the Department of Defense Overseas Military Facility Investment Recovery Account.

(iii) Section 1505(f)(3) of the Military Child Care Act of 1989 (title XV of Public Law 101-189; 103 Stat. 1594; 10 U.S.C. 113 note), relating to reports on closures of military child development centers.

(iv) Subsections (a) and (d) of section 7 of the Organotin Antifouling Paint Control Act of 1988 (Public Law 100-133, 102 Stat. 607; 33 U.S.C. 2406), relating to the annual report on the monitoring of estuaries and near-coastal waters for concentrations of organotin.

#### SMITH (AND OTHERS) AMENDMENTS NOS. 1843-1848

Mr. SMITH (for himself, Mr. KERRY, Mr. DOLE, Mr. CONRAD, Mr. WOFFORD, Mr. LOTT, Mr. GRASSLEY, Mr. HELMS, Mr. MCCAIN, Mr. THURMOND, Mr. KOHL, Mr. REID, and Mr. LIEBERMAN) proposed six amendments to the bill S. 2182, supra; as follows:

##### AMENDMENT No. 1843

On page 249, between lines 7 and 8, insert the following:

**SEC. 1068. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, AND THE COLD WAR.**

Section 1082 of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190; 50 U.S.C. 401 note) is amended—

(1) in subsection (a), by striking out paragraph (2) and inserting in lieu thereof the following:

(2) Paragraph (1) applies to any record, live-sighting report, or other information in the custody of the official custodian referred to in subsection (d)(3) that may pertain to the location treatment or condition of (i) United States personnel who remain not accounted for as a result of service in the Armed Forces of the United States or other Federal Government service during the Korean conflict, the Vietnam era, or the Cold War, or (ii) their remains.”;

(2) subsection (c)—

(A) by striking out the first sentence in paragraph (1) and inserting in lieu thereof the following: “In the case of records or other information originated by the Department of Defense, the official custodian shall make such records and other information available to the public pursuant to this section not later than September 30, 1995.

(B) in paragraph (2), by striking out “after March 1, 1992,”; and

(C) in paragraph (3), by striking out “a Vietnam-era POW/MIA who may still be alive in Southeast Asia,” and inserting in lieu thereof “any United States personnel referred to in subsection (a)(2) who remain not accounted for but who may still be alive in captivity,”;

(3) by striking out subsection (d) and inserting in lieu thereof the following:

“(d) **DEFINITIONS.**—For purpose of this section:

“(1) The terms ‘Korean conflict’ and ‘Vietnam era’ have the meanings given those terms in section 101 of title 38, United States Code.

“(2) The term ‘Cold War’ shall have the meaning determined by the Secretary of Defense.

“(3) The term ‘official custodian’ means—

“(A) in the case of records, reports, and information relating to the Korean conflict or the Cold War, the Archivist of the United States; and

“(B) in the case of records, reports, and information relating to the Vietnam era, the Secretary of Defense.”; and

(4) by striking out the section heading and inserting in lieu thereof the following new section heading:

**“SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE COLD WAR, THE KOREAN CONFLICT, AND THE VIETNAM ERA.”.**

##### AMENDMENT No. 1844

In title X, insert the following new section:

**SEC. . REQUIREMENT FOR CERTIFICATION BY SECRETARY OF DEFENSE CONCERNING DECLASSIFICATION OF VIETNAM-ERA POW/MIA RECORDS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Senate, by Senate Resolution 324, 102d Congress, 2d session, agreed to on July 2, 1992, unanimously requested the President to “expeditiously issue an Executive Order requiring all executive branch departments and agencies to declassify and publicly release without compromising United States national security all documents, files, and other materials pertaining to POW’s and MIA’s.”.

(2) The President, in an executive order dated July 22, 1992, ordered declassification of all United States government documents, files, and other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia.

(3) The President stated on Memorial Day of 1993 that all such documents, files and other materials pertaining to personnel covered by that executive order should be declassified by Veterans Day of 1993.

(4) The President declared on Veterans Day of 1993 that all such document, files, and other materials had been declassified.

(5) Nonetheless, since that Veterans Day declaration in 1993, there have been found still classified more United States Government documents, files, and other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia.

(b) **REVIEW AND CERTIFICATION.**—Not later than 60 days after debate of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a review to determine whether there continue to exist in classified form documents, files, or other materials pertaining to American personnel who became prisoners of war or missing in action in Southeast Asia that should be declassified in accordance with Senate Resolution 324, 102d Congress, 2d session, agreed to on July 2, 1992, and the executive order of July 22, 1992; and

(2) certify to Congress that all documents, files, and other materials pertaining to such personnel have been declassified and specify in the certification the date on which the declassification was completed.

##### AMENDMENT No. 1845

In title X, insert the following new section:

**SEC. . REQUIREMENT FOR SECRETARY OF DEFENSE TO SUBMIT RECOMMENDATIONS ON CERTAIN PROVISIONS OF LAW CONCERNING MISSING PERSONS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The families of American personnel who became prisoners of war or missing in action while serving in the Armed Forces of the United States and national veterans organizations have expressed concern to Congress for several years regarding provisions of chapter 10 of title 37, United States Code, relating to missing persons, that authorize the Secretaries of the military departments to declare missing Armed Forces personnel dead based primarily on the passage of time.

(2) Proposed legislation concerning revisions to those provisions of law has been pending before Congress for several years.

(3) It is important for Congress to obtain the views of the Secretary of Defense with respect to the appropriateness of revising those provisions of law before acting further on proposed amendments to such provisions.

(b) **RECOMMENDATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the Secretaries of the military departments, the national POW/MIA family organizations, and the national veterans organizations, shall—

(1) conduct a review of the provisions of chapter 10 of title 37, United States Code, relating to missing persons; and

(2) submit to Congress the Secretary's recommendations as to whether those provisions of law should be amended.

**AMENDMENT NO. 1846**

In title X, insert the following new section:  
**SEC. . CONTACT BETWEEN THE DEPARTMENT OF DEFENSE AND THE MINISTRY OF NATIONAL DEFENSE OF CHINA ON POW/MIA ISSUES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Select Committee on POW/MIA Affairs of the Senate concluded in its final report, dated January 13, 1993, that "many American POW's had been held in China during the Korean conflict and that foreign POW camps in both China and North Korea were run by Chinese officials" and, further, that "given the fact that only 26 Army and 15 Air Force personnel returned from China following the war, the committee can now firmly conclude that the People's Republic of China surely has information on the fate of other unaccounted for American POW's from the Korean conflict."

(2) The Select Committee on POW/MIA Affairs recommended in such report that "the Department of State and Defense form a POW/MIA task force on China similar to Task Force Russia."

(3) Neither the Department of Defense nor the Department of State has held substantive discussions with officials from the People's Republic of China concerning unaccounted for American prisoners of war of the Korean conflict.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should establish contact with officials of the Ministry of Defense of the People's Republic of China regarding unresolved issues relating to American prisoners of war and American personnel missing in action as a result of the Korean conflict.

**AMENDMENT NO. 1847**

On page 249, between lines 7 and 8, insert the following:

**SEC. 1068. INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE VIETNAM CONFLICT.**

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the following information pertaining to United States personnel involved in the Vietnam conflict that remain not accounted for:

(1) A complete listing by name of all such personnel about whom it is possible that officials of the Socialist Republic of Vietnam can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

(2) A complete listing by name of all such personnel about whom it is possible that officials of the Lao People's Democratic Republic can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

**AMENDMENT NO. 1848**

In title X, insert the following new section:  
**SEC. . REPORT ON POW/MIA MATTER CONCERNING NORTH KOREA**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Select Committee on POW/MIA Affairs of the Senate concluded in its final report, dated January 13, 1993, that "it is likely that a large number of possible MIA remains can be repatriated and several records and documents on unaccounted for POW's and MIA's can be provided from North Korea once a joint working level commission is set up under the leadership of the United States."

(2) The Select Committee recommended in such report that "the Departments of State and Defense take immediate steps to form this commission through the United Nations Command at Panmunjom, Korea" and that the "commission should have a strictly humanitarian mission and should not be tied to political developments on the Korean peninsula."

(3) In August 1993, the United States and North Korea entered into an agreement concerning the repatriation of remains of United States personnel.

(4) The establishment of a joint working level commission with North Korea could enhance the prospects for results under the August 1993 agreement.

(b) **REPORT.**—The Secretary of Defense shall—

(1) at the end of January, May, and September of 1995, submit a report to Congress on the status of efforts to obtain information from North Korea concerning United States personnel involved in the Korean conflict who remain not accounted for and to obtain from North Korea any remains of such personnel; and

(2) actively seek to establish a joint working level commission with North Korea, consistent with the recommendations of the Select Committee on POW/MIA Affairs of the Senate set forth in the final report of the committee, dated January 13, 1993, to resolve the remaining issues related to United States personnel who became prisoners of war or missing in action during the Korean conflict.

**KEMPTHORNE (AND OTHERS)  
AMENDMENT NO. 1849**

Mr. KEMPTHORNE (for himself, Mr. MCCAIN, Mr. SMITH, Mr. COATS, Mr.

CRAIG, Mr. LOTT, and Mr. NICKLES) proposed an amendment to the bill S. 2182, supra; as follows:

On page 219, after line 19, insert the following:

(d) **PURPOSES FOR WHICH FUNDS AVAILABLE.**—Notwithstanding subsection (g) of section 403 of title 10, United States Code, as added by subsection (b)(1), funds appropriated pursuant to the authorization of appropriations in section 301(20) may not be expended for paying assessments for United Nations peacekeeping and peace enforcement operations (including any arrearages under such assessments). The funds so appropriated shall be credited, in equal amounts, to appropriations for the Army, Navy, Air Force, and Marine Corps for fiscal year 1995 for operation and maintenance in order to enhance training and readiness of the Armed Forces and to offset any expenditure of training funds for such fiscal year for incremental costs incurred by the United States for support of peacekeeping operations for such fiscal year.

**NOTICE OF HEARING**

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, S. 1478, to revise the Federal Insecticide, Fungicide, and Rodenticide Act ensure that pesticide tolerances adequately safeguard the health of infants and children, and S. 2050, to revise the Federal Insecticide, Fungicide, and Rodenticide Act. The hearing will be held on Wednesday, June 29, 1994 at 9:30 a.m. in SR-332.

For further information, please contact Mary Dunbar at 224-5207.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON ARMED SERVICES

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 23, 1994, at 9 a.m., in open session, to receive testimony on the impact of lifting the U.N. Security Council arms embargo on the Government of Bosnia and Herzegovina.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, June 23, at 10 a.m. to hold a hearing on the Chemical Weapons Convention—Treaty Document 103-21.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized

to meet during the session of the Senate on Thursday, June 23, at 4:30 p.m. to hold a nomination hearing on Jeffrey Rush, Jr., to be inspector general, Agency for International Development.

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

#### COMMITTEE ON THE JUDICIARY

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, June 23, 1994.

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

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. NUNN. 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, June 23, 1994, at 10:30 a.m., to hold an oversight hearing on the operations of the Office of the Architect of the Capitol.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. NUNN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 23, 1994 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

#### SUBCOMMITTEE ON WATER AND POWER

Mr. NUNN. Mr. President, I ask unanimous consent that the subcommittee on water and power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., June 23, 1994, to receive testimony on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal Protection and restoration efforts in the San Francisco/Sacramento-San Joaquin Delta.

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

#### ADDITIONAL STATEMENTS

##### TURKISH DEMOCRACY: ONE MORE STEP TOWARD THE ABYSS

• Mr. DECONCINI. Mr. President, I am compelled once again to voice my grave concerns over the state of affairs in Turkey. Were I not convinced that Turkey is one our Nation's most important allies, I would not express such frustration when the government contravenes its own constitution and international human rights commitments. Last Thursday, June 16, when Turkey's highest court banned the pro-Kurdish Democracy Party [DEP], and kicked 13 DEP members out of Parliament because of statements they

made, my concern and frustration reached new heights.

The 13 duly elected members of Turkey's legislature have been removed from Parliament because of a party communique issued last year appealing for a peaceful solution to the Kurdish problem. Five deputies, who have been jailed since early March without being indicted, face the death penalty for speaking out for the rights of Turkey's Kurdish citizens. Six others have fled Turkey and, I am informed, will seek political asylum in Belgium. Two others face imminent arrest in Turkey. Mr. President, I have met with some of these individuals and others now in Turkish jails for simply expressing their views, and I am appalled. Mr. President, what kind of democracy finds its own legislators either in prison or fleeing arrest to seek political asylum?

A perhaps unintended consequence of the court decision relates to constitutional requirements that by-elections be held when 24 vacancies occur in the 450-seat Parliament. If the four Kurdish deputies who resigned from DEP before legal action was taken should leave Parliament, it would appear that elections would have to be held within 3 months. Mr. President, I want to make it clear from the outset, that should such elections take place, and it seems likely, our Government and the many non-governmental election monitors, should be prepared to send observers to ensure that international standards are met. Furthermore, in light of recent developments, the Helsinki Commission, of which I am chairman, will, in upcoming meetings of the Conference on Security and Cooperation in Europe [CSCE], press for official CSCE missions to be sent to Turkey to monitor the deteriorating rights situation.

Mr. President, what is most alarming about the deteriorating rights situation in Turkey is this increasingly frequent trend to criminalize free speech. Words and ideas, regardless of their content, are tolerated in democratic systems. As signatory to the Conference on Security and Cooperation in Europe [CSCE], the United Nations Universal Declaration on Human Rights and the International Covenant on Political and Civil Liberties, Turkey has obligated itself to protect all forms of nonviolent expression. The decision to remove 13 duly elected parliamentarians because of speeches they made or documents they sign is an affront to all democratic legislatures.

Mr. President, obviously no country, including our own, is immune from situations where human rights are jeopardized. Turkey's Kurdish issue has a long and complex history, which has unfortunately become increasingly clouded by violence. In the midst of a severe economic crisis, Turkey's government and military are spending

over \$7 billion a year to fight the PKK—yet the PKK continues to operate and draw followers. Regrettably the heavy-handed tactics of security forces, who have destroyed over 1,000 Kurdish villages in the past 18 months, alienate local Kurds and fuel sympathy and support for the radicals. Additionally, by criminalizing even moderate expressions of Kurdish discontent, the government stifles legitimate discourse within a democratic framework and denies its citizenry an outlet through which to legally articulate their frustration. And while no one denies Turkey's sovereign right to protect its citizenry from terrorism, this must not be pursued at the expense of other fundamental human rights.

Mr. President, in the interests of peace and regional stability, I appeal to Turkey's civilian and military leaders to reconsider increasingly intolerant and unproductive policies toward Turkey's Kurdish citizenry. There can be no hope of peace if voices on all sides are silenced and forced into more radical positions. Such policies raise serious questions about the ability of Turkish democracy to meet the pressing needs of a modern multiethnic society. Furthermore, Mr. President, despite a confluence of foreign policy interests with our Government on numerous issues, Turkey's deteriorating human rights situation makes it increasingly difficult to support a leading role for Turkey in regional political undertakings.

In conclusion, Mr. President, I would urge Turkey's government to pursue political solutions to the Kurdish situation. So as not to be criticized for simply pointing out the problem without offering my own thoughts on a solution, I will share some thoughts on defusing the mounting crisis. I believe a key element of any political approach must be official willingness to distinguish between PKK terrorism and nonviolent expression promoting rights for Turkey's Kurdish citizens. Similarly, the PKK must abandon the use of violence for political objectives and renounce aspirations for outright independence. A bilateral ceasefire could be a first step toward establishing a political dialog, not with the PKK, but with moderate Kurdish elements. In such a climate, I would urge the Turkish Government to take the following steps:

First, allow all nonviolent political parties to participate in political life.

Second, abolish restrictions on free expression including those within the Antiterror law.

Third, repeal the state of emergency.

Fourth, dismantle the village guard system.

Fifth, remove all restrictions on Kurdish linguistic and cultural expression.

Sixth, lift constraints on dissemination of Kurdish language television and radio broadcasts, print, music, and other mediums.

Seventh, develop a government-sponsored Institute of Kurdish Studies and allow schools to offer instruction in Kurdish, and

Eighth, convene an official, high-profile, conference examining all aspects of Turkish-Kurdish relations.

Mr. President, I believe such actions would bolster Turkey's civilian democracy, stem violence, marginalize the PKK by providing moderate alternatives, lift an oppressive climate which has stifled political and economic life throughout Turkey, and begin to reverse the destructive polarization of Turks and Kurds. I sincerely hope Turkey's government will seek to protect free speech and pursue non-military approaches to the Kurdish dilemma to avoid plunging the nation into further turmoil. •

#### THE BIOMATERIALS ACCESS ASSURANCE ACT

• Mr. McCAIN. Mr. President, I am pleased to cosponsor S. 2215, the Biomaterials Access Assurance Act of 1994. This important bill would help to ensure the continued availability of materials for a wide variety of life-saving medical devices, such as brain shunts, heart valves, artificial blood vessels, and pacemakers.

Currently, the manufacturers and suppliers of such materials are subject to substantial legal liability for providing relatively small amounts of materials which generate small profits and are used for purposes beyond their control. This bill would substantially reduce their potential liability, and allow them to make their essential materials available. It will thereby address one important aspect of our broken medical products liability system.

This issue recently came to my attention when I was contacted by one of my constituents, Linda Flake Ransom, about her 7-year-old daughter Tara who requires a silicon brain shunt. Without a shunt, due to Tara's condition called hydrocephalus, excess fluid would build up in her brain, increasing pressure, and causing permanent brain damage, blindness, paralysis, and ultimately death. With the shunt, she is a healthy, happy, and productive straight-A student with enormous promise and potential.

Tara has already undergone the brain shunt procedure five times in her brief life. However, the next time that she needs to replace her shunt, it is not certain that a new one will be available due to the unavailability of shunt materials. This situation is a sad example that our medical liability system is out of control. It is tragic, but not surprising that manufacturers have decided not to provide materials if they are subject to tens of millions of dollars of potential liability for doing so.

It is essential that individuals such as Tara continue to have access to the

medical devices they need to stay alive and healthy. Our bill would help to ensure the ongoing availability of materials necessary to make these devices. It would not, in any way, protect negligent manufacturers or suppliers of medical devices, or even manufacturers or suppliers of biomaterials that make negligent claims about their products. However, it would protect manufacturers and suppliers whose materials are being used in a manner that is beyond their control.

Mr. President, we must act quickly to pass the Biomaterials Access Assurance Act of 1994 to ensure that the lives of Tara and thousands of other Americans are not jeopardized. I request that a New York Times article which was reprinted in the Arizona Republic entitled "Implant Makers Facing Loss of Raw Materials," be included in the RECORD following my remarks.

The article follows:

[From the Arizona Republic, Apr. 25, 1994]  
IMPLANT MAKERS FACING LOSS OF RAW MATERIALS: CHEMICAL FIRMS SAY LAWSUITS FORCING HAND

CHICAGO.—Big chemical companies and other manufacturers of materials used to make heart valves, artificial blood vessels and other implants quietly have been warning medical-equipment companies that they intend to cut off deliveries because of fears of lawsuits.

The suppliers' new policies have not yet forced important products from the market, but medical-equipment manufacturers scrambling to protect themselves from the impending cutoffs say they are having trouble lining up replacement suppliers.

Industry executives and doctors say the trend eventually could make some lifesaving implants hard to come by and have a devastating effect on the development of new devices.

About 100 equipment companies already have had supply problems, according to the Health Industry Manufacturers Association, a Washington-based trade group for the equipment makers.

The materials manufacturers, including such giants as E.I. du Pont and Dow Chemical Co., are dropping the medical business in response to the high risk of being dragged into lawsuits filed against implant makers by consumers who say they have been injured by defective products.

Suppliers already have been named in hundreds of suits involving jaw implants, silicone breast implants and other devices.

Equipment makers say the litigation that has spurred the suppliers' withdrawals also has made it harder to obtain the materials indirectly through distributors or other middlemen.

In addition, some equipment companies say electronics companies and other important subcontractors that assemble high-tech components for the most-sophisticated implants increasingly are reluctant to take on such business.

"You can see a monster scenario where this gets totally out of hand," said Curtis Holmes, vice president for technology at Wilson Greatbatch Ltd. of Clarence, N.Y., a supplier of lithium batteries for heart pacemakers.

Wilson is scrambling to replace the pinch of Du Pont Teflon it uses in each battery.

Replacing the Teflon ultimately could cost as much as \$300,000 in testing and regulatory hearings and take researchers away from developing products. But that is not what really worries Holmes.

"What if the lithium companies decide they don't want to sell to us?" he asked. "Or the iodine, stainless-steel or titanium producers?"

Despite behind-the-scenes lobbying, equipment makers and medical groups so far have raised little concern in Washington about the trend.

Consumer groups say the chemical companies' moves simply are part of a broader campaign by industry to pressure Congress to limit the redress available in courts for those injured by defective products.

One leading supporter of product-liability-reform legislation is convinced the implant makers' plight is a special case.

"This is a public-health time bomb," said Sen. Joseph Lieberman, D-Conn., who said he hopes to hold hearings on the subject next month.

Lieberman said that although the proposed changes in product-liability laws would reduce materials suppliers' exposure to lawsuits, the problem might have to be dealt with in health-care-reform legislation being written on Capitol Hill.

The medical-equipment makers fear that partial protection from litigation will not be enough to bring back the big chemical and plastics suppliers, because they have so little to gain from the medical business.

Medical devices typically use small quantities of raw materials, compared with other applications.

Polyester yarn, for example, is used in artificial blood vessels, heart valves and sutures left in the body after internal surgery. Total annual sales for such uses are less than \$200,000, a tiny fraction of 1 percent of the \$9 billion market for such yarn in clothing, homes and industry, according to a recent study for the Health Industry Manufacturers Association.

Another material withdrawn by Du Pont and Hoechst Celanese is polyacetal resin. The automotive, industrial, plumbing and consumer-products sectors buy \$1.3 billion of it annually; the implant industry buys just 550 pounds, valued at \$3,300, for use in heart valves.

Pelletrane, a polyurethane that Dow Chemical began pulling from the medical market in 1990, is used in such products as automobile hoses and athletic shoes.

The medical market is so small that Dow said it did not realize that companies such as Medtronic Inc., the world's largest pacemaker manufacturer, used Pelletrane as a coating until three years after Dow acquired the business from Upjohn Co. in 1985.

In the past, companies such as Du Pont have made products available to medical companies accompanied by warnings that they had not been tested in any way to establish their suitability for medical applications.

"Everything is manufactured for industrial and consumer purposes," said Katherine Knox, the manager overseeing Du Pont's transition toward cutting off all such sales. "But for 30 years, we had a policy that we wouldn't withhold materials from the medical sector because we didn't want to inhibit development." •

#### TRIBUTE TO DR. RUTH SULLIVAN

• Mr. ROCKEFELLER. Mr. President, it is with great pleasure and pride that

I rise to recognize an outstanding West Virginian, Dr. Ruth Sullivan.

Fifteen years ago, Dr. Sullivan founded Autism Services Center—CRS—in Huntington, WV, at her dining room table. Currently, Dr. Sullivan is the director of the center and has spent her life advocating for services for autistic individuals. Ruth Sullivan turned a personal crisis into a dream of hope for countless others. She was trained as a nurse but when her 2-year-old son, Joseph, was diagnosed as autistic, she knew little about the disorder. However, instead of accepting the doctor's statement that nothing could be done for Joseph, Ruth Sullivan began researching. That research, along with a supportive family saved Joseph from an institution and helped him lead his own life.

At first, her goal was personal—to help her son. But, it was a 13-year-old, Katrina, who led her into direct services. Katrina was too aggressive to love at home and had been discharged from the last facility as not appropriate for our service. Katrina went to Dr. Sullivan in early November 1983, funded by the West Virginia Department of Health. This is when Dr. Sullivan began her residential services' program with a 2:1 staff client ratio, 24 hours a day. She hired a 14-member staff and rented an apartment.

Currently, the Autism Services Center has 220 employees and serves over 315 individuals with developmental disabilities as well as their families, guardians, or foster parents. The ASC now serves mentally retarded and developmentally disabled for Cabell, Wayne, Lincoln, and Mason Counties and operates six group homes in Huntington. Furthermore, it serves as a national and international clearinghouse for autism information.

On May 13, ASC celebrated its 15th anniversary. I am sure that my colleagues and my fellow West Virginians join me in congratulating Dr. Ruth Sullivan for her determination and dedication. The ASC has seen remarkable growth, received national exposure, and has helped hundreds of individuals with autism and other developmental disabilities discover their potential.●

#### CONGRATULATIONS, CORPUS CHRISTI COUGARS

● Mr. LUGAR. Mr. President, I rise today to recognize the girls 7th and 8th grade basketball team of Corpus Christi Parish School in South Bend, IN, for their 100th straight victory.

On Monday, March 28, 1994, the Corpus Christi Cougars rallied under coach Wayne Superczynski to defeat Christ the King 44-42, notching their 100th consecutive win. This streak has lasted through six different teams and three head coaches. Former head coach Lou Megyese began the series of wins by

leading the Cougars to 50 straight victories. Donald Ciesiolka continued the pattern for an additional 14 in 1992. Current head coach, Wayne Superczynski, then took over the streak and led the girls to their 100th victory in a row.

I congratulate the Corpus Christi Cougars on their many seasons of excellence, in the Hoosier tradition of basketball. I further commend the players, coaches, and supporters for their dedication and enthusiasm, which has fostered an outstanding program in girls basketball.●

#### FACES OF THE HEALTH CARE CRISIS

● Mr. RIEGLE. Mr. President, I rise once again in my continuing effort to put a human face on the health care crisis in America. Today I would like to tell the story of Carol Kuiper of Jenison, MI.

Carol will celebrate her 30th birthday this July. Like so many young people across our country, Carol has spent a significant proportion of her young-adult years without health care insurance. Her story will make clear why, under our current health care system, going without health coverage, and therefore, without health care, is a choice so many young people make. But this choice leaves all of us vulnerable for the costs of their emergency care.

Carol entered Hope College in the fall of 1983 at age 19. She worked part time throughout her college years to pay for her education. As a dependent, she was covered by her parents health insurance until she turned 21. After that she went without health insurance.

While she was in school, Carol began to experience migraine headaches. She did not seek treatment immediately because she could not afford to pay any additional expenses, including medical bills. Her college infirmary was available for minor medical assistance free of charge, but was not equipped to offer treatment for migraine headaches. The infirmary nurse advised Carol to seek the help of a neurologist. The severity of the pain eventually compelled her to make an appointment. However, she walked out without seeing the specialist after she was told she must pay \$90 that day for a consultation.

Other than experiencing migraines several times a month, Carol was healthy. She considered herself lucky because she did not get sick often. But if she had needed emergency treatment she could not have paid for it.

After graduating from college with a degree in German in the spring of 1989, Carol held a series of part-time jobs which did not offer insurance. These included waitressing and working in a greenhouse. In September of that year she was hired as a full-time employee in a department store, preparing visual

displays. She finally had affordable health insurance coverage at a cost of \$70 a month with a \$10 copay on doctor's visits and prescriptions.

My colleagues may know that retail can be a very stressful business. After working for 4 years, Carol left the visual display job in June of 1993 because she could no longer handle the high stress of the position. She had the option of continuing her insurance coverage under COBRA, but, without assured full-time income and in addition to her student loan payments, she could not afford the \$160 a month premium plus the required payments.

Not wanting to be completely without coverage, Carol did take out catastrophic coverage as a safety net. She paid \$193 for 6 months of coverage. There was a \$250 deductible for every catastrophic injury or illness. Although she now had coverage for a major accident or hospitalization, she was uninsured for minor illness or injuries and preventive treatment. Her migraine medication cost her an additional \$70 a month, which she could not afford, she stopped treating her migraines. She has gone without normal medical visits when she had experienced tendinitis and sore throats.

In September 1993 Carol again found a job in retail, working part time at minimum wage. Again, she was not offered, and could not afford to purchase on her own, comprehensive health coverage. While working at this part-time job, she continue her effort to find full-time work which provided health care benefits.

In January of 1994, frustrated by the idea that she was paying for coverage that did not meet her basic health care needs, she opted to not renew the policy. Carol did this, knowing that if she were in any sort of accident or developed a more serious health condition, she would have no way to pay for her care.

I am pleased to report that Carol has recently been offered a full-time job which she will begin later this month. The position, again in retail, offers affordable health care benefits. But the benefits will not start until she has worked for 6 months. Although she must wait, Carol is happy to know she will have access to affordable health care. She is currently in the process of deciding whether to choose an HMO or a fee-for-service plan.

Carol's story is not unlike that of many of our young people. They realize the importance of having health insurance, but just cannot afford the cost. We need to help Carol and other young working people obtain affordable health care coverage so that they are not subject to the constant worry of becoming ill or of being in an accident. I will continue to work with my colleagues in the Senate to craft a health reform package that covers everyone.●

S. RES. 232

## COMMENDING FIRST-GRADERS

• Mr. DURENBERGER. Mr. President, one of the most enjoyable aspects of my 16 years of service in the U.S. Senate has been the opportunity which it affords to recognize outstanding Minnesotans. This past Friday, one such group of first-graders representing Christ the King-St. Thomas the Apostle School was recognized for its achievements by being named a finalist for the 1994 Toshiba-NSTA ExploraVision Awards.

This competition, sponsored by Toshiba Corp. and administrated by the National Science Teachers Association, is designed to foster science learning. It challenges teams of students from across the United States and Canada to select a technology which currently exists and envision what it will look like 20 years in the future.

The technology which the students visualized was entitled "Smart Eyeglasses," and consisted of voice-activated eyeglasses that solve math problems before your very eyes, on the inside of your lenses. It is innovative thinking such as this which will assist these gifted young people in leading our Nation into the 21st century.

I hope my colleagues will join me in offering congratulations to the following gifted students who have shown us the power of the human mind: Jessica Friedlander, Rebecca Heistad, Zachary Morris, Bryn Thompson, and instructor J. Diane Wielinski.●

## PARTNERSHIP FOR PEACE

• Mr. DECONCINI. Mr. President, in a historic marking of the anniversaries of the creation of NATO and Nazi Germany's attack on the USSR, the Russian Federation has joined Partnership for Peace [PFP]. Although NATO rejected any special formal conditions for Russia's entry, which could have been interpreted as a right to have a say in NATO decisionmaking, NATO foreign ministers have promised Moscow a relationship that goes beyond the purely military dimension of PFP. The joint declaration on Russia's entry recognizes Russia's significance, and NATO will consult with Russia on European security.

Many Russian politicians opposed joining the PFP. Not surprisingly, the Communist Party, and nationalist hardliners, such as Vladimir Zhirinovskiy, bitterly protested the invitation as a national humiliation. Less expected, however, was the assessment of former Russian Ambassador to Washington, Vladimir Lukin, now the chairman of the Foreign Affairs Committee of the Russian Duma. He also objected to Russian accession, likening it last March to a rape of Russia. In fact, with anti-American sentiments

increasingly popular today in Russian politics, plans to schedule joint United States-Russian maneuvers had to be canceled last month, and it seemed doubtful that Russia would join PFP.

Nevertheless, President Yeltsin and his Government have evidently decided that entry offers more pluses than minuses. Some commentators theorize that the Russian military did not want to be left out of security consultations, others fear that Russia will try to use its membership to curtail NATO's military and political options in crisis situations like Bosnia. Still others worry that Russia will attempt to realize its publicly stated hopes to turn NATO into the military arm of the CSCE, or will seek—or, in the worst case scenario, may have already received—tacit understanding from NATO about Russian peacekeeping operations in the Commonwealth of Independent States.

Mr. President, we must be mindful of these concerns, particularly the latter. It is especially important that the entry into PFP of the East-Central European countries and many former Soviet Republics be used to foster respect for the sovereignty and independence of all the member states. Though not formally an alliance system, PFP nevertheless presumes certain fundamental common values among participants, and it would defeat the very purpose of the enterprise if some members felt as threatened by their neighbors, or by their perception of their neighbors' intentions, as they did before joining.

These qualifications notwithstanding, I welcome Russia's entry into PFP. Having Russia in the West's new security arrangements is a positive breakthrough. It is preferable to worry about the implications of Russia in PFP than to have to worry about the consequences of Russia remaining outside, feeling isolated and threatened.●

## CONGRATULATING THE HOUSTON ROCKETS FOR WINNING THE NBA CHAMPIONSHIP

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 232, a resolution to congratulate the Houston Rockets for winning the NBA championship, submitted earlier today by Senators HUTCHISON and GRAMM, that the resolution be deemed agreed to and the motion to reconsider laid upon the table, and the preamble agreed to, and any statements appear in the RECORD as if read.

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

So the resolution (S. Res. 232) was deemed agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the Houston Rockets began the 1993-94 season with a 15-0 start, tying the NBA record;

Whereas the Rockets finished the 1993-94 season with a 58-24 record, second best in the NBA, and won the Midwest Division for the second consecutive year;

Whereas second-year coach Rudy Tomjanovich and his assistants helped transform the Rockets from a solid playoff team into the NBA's best;

Whereas Hakeem Olajuwon was named the NBA's most valuable player for the regular season, defensive player of the year, and most valuable player of the NBA Finals;

Whereas the Rockets won a hard-fought seven game series with the New York Knicks in which each game was decided by less than ten points;

Whereas the Rockets gave the City of Houston its first NBA Championship, a unique and special accomplishment in Houston sports history; Now therefore be it

Resolved, That the Senate congratulates the Houston Rockets for their outstanding heart, resolve, and determination in winning the 1994 National Basketball Association Championship.

## ORDERS FOR TOMORROW

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, June 24; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately following the announcements of the chair, the Senate vote on a motion to instruct the Sergeant-at-Arms to request the presence of absent Senators, without intervening action.

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

Mr. NUNN. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the motion to instruct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NUNN. Mr. President, I now ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## RECESS UNTIL FRIDAY, JUNE 24, 1994, AT 9:30 A.M.

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:43 p.m., recessed until Friday, June 24, 1994, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Thursday, June 23, 1994

The House met at 10 a.m.

The Reverend Dr. William A. Holmes, senior minister, Metropolitan Memorial United Methodist Church, Washington, DC, offered the following prayer:

Almighty and loving God, Lord of all our houses, the personal ones in which we live our lives as families and to which we turn for shelter, rest, and comfort; Bless, we pray, our individual homes.

Lord of public places, including this representative House of all the people: Bless, we pray, the deliberations of this body. May the business conducted here truly be the people's business, may the issues debated here truly be the people's issues, and may the floor of this House so resonate with the sounds of a commitment to the common good, that it can be said of all who occupied this House: "They served You through serving others." O God of all our houses. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Maine [Mr. ANDREWS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. ANDREWS of Maine 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 and a concurrent resolution of the House of the following titles:

H.R. 3724. An act to designate the United States courthouse located in Bridgeport, CT, as the "Brien McMahon Federal Building";

H.R. 4568. An act making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes; and

H. Con. Res. 222. Authorizing the placement of a bust of Raoul Wallenberg in the Capitol.

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. 2739. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2739) "An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. FORD, Mr. EXON, Mr. DANFORTH, and Mr. PRESSLER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes; and

S.J. Res. 202. Joint resolution commemorating June 22, 1994, as the 50th anniversary of the Servicemen's Readjustment Act of 1944.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 Members on each side for 1-minute requests.

### INTRODUCTION OF THE GULF OF MAINE ACT OF 1994

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

Mr. ANDREWS of Maine. Mr. Speaker, today I am proud to introduce the Gulf of Maine Act of 1994, legislation that seeks to protect the future of this vital resource.

The Gulf of Maine is in trouble. We can see it in the crises facing Maine fishermen and women, with dwindling groundfish stocks, the contamination of sensitive wetlands, and the threat to a way of life for millions who depend on the Gulf of Maine for recreation and economic opportunities.

For too long our approach to saving this resource has been fragmented among various Federal agencies, States, provinces, businesses, and environmental and citizens groups who have a stake in its future. For too long the left hand of government has not

known what the right hand is doing in dealing with the challenge before us.

Groundfish stocks will not be restored by limiting access to fishing if pollution continues to contaminate coastal waters. The Gulf of Maine Act of 1994 will assure that this precious resource is viewed as a whole, and that actions to protect it are taken as a whole. It focuses on four key areas—marine research, fisheries management, economic development, and environmental management. Action in these areas will be coordinated by the Gulf of Maine Council made up of representatives of each of the Gulf of Maine States and Canadian Provinces, with the involvement of a full range of groups and individuals and interests with a stake in the future of the Gulf of Maine.

This legislation is the result of the vision and hard work of a number of concerned people. Chief among them is GEORGE MITCHELL, who will introduce this bill in the Senate.

Mr. Speaker, the Gulf of Maine has been a vital resource for millions and millions of people for generations. It is time to do what needs to be done to make sure it is a vital resource for future generations.

### THE MYTH OF SMALL BUSINESS SUPPORT FOR MANDATED HEALTH REFORM

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. MEYERS of Kansas. Mr. Speaker, whenever the issue of mandated health care and the concerns of small business are discussed, someone always claims that those businesses who currently provide health insurance for their employees would support such a mandate to level the playing field. This is a fallacy.

Small business owners are fiercely independent by nature. Those who currently provide health insurance are able to determine the coverage they can offer and at what cost. A government mandate removes all future control from the small business owner over the type of benefit he will offer to his employee, and how much he will pay. The Government will specify the terms and conditions of coverage. The Government will tell the entrepreneur that he must pay 80 percent of the premiums. The Government will create a huge new bureaucracy to collect the new payroll taxes and administer health care reform that is supposed to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reduce the cost of health care. If anyone listening right now thinks that getting the Government more involved in health care will save money, I would love to talk to you about some beach front property I own in Kansas.

Small business owners know that the basic benefits package will continually expand, as interest groups appeal to Congress to add more and more services. They know that health care costs and paperwork burdens will increase in a big Federal bureaucracy. They know that mandated health care will cause some businesses to fold, and possibly millions of jobs to be lost.

Small business owners, including those currently offering health care, still believe that the Government that governs best, governs least. Let us heed their wisdom and real world experience—oppose employer mandates in health care reform.

#### NO TIME FOR PARTISAN POLITICS ON HEALTH CARE REFORM LEGISLATION

(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, actions speak louder than words.

On health care reform, Republicans sound like they want to be part of the solution, but their actions—loudly and clearly—make them part of the problem.

While the Democrats are working to fashion a health care bill that will control costs and cover all Americans, the Republicans are trying to score political points by saying "no" to health care and "yes" to gridlock.

According to the New York Times, House Republicans, at the urging of their deputy leader, are trying to keep health care legislation from reaching the House floor in a form that could pass. With the goal of creating a health care train wreck, Republicans have been urged to vote against amendments that they actually support.

Unfortunately, instead of working for the best health care bill possible, many on the other side have placed politics over the best interest of the American people.

Mr. Speaker, it is time to put partisan politics aside and work honestly to deliver the health care reform that the American people want and deserve.

#### WORLD CUP HEALTH CARE

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

Ms. PRYCE of Ohio. Mr. Speaker, The United States beat Columbia in World Cup soccer yesterday. So, why can we not pass commonsense health care reform in this session of Congress?

We, in the House, could learn a few things from our American soccer team.

The Americans used teamwork to win. We need to drop the partisanship and work together for commonsense health care reform.

The Americans played tough defense, while moving forward on offense to score the two goals. We should be vigilant in defending our small businesses, and to protect the jobs of our workers as we move forward on health care reform.

Our soccer team, unlike the Colombians, did not shoot themselves in the foot by shooting into their own net. We should remember not to kill our small businesses by forcing a job-killing employer mandate on our private sector.

And most importantly, the American team never gave up in the face of long odds and limited expectations. I urge my colleagues to never give up in the effort to achieve commonsense health care reform.

[Mr. MAZZOLI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### COMMONSENSE HEALTH REFORM

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

Mr. KNOLLENBERG. Mr. Speaker, health care reform seems to be revolving around the Democratic Party's Big Brother-like mentality of more government-run systems. Being a proponent of individual accountability, I am particularly appalled by this reckless disregard for personal responsibility.

Specifically, President Clinton's proposal forces small businessmen to abdicate their right to design an employee benefits package that meets their employees' needs and makes good business sense. As a former small businessman, I find this very disturbing.

So who would fill this role? A new crop of State and Federal bureaucrats, equaling yet another unfunded Federal mandate for the States, a nightmare for employees and a bigger tax bill for American taxpayers.

These newly empowered State and Federal health care bureaucrats would be responsible for: Determining corporate and individual eligibility; setting subsidy amounts; formulating subsidy distribution; and even monitoring changes in eligibility status.

Mr. Speaker, it is quite clear to me that employer mandates are unacceptable. This explosive increase in State and Federal employees, and the lack of small business control over employee benefits design are not in the American public's best interest.

Let us make sure that health care reform today does not translate into big government tomorrow.

#### MEXICAN PIPE COMPANY STEALING AMERICAN JOBS

(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, Japan is teaching, teaching, and teaching, and Mexico is learning, learning, and learning.

Tamsa, a Mexican pipemaker, is stealing the pipe business in America. American companies say that this Mexican pipemaker is selling pipe so low it looks like a loss leader at a fire sale. That is called dumping below production costs, killing American jobs.

And what does Congress do? Congress sits here and rearranges the deck chairs on the biggest Titanic we have ever seen, called NAFTA. Free trade with Mexico? This isn't free trade; this is a joke. And the laugh all over the world, especially in Mexico, is on the United States Congress.

Mr. Speaker, I yield back the balance of this tragic comedy.

#### THE COST OF THE CLINTON HEALTH CARE PLAN TO SMALL BUSINESS

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

Mr. KIM. Mr. Speaker, I would like to note some of the things that small business owners are saying to me about the Clinton health care plan:

Mr. Chuck Keagle, who runs several small restaurants in my district, told me that "if the Clinton plan were enacted as it stands now, my problems as a small business owner would go away because we simply would not survive."

Barbara Price, owner of A-plus Mailing Systems, testified that "The plan is going to mean one of two things: we will be out of business, or we are going to severely reduce the number of employees."

These comments were not unique. In fact, I recently held a small business forum at which every small business owner told me that if the Clinton plan passes, they would have to either lay off employees or close entirely.

When you listen to this kind of testimony, which comes from real people running real businesses, it becomes extremely clear that the employer mandates in the Clinton plan pose a life-or-death threat to small businesses.

For this reason, I strongly urge my colleague to reject the Clinton administration's attempt to place a costly new burden on this Nation's small businesses, this ill-written employer mandate.

#### DENY GUNS TO SPOUSE ABUSERS

(Mr. TORRICELLI asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, while America focuses on the tragedy of family violence, all eyes are riveted on spousal abuse, there is something real and substantive that this Congress can do. Contained in the crime bill, in the Violence Against Women Act, is a provision that the gentlewoman from Colorado [Mrs. SCHROEDER] and I have offered, to put a barrier to those who abuse their spouses in getting access to handguns.

A history of spousal violence, a court order to stay away from a spouse that has been abused, that individual would be denied the ability to buy a handgun.

America can mourn, we can debate the issue. But this Congress can do something real and lasting if the conference committee now considering the crime bill will take this commonsense approach that we have offered.

#### COMMONSENSE HEALTH CARE

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

Mr. HUTCHINSON. Mr. Speaker, the chairman of the Senate Finance Committee predicted that if President Clinton wanted it, the Congress could pass a health care reform bill that would make insurance available to everyone within 10 years.

But it seems the administration does not want such reform. For the President, it is his way or the highway. And that is too bad.

The Clinton reform plan has many serious flaws. It has price controls which will diminish health care quality. It has employer mandates which will kill jobs. And it greatly enhances the presence of the Government in the health care delivery system which makes most Americans very nervous.

I urge the President to support commonsense health care reform. If Congress can agree on a plan that would extend coverage to millions of Americans now unprotected and contain costs, that bill should be signed.

Let us fix the problems that plague our current system, without resorting to job killing employer mandates or a huge Government bureaucracy. And let us do it now.

#### GUNS SHOULD BE DENIED TO PEOPLE WITH FAMILY VIOLENCE CONVICTIONS

(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, I join with the gentleman from New Jersey [Mr. TORRICELLI] in pleading with the conferees on the crime bill to please keep in our provision vis-a-vis

denying guns to people who have a long, long list of family violence convictions. Many States do not call these criminal, and so therefore it does not fall under the Brady bill. But if we have not seen the deadly, deadly outcome of so many family disputes this week, we will never see it.

We are asking Members of Congress to collect names of people who have been killed in family violence just in recent times in their area and start putting those in the RECORD. It is time this country finally brings this issue out into the sunshine and work to do something about it. We can in the crime bill, we must in the crime bill. And when we are seeing over 1,500 women a year killed, it is time that this stopped.

#### WHEN IS IT WARRANTED TO TREAT JUVENILES LIKE ADULTS

(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, I wish to advise my colleagues about a case in Warwick, RI, where a convicted murderer is soon scheduled to be released from prison this coming October because he will then be 21 years old.

He was convicted of killing four females, was sentenced as a juvenile, and therefore will be released because of the way the law is written.

Upon his release from the juvenile detention center, his entire record will be expunged. Yes, you heard me correctly. Craig Price will have no criminal record at all. Not only does this add insult to injury, it makes a total mockery of our criminal justice system.

I cannot begin to imagine how shattered the families of these victims must be, knowing this killer, who robbed them of their loved ones, is due to be released after serving only 4 years for his crimes.

What is even more galling is that it has been widely reported by the press that Craig Price has shown absolutely no remorse for these brutal crimes.

It is imperative that the final crime bill that the House and Senate are currently trying to reconcile should contain a provision authorizing the prosecution of armed, violent, juveniles as adults.

An even more compelling reason to charge juveniles as adults is that the FBI is reporting a nearly fourfold increase in the murder arrest rate of people under 17 from 1965 to 1992.

□ 1020

#### A CALL FOR BIPARTISAN SUPPORT FOR HEALTH CARE REFORM

(Mr. DURBIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, in the 1930's, the chairman of the Republican National Party went on a national radio network and before the microphone he started jingling a set of metal dog tags. And he said, "Ladies and gentlemen of America, what you hear are the dog tags that every American will have to wear if we pass Social Security."

He argued then that if Social Security were enacted, it would be a step toward socialism that would take away the personal freedoms of America. We do not hear that Social Security argument today from either side of the aisle. But we do hear the same slogans about big brother and big government and socialism, when it comes to the health care reform to date.

In the history of our country, there have been Members in this body who have risen above party discipline and above cynical slogans to respond to our national needs. In the weeks ahead, the Nation can only hope that some Republican Members will defy their party's marching orders to sabotage health care reform and join in to find a truly bipartisan solution to our Nation's health care problem.

The Republican National Committee is determined to defeat President Clinton's efforts to solve our health care crisis. But can anyone truly believe that the American people are more interested in political gridlock than in progress? American families across this Nation are looking for guaranteed private insurance coverage that can never be taken away. There has to be a bipartisan solution. We need Members on both sides to work together to make it happen.

#### FOREST SERVICE TIMBER SALES PROGRAM IS VITAL TO U.S. ECONOMY

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

Mr. ROTH. Mr. Speaker, I am asking Congress to continue at the present level the Forest Service timber sales program. We must remember that our actions have a tremendous impact not only on loggers, and people in the industry, but also on every American.

In 1995, the Nicolet National Forest may face a 25-percent reduction in board feet offered for sale.

These reductions profoundly affect the economy of the entire United States. The price of lumber has more than doubled in just over a year. The cost of the average home has been driven up an additional \$4,000.

The timber sales program is also vital to forest management. Thinning of our national forests is essential to pest control, to wildlife habitat, and to prevent forest wildfire.

The timber sales program is good for the economy and for forest management. I ask Congress to consider these facts in its deliberations, and I ask Congress to continue the timber sales program at its present level.

#### SUPPORT URGED FOR THE REEMPLOYMENT ACT

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

Ms. DELAURO. Mr. Speaker, the Reemployment Act is all about building a reemployment system that meets the needs of workers and businesses in the 1990's and beyond. The more than 2 million workers who will be dislocated this year and in the years to come need the assistance that this new system would bring.

At the heart of the Reemployment Act is an effort to improve our current unemployment offices which all too often offer little in the way of employment or services. The REA would put in their place one-stop career centers that would bring real help to workers struggling to find good jobs in a rapidly changing economy.

These career centers would offer immediate access to all of the programs available to workers looking for a new, or better job. Workers would be paired with career counselors who would work with them, guide them to the best programs, and commit themselves to seeing that workers succeed in finding that new and better job.

Mr. Speaker, we need to pass the Reemployment Act this year and get one-stop centers up and running in each of our communities. We need to work to put on the President's desk legislation that would put in the hands of all workers the information and assistance they need to make the jobs connections in the 1990's and beyond.

#### CONGRESSIONAL REFORM

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

Mr. ALLARD. Mr. Speaker, I rise today to address a source of frustration to me and others who served on the Joint Committee on the Organization of Congress: The lack of commitment by the leadership to true congressional reform.

I have here the only tangible product set forth by the committee, "A Guide to Training Programs for Congressional Staffers."

Mr. Speaker, I ask, where is the full report of the committee? Has the last year of work come to this one pamphlet? While the intentions may have been good, we cannot call this reform.

The leadership has not kept their commitment. After an understanding

with the leadership, we were led to believe that they would act upon the recommendations early in the year. Now, the session is almost over and where is the full report? Why is the leadership so reluctant to send it to the floor?

It is time we take these reforms seriously. Not only does this institution need these reforms, the American people deserve them. They are tired of seeing Congress elevate itself above everyone else in the country.

This is not a partisan issue; Members on both sides of the aisle want congressional reform. I believe if we bring this matter to the floor, the Members in this body will respond.

Again I ask the leadership, where is the commitment to reform we were all led to believe? Now is the time for congressional reform.

#### HEALTH CARE REFORM

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

Mr. OLVER. Mr. Speaker, many politicians present themselves as champions of change when, in reality, they are best friends of the status quo. A favorite trick for some of them is to sound like reformers while really playing politics as usual by preying upon people's fears.

When Social Security was proposed over half a century ago, Republicans tried to scare the American people out of supporting it. When Medicare was proposed in the 1960's they did the same. Last year, when we passed President Clinton's economic plan, the Republicans predicted doom and not a single Republican voted "yes." But one indicator after another shows an economy on the rebound. Almost 2½ million more jobs have been created since Bill Clinton became President than in the whole 4 years under President Bush.

Now the Republicans are at it again, Mr. Speaker. They put politics above people when they try to scare people out of making change. They would rather win partisan advantage than pass a bill that gives all Americans health care that can never be taken away. Mr. Speaker, I hope we will not give in to the fearmongers. Let us give American families the peace of mind they deserve by providing health care that's always there.

#### CONGRATULATIONS TO THE HOUSTON ROCKETS

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

Mr. FIELDS of Texas. Mr. Speaker, I am enormously proud to announce, for anyone who may have missed the news, that the Houston Rockets last night won their first ever NBA champion-

ship, defeating the New York Knicks in game seven of the basketball finals. This was a great season, a great series, and a great victory for the Houston Rockets. I want to congratulate Coach Rudy Tomjanovich, series MVP Hakeem Olajuwon, who also won regular season MVP honors and was the defensive player of the year, the first time anyone has done that. I want to congratulate the entire Rockets squad and each and every Houstonian who cheered on the Rockets, even when it looked like victory was slipping away in the seven-game series.

The Rockets showed their strength, their determination and poise throughout the series, but particularly when they came back from being down 3 to 2, not only against the Knicks but also against the Phoenix Suns, to win the final two games of both series.

Finally, let me say that Houston has many nicknames. We are called the Bayou City. We are called Space City. Now we take pride in being known as Clutch City. We thank our Houston Rockets, the coaches, the players, and the fans alike, for the new nickname.

We like our new nickname, Mr. Speaker. We like the fact that Houston is now the home of the NBA champions, and we plan to repeat next year.

#### COMMEMORATING THE HOUSTON ROCKETS VICTORY

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

Mr. GENE GREEN of Texas. Mr. Speaker, today the city of Houston and our Nation is celebrating the accomplishments of the Houston Rockets who have for the first time brought a national championship to Houston. The city of Houston has a great deal to be proud of including its position in world trade with the Port of Houston and its status as a world class city in energy, medicine, higher education, and space exploration.

Today we have one more reason for pride in our city because of the Houston Rockets. Just like the city of Houston, the Rockets have struggled in the past but always maintained their composure. The Houston Rockets serve as a shining example of a diverse group of people coming together and combining their talents to produce tremendous results. This Congress and this Nation can learn a great lesson in patience, perseverance, and professionalism from the Rockets and as we take time out from the constant deliberations of Federal spending, crime, and health care we are reminded that excellence and perfection are achievable through personal motivation and a commitment to succeed through teamwork.

□ 1030

**EMPLOYER MANDATE "TRIGGERS"**

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

Mr. GRAMS. Mr. Speaker, the President's health care reform scheme and its single-payer cousin are foundering on the rocks of intense public scrutiny. That is good news for America.

The bad news is that big government types in Congress are trying to throw a buy-now-pay-later life preserver to the plan in the form of a delayed mandate, commonly known as a trigger.

When will the Democrats in Congress and the White House realize that Americans are wise to their wily buy-now-pay-later ways? Deficit spending, for example, saddles future Americans with debt, but it makes politicians look good today. Similarly, imposing an employer mandate via a trigger kills jobs when it goes into effect down the road, but makes politicians look good today.

Study after study shows that an employer mandate will force between 600,000 and 3.8 million Americans out of work. With increased unemployment on the horizon it is no wonder the Democrat leadership and the White House are trying to delay implementing an employer mandate.

I always thought Trigger was Roy Rogers' horse. Now it means employer mandate. Now, it means job killing employer mandate. Now it means buy-now-pay-later job killing employer mandate.

If the Democrat leadership and the White House think that a trigger is the life preserver that will save Government-run health care, they are wrong. It is a lead weight that is going to sink that monstrosity.

**REEMPLOYMENT ACT—ONE-STOP CAREER CENTERS**

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

Mr. HOYER. Mr. Speaker, I rise today in support of the President's Reemployment Act and the one-stop career centers which are a critical provision.

These centers will provide all Americans—not just the unemployed—with an incredible amount of information on labor markets, training programs, job counseling, and job benefits.

In addition to providing benefits to a larger group of Americans, one-stop career centers will eliminate much of the bureaucracy which often saps the energy and drive of people looking for work. Under current programs, too many people spend their time moving from agency to agency, line to line.

One-stop centers simplify this process, so workers expend their energy

using these programs instead of applying for them.

These centers are a simple idea which will hot-wire Americans into job markets and training opportunities. Let us keep Americans working: Support the Reemployment Act and its one-stop career centers.

**THE NAYSAYERS WILL BE PROVEN WRONG AGAIN**

(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, what do Social Security, Medicare, minimum wage, the 1993 Budget Act, all have in common, spanning from 1935 to 1993? What they have in common, Mr. Speaker, is that the naysayers all stood on this floor and predicted dire economic gloom and doom, particularly saying that each was going to kill jobs in this country.

Yet, 30 years later, everyone lines up to support Social Security. Thirty years later, Medicare is a tenet of faith. Several years later, people acknowledge that the minimum wage increase did not kill jobs; and even though it will not be acknowledged right now by the naysayers, the studies are already coming back that show the Budget Act that passed here did not kill jobs, it created them, in fact, at a rate four times greater than the Bush administration in under 4 years.

What all that has in common is that they said all these things about some very important institutions of American Government and American society. Thirty years later, they always support them. We do not have 30 years to wait for health care. It needs to get done this year.

**A TAX BY ANY OTHER NAME**

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

Mr. SMITH of Texas. Mr. Speaker, to paraphrase Shakespeare, "A tax by any other name would cost as much."

Call them what you will—mandates, caps, triggers, they will still act like what they are: taxes. And they will cost America just as they always have in lost jobs, in increased costs, in foregone raises, in lost wages, in lost opportunities.

To get the right answers you have to ask the right question, the basic question such as, who pays? Regardless of how the administration tries to disguise it, the answer is: Everyone who works, everyone who aspires to work, and everyone who has had to work.

The something-for-nothing promise of Mr. Clinton and the liberal Democrats always degenerates into nothing-for-something for America.

As my friends will recall, Trigger was what Roy Rogers rode into the sunset. President Clinton appears saddled and ready to do the same. Of course, Mr. Rogers also now owns a fast-food restaurant chain, so perhaps the President is thinking ahead.

**ILLEGITIMACY: AN UNPRECEDENTED CATASTROPHE**

(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, Illegitimacy: An Unprecedented Catastrophe.

"Illegitimacy—An Unprecedented Catastrophe." That was the headline of a column in yesterday's Washington Post written by David Broder. In the article Mr. Broder includes some interesting statistics. From 1940 to 1956, the national rate of illegitimacy stayed flat at about 4 percent. Starting in 1956, it went up, and since 1970 every year it has been worse than the year before.

Currently the national rate of illegitimacy is 30 percent, and is figured to be at least 50 percent by the turn of the century. In some parts of America, it is already exceeding 70 percent. This is catastrophic, according to Mr. Broder and to Senator MOYNIHAN, who has studied demographics for a long time.

There is even a new term called speculation, which describes the impending creation of a different breed of human being, one born and raised outside the mother-father relationship.

Illegitimacy is catastrophic as to cost, Mr. Speaker, catastrophic as to human cost and financial cost. While the welfare reform bill has some pregnancy prevention measures in it, and they would be welcome, until this Nation returns to values, to commonly shared values, commonly shared principles, I think we will continue to have a deepening, not a lessening, of this national catastrophe.

**HOUR OF MEETING ON TOMORROW**

Mr. WISE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. VISCLOSKEY). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

**DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1995**

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4602) making appropriations for the Department

of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

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

The motion was agreed to.

□ 1037

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. 4602, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 22, 1994, the amendment offered by the gentleman from Illinois [Mr. CRANE] had been disposed of, and title II was open for amendment at any point.

Are there further amendments to title II?

AMENDMENT OFFERED BY MR. BACHUS OF ALABAMA

Mr. BACHUS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACHUS of Alabama: Page 76, line 25, strike "\$141,950,000" and insert "\$49,293,100".

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes in support of his amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. Mr. Chairman, without losing my time and place, I would like the opportunity to discuss my amendment first, but I will enter into a discussion with the gentleman from Illinois [Mr. YATES] if I do not lose my time.

Mr. YATES. All I propose to do is fix a time limit, which I had understood the gentleman agreed to.

The CHAIRMAN. The Chair will protect the gentleman on his time.

Mr. BACHUS of Alabama. Mr. Chairman, I believe the arrangement with the gentleman from Illinois [Mr. YATES] is for 15 minutes on each side.

I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would say to the gentleman, that is correct. Is that satisfactory to the gentleman from Alabama?

Mr. BACHUS of Alabama. It is very satisfactory, Mr. Chairman.

Mr. YATES. With the gentleman controlling time on his side, and I on mine.

Mr. Chairman, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from Illinois that the debate on this amendment and all amendments thereto be limited to 30 minutes, 15 minutes on each side?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] is recognized for 15 minutes.

Mr. BACHUS of Alabama. Mr. Chairman, my amendment strikes \$91 million from the appropriation for the National Endowment for the Arts.

□ 1040

That is the amount awarded in the program grants and administrative cost. It reserves \$8 million in administrative cost. It preserves those funds awarded to the States to be disbursed at their discretion. It also reserves all matching funds. Currently our States are given only 23½ percent of the total amount that we appropriate for the NEA. I do support the arts, but I am finding it increasingly obvious that Jane Alexander's staff at the NEA is having real problems with these individual grants. I think the discussion yesterday about what happened in Minneapolis is evidence of that. I think every time the NEA appropriation comes up, there is a long list of very offensive projects that the NEA has funded. If we look at those projects, almost in their entirety they are projects of individual grants or program grants. On the other hand when we have awarded money to the States or given matching grants, matching funds, we seem to have no problem with that.

I think that is evidence, Mr. Chairman, that the States are in a much better position to distribute this money as opposed to some committee or panel over at the NEA.

Mr. Chairman, I also say that because to me it is outrageous that the administrative expenses at the NEA are \$25 million. This House appropriates \$171 million in program grants, both State programs and program grants. Yet it costs \$25 million here in Washington to distribute that money. As opposed to that, I think that the States can make a much better decision on where that money is needed.

Yesterday we had a long discussion on the floor of this House about the merits and the benefits of the National Endowment for the Arts programs. Time and time again speakers came to the well of this House and they talked about a project in my home State. It was a Shakespeare Festival. In fact, the gentleman from Ohio in my party discussed a letter from a young gentleman who said that without this appropriation to the Shakespeare Festival in Montgomery, AL, he would never have an appreciation of Shakespeare, he would have never had an opportunity to hear a Shakespeare program. Mr. Chairman, in all respect for that statement, I think it is very condescending to the people of Alabama and it claims tremendous credit for a very small contribution.

I will say to the Members in all candor that I have a letter from the

Shakespeare Festival saying to me, support this over \$200 million appropriation to the National Endowment for the Arts, because we get some of this money. I requested from the National Endowment for the Arts a list of the appropriation.

Mr. DICKS. Mr. Chairman, will the gentleman yield just for a moment?

Mr. BACHUS of Alabama. Without losing my time and place. Let me say this. I would like to give an organized discussion. At the end of that, I would be glad to engage the gentleman in a discussion. Let me say this, then I will invite the gentleman's comment about this.

Mr. DICKS. Just on a fact.

Mr. BACHUS of Alabama. Let me tell the gentleman what a fact is. A fact is that all this talk about the Shakespeare Festival, last year they received \$14,100 in a grant. We are talking about a multimillion-dollar budget for the Shakespeare Festival. Yet people stood in this very House and said without this appropriation, without these program grants, that this Shakespeare Festival would close and lock its doors. We are talking about a multimillion-dollar project. We are talking about many corporations in Alabama that support this project with greater grants. We are talking about a minuscule amount. Not that it is not appreciated, but what I am saying to the gentleman is let us give that money to the State, let them appropriate money, which they do out of their share. We get \$5,000 for the opera in Mobile. We get \$10,000 for the children's theater. Those are good projects. But there is no need for us to appropriate for what I am talking about, the program grants.

Mr. Chairman, with that, without yielding my time and place, I yield to the gentleman from Washington. I just yield for one fact.

The CHAIRMAN. The Chair will state to the gentleman that if the gentleman yields, he yields his time.

Mr. BACHUS of Alabama. Mr. Chairman, I reserve my time.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Washington.

Mr. DICKS. I just wanted to point out to the gentleman, that the budget for the National Endowment for the Arts is not over \$200 million. It is \$171 million. That is the only point I wanted to make. I would just say to the gentleman, that oftentimes an NEA grant serves as the Good Housekeeping Seal of Approval. When people see that the panel review and the NEA has approved a grant, then the private sector will come in and contribute money to it because they know that this is a quality production. So this does have a point.

Mr. Chairman, I would like to see the gentleman's Shakespeare Festival get more money for support of its festival.

But it is not going to happen if we cut \$91 million out of this budget. What we are going to do is totally destroy a good quality program. In 1979, the budget for the National Endowment for the Arts was \$146 million. This is not a budget that is growing.

Mr. YATES. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the Bachus amendment is the Crane amendment in another form and for half that amount. If the Bachus amendment is accepted by the House, it proposes to reduce the NEA budget by 53 percent. That is what the effect of the \$92.6 million would be. Obviously that would be an almost impossible reduction for the NEA to cope with.

With respect to the gentleman's assertion that more money should go to the States, that that is where the action is on the local level, the authorizing committee which authorized the extension of the National Endowments for the Arts and the Humanities recognized a part of the justice of the gentleman's position by allocating a change in the amount going to the States, from 25 percent to 35 percent. So that the States now get a third of all the moneys, slightly more than a third of the moneys that go to the National Endowment for the Arts.

Mr. Chairman, with respect to the gentleman's arguments about the Shakespeare Festival, let me read from the testimony before our committee of a fellow Alabamian, the respected former Postmaster of the United States, Red Blount, of Alabama, in which he said, on page 1205 of our hearings for fiscal year 1993:

Funding from the National Endowment for the Arts program serves as a symbol of quality and an important endorsement of the Alabama Shakespeare Festival's other funding sources. NEA support also plays a crucial role in enabling the Alabama Shakespeare Festival to move in new directions to better serve the people in our arts in our region. An NEA investment of \$36,000, only one-half of 1 percent of our budget, in the Alabama Shakespeare Festival this year is helping to create new southern artistry, provide professional theater for hundreds of thousands, generate \$10 million in tourism, and educate 50,000 students a year. Where else do so few Federal dollars have such a large multiplier effect and enormous ultimate value? Any businessman would be happy with a fraction of such returns on their investment.

I, therefore, trust that you will continue to invest precious Federal resources where such a high and valuable return is achieved.

□ 1050

The Bachus amendment would eliminate all support for the National Endowment for the Arts to the arts organizations throughout the Nation.

Finally, Mr. Chairman, the executive director of the National Assembly of state Arts Agencies, which represents all State arts agencies in the country, opposes the Bachus amendment. The executive director, Jonathan Katz,

wrote, "The States' arts agencies want a strong and effective partner at the Federal level. The Bachus amendment would destroy that relationship."

I urge the defeat of the amendment.

Mr. BACHUS of Alabama. Mr. Chairman, I yield myself 1 minute to respond to the comments of the gentleman from Illinois.

Mr. Chairman, Members of the House, I think what the gentleman from Illinois said is a very succinct argument, and that is that the Shakespeare Festival has written and said that this is one-half of 1 percent of our budget, but it means so much to us. It attracts corporate donors.

I can tell you three of those major corporate donors have also stated that it makes absolutely no difference to them whether or not the NEA puts some stamp of endorsement on it or not.

Also, I would say this: The former Postmaster, who I have great respect for, has also written me and urged me on several occasions to balance the budget. He very much believes that this deficit spending is putting obligations on our children and our grandchildren, and I would hope that the gentleman from Illinois would agree with me that when we have deficit financing and deficits that this is an extravagance we cannot afford.

Mr. Chairman, I yield 4½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama [Mr. BACHUS]. Let me pick up where I left off yesterday. First the private sector supports the arts to the tune of \$9 billion, so this \$171 million is a drop in the bucket by comparison. Second, the vast majority of grant requests are turned down, including the Shakespeare Theatre in my district. The point is, this money is given out to self-proclaimed artists who should be able to compete in the marketplace.

All the money has dried up for my high school art programs, so I have not, in the last year, been able to run an art contest in my district to have a picture hung proudly in the tunnel leading to the Cannon Building.

But look where we do find allocations of our tax dollars. Porno jerk, jerk, porno jerk Tim Miller got almost \$15,000. Holly Hughes, porno female jerk, she got \$9,375. Kitchen Theater, porno scum, \$20,000; Frameline, porno slime, got almost \$20,000; Marlin Riggs, \$50,000, used the taxpayers' money from both the NEA and public broadcasting, our tax dollars, to produce the pornographic, profanity-filled, prohomosexual documentary titled, "Tongues Untied," absolute gutter garbage.

The Walker Art Center: Now, the gentleman from Minnesota [Mr. SABO], got up and defended the Walker Art Center and said, "Leave it alone."

Let me put it in context. The gentleman from California [Mr. Cox] grew up in Minneapolis. He explained to me that the Walker is the Dorothy Chandler Pavilion of Minnesota. It is the John F. Kennedy Center in Minneapolis. At that beautiful Walker Art Center is where Karen jerk scum Finley first came to national attention; Ron Athey recently sliced designs into the flesh of another man's back and soaked the blood up with paper towels. One of my distinguished colleagues said, "Well, there was not much blood, and it was only blotted up, and it went over the audience's head, but they did not drip on the audience," and the people who fled we are told, knew they were going to see this mutilation performance. I have seen attendees, moving images, sight, sound, motion, color, saying they did not know they were going to be subjected to this insanity.

The Walker Art Center got \$210,800 of our tax dollars. Franklin Furnace Archive in New York, where Karen Finley, Holly Hughes, Tim Miller, and all the others have been using our tax money, they got \$33,000.

This thing goes on and on and on.

Highway, Inc., in Santa Monica, they got \$44,980. This is where Tim Miller, jerk develops his homosexual "shock" material and serves on their board of directors.

Then there is the Centro Cultural de la Raza, which gave away taxpayers' \$10 crisp new bills and gave them to illegal immigrants.

And then Cavah Zahedi got \$20,000 for a narrative film on the vagaries of sexual obsession. It goes on and on and on and on.

NEA's Jane Alexander has said we must gently introduce our Nation to homosexuality. I went to her introductory luncheon. She impressed me. I thought she was going to stop this nonsense, and here is what she says in response to an angry Senator, Democrat ROBERT BYRD, and an angry Senator, Republican DON NICKLES, with respect to the Athey performance: "His work is a study exploring modern-day martyrdom." This is Jane Alexander's moment to retract her confirmation conversion.

#### POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YATES. Mr. Chairman, my point of order is the gentleman is not allowed to refer to the Senators by name.

The CHAIRMAN. The gentleman may proceed in order, but he should be aware to avoid characterization of members of the other body.

#### PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DORNAN. It was a respectful reference, and I went on for a year referring to it as the other body. Somebody informed me, it must be 2 years ago, that now we were allowed to call it the U.S. Senate.

The CHAIRMAN. That is correct, But referring to individual Members of the other body—

Mr. DORNAN. I just wanted to indicate respectfully it was a bipartisan anger with the very distinguished head of the Appropriations Committee, Mr. BYRD.

The CHAIRMAN. The gentleman may proceed in order.

The gentleman has an additional 30 seconds.

Mr. DORNAN. With respect to the Athey performance itself, still quoting Jane Alexander, this excellent actress, "His work is a study exploring modern-day martyrdom as it relates to AIDS." So Athey cuts up the back of this person. Athey, of course, is HIV positive, and we will read in a little blip one day, "Great artiste, Ron Athey, dies of AIDS."

The whole thing, Mr. Chairman, is nuts.

I am voting for this amendment. We will cut 5 percent with the amendment offered by the gentleman from Florida [Mr. STEARNS]. Most people here are terrified of the homosexual lobby, but some of us are not.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, would the gentleman, on my time, respond to a question? You mentioned that there are billions in private contributions, and I think that is great.

Mr. DORNAN. Will the gentleman yield?

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

Mr. DORNAN. Look at the last price of a Van Gogh painting.

Mr. REGULA. Yes. Those are all tax deductible, which, in effect, means the Government is subsidizing them in the form of tax deductions, and with \$2 billion, it would be about a \$600 million subsidy in the form of a tax deduction. Do you favor continuing tax deductions for contributions to our arts, cultural things similar to what NEA funds?

Mr. DORNAN. If the gentleman will yield further, absolutely, and that is how we should stimulate the Medicis of modern America, the patrons of the arts. I love the arts, and I voted for this for 10 years. That is the way to go.

Mr. REGULA. I thank the gentleman.

Just a couple of comments, because it was mentioned about the Shakespeare Arts Festival, which I discussed yesterday.

What I said yesterday was to quote the people from Alabama. It was not my statement at all. It was what people from there said during our hearing.

And I would quote again from that hearing, and I might say we had sev-

eral witnesses from the Shakespeare Festival, and they point out, and I quote Mr. Thompson, the artistic director of the Shakespeare Festival, who said, "This grant from the National Endowment is vitally important to our theater, because we are the only major performing arts institution in Alabama. In short, the NEA helps us leverage \$2.8 million in additional gifts and grants." And I think that is great. "Also here today in support of the NEA are two Members of the community we serve, Effie Cannon, a secondary-school teacher, and Clint Gullatte," who was a student.

□ 1100

Basically, what they said is that the grant was used to, in some instances, help students get there by giving a reduced price on the ticket. So there is no allegation that this was the key funding mechanism.

I think it is wonderful that the people down there support this theater in such a strong way.

Mr. BACHUS of Alabama. Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Alabama [Mr. BACHUS].

Mr. Chairman, let us focus on what the NEA really does: All over America, local artists and local arts groups rely on the National Endowment for the Arts for essential support. These groups are doing tremendous work, but they are struggling for survival.

No one has ever questioned the work of hundreds of groups around the Nation. They have enriched our community and the quality of life.

Let me tell you some of the things the NEA does in my district: Support for the Westchester Council for the Arts; support for the Hudson River Museum in Yonkers; support for the Emelin Theatre for the Performing Arts in Mamaroneck, and fellowship support for artists in Bronxville and City Island.

But this amendment could put many of them out of business. It will shut down deserving arts organizations all over this Nation, and it will do real damage to the cultural vitality of our Nation.

But that is not all. Abolishing the NEA would do damage to our local schools who rely on the endowment to expand arts education in difficult financial times. It would take funds out of our schools and away from our children, at a time when the NEA is developing innovative programs to reach and educate at-risk youth. The APPLE Corps Program, for example, is an innovative partnership of artists and law enforcement officials who understand

that participation in the arts provides young people an opportunity to build self-confidence and self-esteem, and strengthens their resolve against drugs. This amendment would cripple programs like APPLE.

And finally, this amendment would also undermine the economy of many areas of this country.

Last year the Port Authority of New York and New Jersey released a study on the economic impact of arts activities on the New York economy. The findings were dramatic, and cannot be ignored: While the economy of the New York metropolitan region has suffered, one sector of the regional economy has grown—the arts; indeed, the arts directly employ over 40,000 people, and pump at least \$9.8 billion a year into the economy of the New York area.

An amendment to cut the NEA is an amendment to undermine an important growth area in our economy. The arts are a lifeline not just for the creativity of many New Yorkers, but also a lifeline for the economy of our region.

Mr. Chairman, an amendment that will harm our Nation's schools, damage our cultural heritage, and damage local economies, at the same time, does not deserve the support of this House. I urge a "no" vote.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding this time to me, and I would just like to say that on this question of the controversial grant, anyone who knows anything about the granting process understands there is going to be some controversy. What is remarkable to me is that over the years since 1965, when the Endowment was created, over 100,000 grants have been awarded, and frankly only about 25 to 30 have been controversial.

Let me also point out this fact about the situation in Minnesota. The money is granted to the museum. They have 110 separate performances of which one is controversial. However, they did not tell the Endowment for the Arts what those 110 performances were going to be. That is a decision they make during that year.

The grant actually occurred in March of that year, and it was a year later that this performance actually occurred. So I do not think you should blame the Endowment if you have any questions about it. I think this institution has a reputation for excellence, unquestioned excellence, and so the Endowment was perfectly legitimate in making a grant to them.

Let me just read from the statement of Jane Alexander, chairman of the National Endowment for the Arts, about some of the specific things where young people have been helped by the Endowment.

She says:

I've seen young Native American children in Tucson learning the history of their own

culture from native storytellers in a public school. In Chicago, I saw a young African-American child, no older than eight playing the violin at the People's School, one of our grantees. He was not a virtuoso yet, but he was determined. In the inner city of Detroit, one of our artists-in-residence organized the Mosaic Youth Theatre and performed a Midsummer's Night Dream for us. In Birmingham's Space One Eleven young people were making Wedgewood-type bricks. In Colorado, I saw how the arts are helping at-risk children on the road to self-discovery through dance. In communities across the country, the arts are part of the lifelong learning process so vital to our health as a society.

Mr. Chairman, I would say to the gentleman that we have over the years restrained the funding for the Endowment. It used to be \$149 million in 1979. This is not a program that is growing out of control. This is a program that has been under great restraint.

The purchasing power, from 1979 to the present, actually has been reduced by 46 percent. The State art organizations oppose the gentleman's amendment. They understand the importance of the National Endowment for the Arts.

In our State of Washington, my home area, art institution after art institution has been strengthened over the years because of challenge grants and matching grants that have been funded by the Endowment for the Arts.

In Washington State, arts have grown dramatically because of this.

So, I say to the gentleman this is a positive program. I would urge the gentleman to withdraw his amendment.

Mr. BACHUS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

I would like to say to the House that if the gentleman from Washington [Mr. DICKS] had read my amendment, he would be aware that it does not address matching grants. But I appreciate the wonderful words that he said about them.

With my amendment in place, that wonderful program would go forward without any reduction.

I would also like to say to the gentleman that—which he brings up again—the performance in Minnesota, using that as a positive, saying that the NEA has absolutely no culpability in this, let me state to you what the art critic for the Minneapolis Star-Tribune said about the performance and about NEA:

The Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or ritual, "ritual scarification" and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

That is the Minneapolis, Minnesota, Star-Tribune. "The NEA must defend its position to endorse that program."

I also point out to the gentleman from Washington and to the body as a whole that on November 10, 1993, I in-

roduced legislation in this body with 25 cosponsors, which would address, I think, the concerns that you have expressed and I have expressed, which simply reads as follows—and this would be a very positive step, and I would like your support in the future. It says,

None of the funds received by the Endowment or by any State agency to provide financial assistance for a program production workshop can depict or describe in a patently offensive way sexual or excretory activities or organs or religion or religious symbol.

Let us get these offensive words out. The Supreme Court actually has interpreted "displaying in a patently offensive way," and I think it is time for this body to vote on this legislation and to end it, even if it is 100 projects. These are taxpayer funded.

□ 1110

Mr. Chairman, let me point out very quickly that the Founders of our country considered whether to fund the arts or ask the taxpayers to do that, and they almost unanimously rejected that. These were the Framers of the Constitution. They realized—and it was true—that private funding of the arts was sufficient, and in fact the arts flourished, as did public education, all through the past century. And we are talking about less than 1 percent.

The claims of what the NEA does are to me totally outlandish. One would think that the whole economy of this country depended on it. I will say this: In truth, New York City does receive about \$40 million in funding, so perhaps with the exception of New York City, I do not think that statement is true.

Finally, I would say this in conclusion: City Stages, Birmingham, AL, last weekend, 264,000 people attended an art festival there. There was not NEA funding, in fact. There was a private funding. It was the largest of its kind in the State.

Mr. Chairman, I would urge that my amendment be adopted.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired, and the gentleman from Illinois [Mr. YATES] has 2 minutes remaining.

Mr. YATES. Mr. Chairman, I yield myself 2 minutes, the balance of my time.

Mr. Chairman, in closing, just let me say that the gentleman from Illinois [Mr. CRANE] is interested in killing the appropriation for the National Endowment for the Arts. The gentleman from Alabama [Mr. BAUCHUS] is interested in killing the appropriation for the National Endowment for the Arts. He voted with Mr. CRANE yesterday in support of Mr. CRANE's amendment. This is the Crane amendment in lesser form.

Under this amendment the gentleman from Alabama proposes to take 53 percent of the appropriations away from the National Endowment for the Arts and give it to the States, in effect killing it again.

I do not think the House is going to accept the Bachus amendment, nor should it accept that amendment.

With respect to the comments of the gentleman from California—and I am sorry the gentleman is not on the floor at the present time—and the comments made by the gentleman from Alabama about the Minneapolis Tribune's critic, let me say that if she is the one who wrote the article that first appeared that was the basis of the protest by two Members of another body to which he referred and the gentleman from California referred, there is an editorial in today's Sun-Times to indicate the person who wrote that article did not even see the performance, that her article was written without benefit of actually seeing what the performance was like. Nevertheless, whoever wrote that said that the audience was horrified and many fled, knocking down chairs to get from underneath the clothes lines. That was obviously untrue. We discussed that yesterday.

Mr. Chairman, I urge the defeat of the Bachus amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. BACHUS of Alabama. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 297, not voting 10, as follows:

[Roll No. 265]

AYES—132

Allard	Fawell	Linder
Archer	Fields (TX)	Livingston
Army	Gallely	Lucas
Bachus (AL)	Gekas	Manzullo
Baker (CA)	Geren	McCandless
Baker (LA)	Gilchrest	McCollum
Ballenger	Gillmor	McCrery
Barcia	Gingrich	McHugh
Barrett (NE)	Goodlatte	McKeon
Bartlett	Gooding	Mica
Barton	Grams	Miller (FL)
Bereuter	Greenwood	Molinaro
Bilirakis	Hall (TX)	Moorhead
Boehner	Hancock	Myers
Bonilla	Hansen	Nussle
Brown (OH)	Hastert	Orton
Bunning	Hayes	Oxley
Burton	Hefley	Parker
Buyer	Heger	Paxon
Callahan	Holden	Petri
Calvert	Hunter	Pombo
Canady	Hutchinson	Porter
Coble	Hutto	Portman
Collins (GA)	Hyde	Pryce (OH)
Combust	Inglis	Quillen
Condit	Inhofe	Quinn
Cox	Istook	Roberts
Crane	Johnson, Sam	Rohrabacher
Cunningham	Kasich	Ros-Lehtinen
DeLay	Kim	Roth
Diaz-Balart	King	Royce
Dickey	Kingston	Sarpalus
Doolittle	Knollenberg	Schaefer
Dornan	Kyl	Sensenbrenner
Dreier	Laughlin	Shepherd
Duncan	Levy	Shuster
Emerson	Lewis (FL)	Skelton
Everett	Lewis (KY)	Smith (MI)
Ewing	Lightfoot	Smith (NJ)

Smith (OR)	Stump	Taylor (NC)
Smith (TX)	Talent	Valentine
Solomon	Tanner	Vucanovich
Stearns	Tauzin	Walker
Stenholm	Taylor (MS)	Wolf

## NOES—297

Abercrombie	Franks (NJ)	Menendez
Ackerman	Frost	Meyers
Andrews (ME)	Furse	Mfume
Andrews (NJ)	Gallo	Michel
Andrews (TX)	Gejdenson	Miller (CA)
Applegate	Gephardt	Mineta
Bacchus (FL)	Gibbons	Minge
Baesler	Gilman	Mink
Barca	Glickman	Moakley
Barlow	Gonzalez	Mollohan
Barrett (WI)	Gordon	Montgomery
Bateman	Goss	Moran
Becerra	Grandy	Morella
Bellenson	Green	Murphy
Bentley	Gunderson	Murtha
Berman	Gutierrez	Nadler
Bevill	Hall (OH)	Neal (MA)
Bilbray	Hamburg	Neal (NC)
Bishop	Hamilton	Norton (DC)
Blackwell	Harman	Oberstar
Billey	Hastings	Obey
Blute	Hefner	Oliver
Boehlert	Hilliard	Ortiz
Bonior	Hinchee	Owens
Borski	Hoagland	Packard
Boucher	Hobson	Pallone
Brewster	Hochbrueckner	Pastor
Brooks	Hoekstra	Payne (NJ)
Browder	Hoke	Payne (VA)
Brown (CA)	Horn	Pelosi
Brown (FL)	Houghton	Penny
Bryant	Hoyer	Peterson (FL)
Byrne	Huffington	Peterson (MN)
Camp	Hughes	Pickett
Cantwell	Inslie	Pickle
Cardin	Jacobs	Pomeroy
Carr	Jefferson	Poshard
Castle	Johnson (CT)	Price (NC)
Clay	Johnson (GA)	Rahall
Clayton	Johnson (SD)	Ramstad
Clement	Johnson, E. B.	Rangel
Clinger	Johnston	Ravenel
Clyburn	Kanjorski	Reed
Coleman	Kaptur	Regula
Collins (IL)	Kennedy	Reynolds
Collins (MI)	Kennelly	Richardson
Conyers	Kildee	Ridge
Cooper	Kleczka	Roemer
Coppersmith	Klein	Rogers
Costello	Klink	Romero-Barcelo
Coyne	Klug	(PR)
Cramer	Kolbe	Rose
Crapo	Kopetski	Rostenkowski
Danner	Kreidler	Roukema
Darden	LaFalce	Rowland
de la Garza	Lambert	Royal-Ballard
de Lugo (VI)	Lancaster	Rush
Deal	Lantos	Sabo
DeFazio	LaRocco	Sanders
DeLauro	Lazio	Sangmeister
Dellums	Leach	Santorum
Derrick	Lehman	Sawyer
Deutsch	Levin	Saxton
Dicks	Lewis (CA)	Schenk
Dingell	Lewis (GA)	Schiff
Dixon	Lipinski	Schroeder
Dooley	Long	Scott
Dunn	Lowey	Serrano
Durbin	Maloney	Sharp
Edwards (CA)	Mann	Shaw
Edwards (TX)	Manton	Shays
Ehlers	Margolies-	Sisisky
English	Mezvinsky	Skaggs
Eshoo	Markey	Skeen
Evans	Martinez	Slattery
Farr	Matsui	Slaughter
Fazio	Mazzoli	Smith (IA)
Fields (LA)	McCloskey	Snowe
Filner	McCurdy	Spence
Fingerhut	McDade	Spratt
Fish	McDermott	Stark
Flake	McHale	Stokes
Foglietta	McInnis	Strickland
Ford (MI)	McKinney	Studds
Ford (TN)	McMillan	Stupak
Fowler	McNulty	Sundquist
Frank (MA)	Meehan	Swett
Franks (CT)	Meek	Swift

Synar	Upton	Williams
Tejeda	Velazquez	Wilson
Thomas (CA)	Vento	Wise
Thomas (WY)	Visclosky	Woolsey
Thompson	Volkmer	Wyden
Thornton	Walsh	Wynn
Thurman	Waters	Yates
Torkildsen	Watt	Young (AK)
Torres	Waxman	Young (FL)
Torricelli	Weidon	Zeliff
Trafiacant	Wheat	Zimmer
Unsoeld	Whitten	

## NOT VOTING—10

Chapman	Lloyd	Tucker
Engel	Machtley	Underwood (GU)
Faleomavaega	Schumer	Washington
(AS)	Towns	

## □ 1135

Mr. BARTON of Texas changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: Page 77, after line 19, insert the following:

## REDUCTION FOR FUNDING

Each amount appropriated or otherwise made available by this title for "National Endowment for the Arts" is hereby reduced by 5 percent.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, with 15 minutes on each side, the time for the amendment to be controlled by the gentleman from Florida and the time on my side to be controlled by me.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. STEARNS. Mr. Chairman, reserving the right to object, would that mean that I would have the closing then?

Mr. YATES. Mr. Chairman, if the gentleman will yield, no, I have the closing, regardless of the time limitation. I would have the closing.

Mr. STEARNS. Mr. Chairman, I think 15 minutes apiece is satisfactory.

Mr. YATES. Mr. Chairman, I want to repeat my proposal to limit time on this amendment and to all amendments thereto to 15 minutes on each side.

Mr. STEARNS. Mr. Chairman, I would like to say to my colleague, I do not want my time to be taken away if for some reason the gentleman has an amendment to my amendment.

Mr. YATES. Mr. Chairman, the gentleman will have his full 15 minutes.

Mr. STEARNS. Mr. Chairman, I will have my full 15 minutes?

Mr. YATES. Mr. Chairman, that is correct.

Mr. STEARNS. So if, in fact, the gentleman comes in with an amendment to my amendment, he gets 15 minutes, and I get 15 minutes.

Mr. YATES. That will come from my time.

Mr. STEARNS. Mr. Chairman, with that understanding, that would certainly be acceptable to me.

The CHAIRMAN. The unanimous-consent request is the time limit of 30 minutes on this amendment and all amendments thereto, but the gentleman from Florida has reserved 15 minutes out of this time regardless of whether there is an amendment to the amendment.

## □ 1140

## PARLIAMENTARY INQUIRY

Mr. DICKS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DICKS. Mr. Chairman, I can offer my amendment to the gentleman's amendment after he makes his opening statement, is that correct?

The CHAIRMAN. The gentleman can offer it any time he is recognized after that, but under the unanimous-consent agreement, the gentleman from Florida [Mr. STEARNS] is protected for 15 minutes total out of the 30 minutes time period.

The gentleman from Illinois [Mr. YATES] has the other 15 minutes total out of the 30 minutes time.

Mr. STEARNS. Just to clarify, Mr. Chairman, I received a full 15 minutes. If the gentleman from Illinois [Mr. YATES] starts to use his time and his side amends my amendment, they have to take their time out of their time?

The CHAIRMAN. The gentleman is correct.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for 15 minutes.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise today to offer an amendment to reduce the NEA by a simple 5 percent. Such a savings would result in the amount of \$8.6 million, taking the fiscal year 1995 funding level from \$171.1 million to what I believe is still a generous amount of \$162.5 million.

Mr. Chairman, for the past several years I have offered amendments to the Interior appropriations bill that would reduce the level of the NEA. My colleagues should realize when I offered 5 percent and we were successful last year, in the conference committee they cut it in half, so it resulted in 2.5-percent reduction. I judge from the conversation we just had, Mr. Chairman, that it appears that my colleagues on that side of the aisle are going to amend my amendment to reduce the 5 percent. I find that a little bit disconcerting, because if they cut my 5 percent down, and I do not know what the gentleman is going to offer, then the conference committee cuts it further, and there will be no cuts.

Mr. Chairman, let me be very clear about this, that that side of the aisle wants to move the 5 percent down to almost zero. Mr. Chairman, I do not want to concentrate the debate so much today on the controversy that was talked about earlier. I think we hashed that out. I do want to mention a little bit about it, because for the first time now we have the senior Senator BYRD of West Virginia involved, a Democrat, a distinguished Democrat on the Senate side. He focused his attention, as well as did Senator NICKLES and Senator HELMS, in a letter to the NEA chairwoman, Jane Alexander. The Senators wanted assurance from Jane Alexander that "projects are not funded, nor performances undertaken, which misuse taxpayer funding."

Mr. Chairman, we have been through this for at least the 6 years that I have been in the House. Controversy seems to stay with the NEA. We now have a senior Senator from the Democratic Party also coming onboard. This all involves the Walker Art Center in Minneapolis, which sponsored art exhibits at area night clubs.

Mr. Chairman, we have all talked about what happened with Ron Athey, an HIV-positive artist, in the scarification on another individual's back, and how he used the blood soaked rags on a clothesline. The audience panicked. Of course the audience would panic. They just witnessed a horrendous scene, one that not only disgusted them, but in their minds, put them in danger.

The question we would have to ask the taxpayer, the man who is a plumber, a farmer, a schoolteacher, is: Do they consider that art? I would think that they would say simply no, it is not art.

Mr. Chairman, I think what we see here is almost tortured art, and this art is not something we want to endorse. Art should provide us with a whiff of greatness, provide optimism, and instill a feeling of individuality. It should cultivate good taste and elevate the human spirit. It should not turn toward pessimism and negation, and be sponsored by the Federal Government.

Mr. Chairman, the simple question is, does a bloody towel represent the ideals of the American people? Does it ennoble us and give us a greater capacity for appreciation and understanding of the arts? Does it educate us for improvement of our souls and minds? Are we any better off having witnessed such a scene?

Mr. Chairman, the NEA should open up the way for the decent, hard-working American to enjoy art. There should be a renewed spirit and a strong commitment to traditional values, including the feeling, "I am glad that the Government is supporting this project. I am very proud of it."

This is a simple declaration that we are seeking, as I mentioned earlier, from the plumber, the electrician, the

schoolteacher, the businessperson, and the farmer, and all other people across this country. Instead all I hear in my district is: "Enough is enough."

Mr. Chairman, I am asking in my 5-percent cut for the Members to send a signal, not only on this project, but also for fiscal responsibility, and all of us know that the Federal Government has a huge deficit. We must reduce and eliminate funding for those projects that are not vital to the economic well-being of our country. We must concentrate, Mr. Chairman, our scarce resources on what is absolutely necessary, not on what is simply desirable. I seriously question the validity of Federal funding for programs like this through the NEA.

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

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

AMENDMENT OFFERED BY MR. DICKS TO THE AMENDMENT OFFERED BY MR. STEARNS

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Chair will start the 2 minutes running after the amendment offered by the gentleman from Washington [Mr. DICKS] is read.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS to the amendment offered by Mr. STEARNS: On line 4 of the amendment, strike "5" and insert "1.5".

Mr. DICKS. Mr. Chairman, this amendment would reduce the budget for National Endowment for the Arts, which I think is a serious mistake, but we are faced with the prospect of a 5-percent cut, and I think that this cut is more rational and more reasonable.

Mr. Chairman, this would be 1.5 percent. It would total \$2.56 million. This reduction would bring the Endowment's total budget down by \$1 million below its current operating level of \$170 million. This amount will reduce the National Endowment for the Arts' budget by \$1.4 million below the level of the Subcommittee on the Interior of the Committee on Appropriations of \$171.1 million, bringing the NEA's budget down to \$169 million.

Therefore, the substitute amendment serves as a vehicle for fiscal restraint for those Members who want to make a cut in the name of deficit reduction and fiscal conservatism.

Mr. Chairman, the substitute amendment, however, is more responsible, in my judgment, than the Stearns amendment. The substitute will not devastate arts programs nor handicap critical initiatives. It will allow the chairman and the Endowment to, for example, use funding to allow for inner city youth outreach efforts with arts funding, an effort that can contribute to fighting crime, youth violence, and other urban problems.

Last year, when the 5-percent amendment was put in place, the NEA had to cut 18 programs, primarily dance programs and theater such as opera and ballet, areas of the arts that have never been controversial but have had to pay a price nevertheless because of the Stearns amendment.

A Stearns amendment for 1995 of a 5-percent cut would not actually be a 5-percent cut to a neutral base. On the contrary, it would mean a 10-percent cut over 2 years. This would be devastating to arts programs throughout the country that already have threadbare funding. I remind my colleagues that in fiscal year 1979, the NEA's total budget was only \$149 million. Since that year, real purchasing power for the NEA has eroded by 46 percent.

Mr. Chairman, I urge my colleagues to support the Dicks amendment to the Stearns amendment.

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

Mr. Chairman, I just want to take a few moments to explain what has just happened.

The gentleman from Washington [Mr. DICKS] has amended my amendment by changing it from 5 percent to 1.5 percent, Mr. Chairman. I would like to ask the gentleman a question. Will the gentleman from Washington [Mr. DICKS] answer a question?

Mr. DICKS. Mr. Chairman, if the gentleman will yield, certainly.

Mr. STEARNS. Mr. Chairman, does the gentleman believe that with the 1.5-percent reduction, that he and his colleagues need to send a signal to the NEA that we need to cut the NEA now? Is that what the gentleman is saying by his amendment?

Mr. DICKS. If the gentleman will continue to yield, I think what we are trying to do is here is to minimize the damage to the National Endowment for the Arts. We have sent them a signal. There is language that the gentleman from Ohio [Mr. REGULA] and I and the gentleman from Illinois [Mr. YATES] agreed to a couple of years ago that said, "Go out and fund artistic excellence, and do not fund anything that is obscene under the law."

□ 1150

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I think what the gentleman is saying is that we do need to send a signal to the NEA. I believe it should be 5 percent, he believes it should be a 1½-percent reduction. My concern is what I saw in the conference committee last year when they cut my 5-percent reduction 1½ percent.

I ask my colleagues who are listening and on the House floor that obviously we want to vote no against the amendment to mine so that we can have the vote on the full 5 percent.

Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the great movie producer Louis B. Mayer of Metro Goldwyn Mayer once said about movies with a message, if you want to use a message, he would tell his screen writers, "If you want to send a message, use Western Union."

The problem is, when we use the U.S. Mails or our faxes and write to the people at NEA, we get what two of our good Members from the other body have said, and that is diverting language.

Here is one of the Senators saying that Ms. Alexander has refused to respond in detail to a series of questions. He says:

If she gives me the kind of half answers or non-answers that she's given to Senator BYRD, we really have a problem. I don't intend to let this slip through the cracks.

Mr. Chairman, what my pal, the gentleman from the great State of Washington, wants to do is send them a tiny little telegram, kind of a gentle little knock where Jane Alexander says:

Who's that knocking at the gold-dang door?

Norm Dicks, trying to give you a gentle little cut before a 5 percent axe comes down.

Mr. Chairman, how else do we rattle her cage? He wants to rattle it with a little gentle velvet glove. I just went from the bill of the gentleman from Alabama [Mr. BACHUS] to take away half their money.

Mr. Chairman, I am coming back next year with an amendment to give all this money, maybe an increase, to the high schools, because man does not live by bread alone. I will double this if it went to high school art classes, to put your wife in charge of this, a great patron of the arts. I cannot comprehend, and I repeat for the third time in two days, the mystery of how these porno freaks keep getting this money.

Listen to this that the gentleman from Alabama [Mr. BACHUS] read and it is worth reading again. Here is Ms. Alexander trying to blame the press.

Here is the angry letter from the Minneapolis Star Tribune who broke the Athey story about all the AIDS-infected blood. Actually this is Jane Alexander defending it:

Walker Art Center must defend its decision to stage a performance involving human bloodletting and mutilation—or ritual sacrifice and erotic torture as the institution describes it.

Mr. Chairman, everybody on that side is not telling the truth. Jane Alexander defends this slopping around of AIDS-infected blood.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I am going to disagree with the gentleman from Florida [Mr. STEARNS].

I have great respect for him. He knows how I feel about this. I think we

are off on the wrong track. This is 0.02 percent of the Federal budget. This is education. This is the soul of many of the people who cannot get to the big cities to have the great arts education that is available there.

Mr. Chairman, I live in the rural community. I had nothing when I was growing up. Because of the NEA and the New York State Council of the Arts, my children are better educated, they are more sensitive to the human condition around us. I think it is absolutely crazy. Frankly, I do not think this is a simple 5 percent, as the gentleman from Florida [Mr. STEARNS] has said.

Let us take a look at this thing. In 1991, a 4.2 percent reduction was suggested. In 1992, there was a cut of \$3 million. In 1993, there was a cut of 5 percent. The gentleman from Florida [Mr. STEARNS] said this is a simple 5 percent. Frankly, my colleagues, this is an ill-disguised attempt to absolutely eliminate the NEA, and I am against it.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I will reluctantly support the Dicks amendment because what we have here is a case where the NEA and the gentleman from Illinois [Mr. YATES], they have already been making cuts over the years. They have already squeezed this agency to the point where a lot of deserving arts projects throughout the country are not being funded. But I think the main reason that we should oppose the Stearns amendment is that we have an outstanding new director of the NEA, a world-renowned actress who is going all over the country and talking to the grassroots and dealing effectively with Republicans and Democrats. JESSE HELMS has praised her for her openness. She has got a good start. She has done a good job. Why are we going to hamstring her?

Let me tell Members what the 5 percent amendment does. What it does is it cuts \$8.5 million from the program grant funds awarded by the arts endowment. It cuts \$2.3 million from the basic State grants awarded to State arts agencies. Every one of our arts agencies is going to receive cuts between \$32,000 and \$42,000 a year. Cuts an undeserved almost \$1 million from the rural communities that has been a new initiative of the NEA. Crime control programs that have been started through the arts would be severely cut by the 5 percent.

Mr. Chairman, we are all saying, it is only 5 percent, so let us go ahead and everybody can sustain a 5 percent cut. But the reality is that this agency has been getting cut, cut, cut, cut. They are already squeezed to the bone.

Let us have a little strength and let us have a little courage and reject all of these amendments. Support the

Dicks amendment. I wish that he did not have to offer it, but we are talking about a political reality here. Let us stand behind Jane Alexander; let us stand behind the gentleman from Illinois [Mr. YATES], who has done an excellent job in already making cuts.

Mr. Chairman, I include for the RECORD documents in opposition to cutting funding for the NEA, as follows:

STATEMENT BY BILL RICHARDSON, JUNE 23, 1993, OPPOSING STEARNS AMENDMENT

Before my colleagues think about cutting funding for the NEA I want to remind you that federal arts funding benefits every district in the country. The national endowment benefits every region in the United States through state grants, arts education, and anti-crime programming.

35 percent of NEA funding goes to each state's art agency in the form of a block grant. This amendment automatically reduces the size of each state's grants.

Of this 35 percent each state must spend 7.5 percent of these dollars on projects that serve rural, urban and underserved communities.

In New Mexico for the last seven years state grant monies have funded the "Churches" project. Over 100 communities have restored their historic churches because of the cultural and artistic beauty they represent.

A 5 percent cut in the NEA budget means reduced funding for arts education.

Last year a \$22,000 grant to the Chamber Music Residencies pilot project which placed chamber music ensembles in rural communities for a school year. The chamber ensembles taught children in public schools in Tifton Georgia, Jesup Iowa and Dodge City Kansas who would not have otherwise had any music education.

The NEA will also have to reduce funding for crime control programs. A youngster with a paint brush or learning lines for a play is a lot less dangerous than one with a gun.

NEA Anti-crime funds provide for programs like Arizona's APPLE Corps which uses arts programs with anti-drug messages as after school alternatives. Other anti-crime projects the endowment funds include: Voices of Youth Throughout Vermont; First Step Dance Company in Lawrence, Kansas; Boise Family Center Project in Boise, Idaho; Arts in Atlanta Project; Alternatives in L.A. program; and the Family Arts Agenda in Salem Oregon.

IMPACT OF 5 PERCENT FUNDING REDUCTION AMENDMENT

A 5 percent reduction in the FY 1995 appropriation for the National Endowment for the Arts would:

Cut \$8.5 million from the program grant funds awarded by the Arts Endowment.

Cut \$2.3 million from the Basic State Grants awarded to state arts agencies. Individual state arts agencies would lose funding in a range of \$32,000 to \$42,000.

Cut \$638,000 from the Underserved Communities initiative which supports projects in rural, innercity, and artistically underserved areas.

IMPACT OF 5-PERCENT FUNDING REDUCTION ON BASIC STATE GRANTS [BSG]

State	Reduced BSG FY 1995	FY 1994 BSG	Difference <sup>1</sup>
Alabama	\$450,000	\$486,000	\$36,000

IMPACT OF 5-PERCENT FUNDING REDUCTION ON BASIC STATE GRANTS (BSG)—Continued

State	Reduced BSG FY 1995	FY 1994 BSG	Difference <sup>1</sup>
Alaska	411,000	447,000	36,000
Arizona	446,000	483,000	37,000
Arkansas	431,000	457,000	26,000
California	741,000	783,000	42,000
Colorado	442,000	479,000	37,000
Connecticut	442,000	477,000	35,000
Delaware	412,000	448,000	36,000
District of Columbia	411,000	447,000	36,000
Florida	551,000	590,000	39,000
Georgia	478,000	515,000	37,000
Hawaii	417,000	453,000	36,000
Idaho	416,000	452,000	36,000
Illinois	535,000	569,000	34,000
Indiana	468,000	503,000	35,000
Iowa	436,000	471,000	35,000
Kansas	433,000	468,000	35,000
Kentucky	447,000	482,000	35,000
Louisiana	453,000	488,000	35,000
Maine	419,000	454,000	35,000
Maryland	459,000	495,000	36,000
Massachusetts	473,000	507,000	34,000
Michigan	510,000	545,000	35,000
Minnesota	455,000	490,000	35,000
Mississippi	434,000	469,000	35,000
Missouri	453,000	488,000	35,000
Montana	414,000	449,000	35,000
Nebraska	423,000	458,000	35,000
Nevada	418,000	453,000	35,000
New Hampshire	417,000	453,000	36,000
New Jersey	492,000	527,000	35,000
New Mexico	422,000	458,000	36,000
New York	607,000	641,000	34,000
North Carolina	480,000	516,000	36,000
North Dakota	412,000	447,000	35,000
Ohio	528,000	562,000	34,000
Oklahoma	440,000	476,000	36,000
Oregon	437,000	473,000	36,000
Pennsylvania	540,000	573,000	33,000
Puerto Rico	446,000	479,000	33,000
Rhode Island	416,000	451,000	35,000
South Carolina	444,000	480,000	36,000
South Dakota	412,000	448,000	36,000
Tennessee	460,000	496,000	36,000
Texas	598,000	636,000	38,000
Utah	424,000	460,000	36,000
Vermont	411,000	447,000	36,000
Virginia	425,000	461,000	36,000
Washington	460,000	497,000	37,000
West Virginia	425,000	460,000	35,000
Wisconsin	461,000	496,000	35,000
Wyoming	411,000	446,000	35,000
American Samoa	201,000	201,000	0
Guam	201,000	201,000	0

<sup>1</sup> Amount each State will lose if the Stearns amendment passes.

FEDERAL ARTS FUNDING REACHES EVERY DISTRICT IN THE COUNTRY

Achieving geographic diversity in making grants is one of the National Endowment for the Arts' highest priorities.

The Arts Endowment continually makes a concerted effort to encourage applicants from all states, regions, and communities. Consequently, the success rate of applicants from less populous states in receiving grant awards is often much higher than for applicants from the large states.

For example, less than one-quarter of the applications received from California and New York are funded.

40% or more of the applications received from Alaska, Delaware, North Dakota, South Dakota, West Virginia, and Wyoming are funded.

Thirty-one states have 25-40% of their applications funded.

The Endowment's Underserved Communities Initiative, which is supported by 7.5 percent of the Endowment's program funds, specifically supports projects to broaden public access to the arts in rural and innercity areas and other areas that are underserved artistically.

Currently \$8.7 million is earmarked for this initiative, administered through 5 Endowment programs—State & Regional, Local Arts Agencies, Folk Arts, Expansion Arts, and Presenting & Commissioning.

Since its implementation in FY 1991, grants have been awarded under this initiative in all 50 states to benefit their underserved communities.

Mr. STEARNS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I support Chairman YATES. I have supported every amendment and support his bill. I think the gentleman is one of the best chairmen, and the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, I am going to support the amendment of the gentleman from Florida [Mr. STEARNS], however. I think it is time to ask, is an AIDS-tainted bloody towel strung out over a theater audience a work or a demonstration of art? Is a crucifix submerged in a vial filled with urine a work of art? Is a broomstick literally placed up the rectum of an individual captured on film a work of art? If so, Congress, then I say there is no art, there is no distinction from the type of art that our cultural roots compel us to fund.

Mr. Chairman, I have heard talk about this amendment must be reduced because we must minimize the damage of the Stearns amendment to the National Endowment for the Arts. I say the Congress should pass Stearns to minimize the damage to the American people by the National Endowment for the Arts. If we want to get their attention, the only way is in the pocketbook. I am asking everybody to vote for Stearns. It is a realistic message from a realistic Member on a goal that all Congress should support.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have served in the House for 8 years and it has been a great privilege to do so. Throughout those 8 years, I have watched every year as the appropriations bills come through this House and Congress decided what mattered and what did not to the people of the country.

□ 1200

We spent a lot of money on our military defense, one-third of our budget. Because of that, we are now the remaining superpower in the world.

But not once in these 8 years, as we voted for the military budget, did we ever fret about planes that would not fly, guns that would not shoot, troop carriers named *Bradley* that would not float. Were we concerned about fraud, cost overruns? No. We just throw in some more money for star wars.

But we have got this one little program here, \$171 million to serve every nook and cranny of the United States. To put it in some perspective, that is less money than we spend yearly on military bands.

For every one of those dollars we spend, we get back \$11, and the arts in the United States of America last year generated \$36.8 billion.

I defy anyone who serves in this body to tell me that anything else we spend gives any kind of return even remotely like that.

But the return beyond the monetary is even more important. Every day we talk about what is happening to American children. We have reports daily about the condition of America's children. They have the lowest scores in the world as entry level college students. Their math scores are deplorable. They are damaged by the diet of violence they see every day. What shall we do about it? We have found one way to help.

We can prove conclusively that money we have spent on children who are involved in the arts receives new esteem, gives them the self-respect, they become better students, we can show it cuts out the dropout program, and we know that children who have been damaged can heal themselves when they have this kind of way to allow their emotions to surface and be expressed. Then they can deal with them.

I have watched children in the Bedford-Stuyvesant area of New York City as young as 3 years old learning the discipline of the dance. The lesson is if you care about yourself and you work hard, there is nothing in the world that will ever stand in your way.

If we want to turn children away from violence, if we want to make them better students, if we want to stop them from dropping out of school, if we want our country to be able to compete in the next century, and if this little pittance of money that we spend here will go at least part way in helping us do that, is that not money well spent? Does not our national security also depend on a population that is educated, that has some sense of giving back, that learns some decency, some humanity, some gentleness? Is there something wrong with that?

Where are the poets going to come from? The artists? Where are the people who chronicle who we are? Our history in every civilization rediscovered, we determine if they were civilized or educated of if they contributed by the art they leave behind.

For heaven's sakes, do not support the Stearns amendment. This program is already less than it was in 1979. It has been cut 43 percent since then. Enough.

Mr. STEARNS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I come as a strong supporter of the arts who is going to reluctantly support this amendment.

I happened to have been a music major in college. I am on the Congressional Arts Caucus. I believe strongly in the place of the arts in American society. I have a son who is at the

Interlaken Music Camp for the summer. My children are all involved in the arts. I am involved with the Ohio Chamber Orchestra, the Cleveland Opera.

You could say that I am a sucker for the arts. I believe in it. Why? Because I think probably, next to religious education, artistic expression is the most important thing we can offer in terms of the redemption and the renewal and the giving back of America, the values that have made it great.

But it seems to me I had a very disturbing luncheon experience yesterday which leads me to want to support this amendment, and that is that I had lunch with the Congressional Arts Caucus, and we had the honor of being with the chairperson, Jane Alexander. We had lunch with Jane. Frankly, I have a tremendous amount of respect for Ms. Alexander and the work that she has done.

But I was extremely disturbed, first of all, when I found out about the Ron Athey exhibit in Minnesota. I had not been aware of it until that lunch yesterday, and I read the letter Ms. Alexander had written to Members of Congress in response to that, and I asked her specifically if Athey's performance, if Athey had personally directed his grant request to the NEA directly as opposed to the Walker Center, would the NEA have granted that kind of request. What we are talking about is the self-mutilation that was advertised as "erotic torture." That is how it was promoted by the Walker Center. And I said, "Ms. Alexander, would you or would you not have funded this from the NEA directly, this grant request?" And she could not say to me, "No, we would not. This does not match our standards."

And what is disturbing to me is that the idea is that we are going to fund artistic excellence, and if that is what we are doing, then what on Earth does this tell us about the leadership at the NEA? That is my concern. That is why I rise in strong support of this amendment.

I encourage my colleagues to also.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I am not going to comment on the economics of this cut, that we are already 43 percent behind inflation, that we cut 5 percent last year, and that we are starting from that base this year. I am not going to comment on the economics that the arts generate so much economic business for our country. We have heard all of that.

I am going to comment on the intent of this amendment in terms of censorship, in terms of the un-American goal of saying that we should exercise Federal censorship over the arts.

The National Endowment for the Arts promotes private art. It has com-

mittees to make decisions on who gets grants. There will always be one or two decisions, one or two grants that one can disagree with, that Members of this body will not like or that can be mischaracterized as obscene.

Some people think the art of Mr. Athey at the Walker Center is obscene. But it is not up to us to make that decision. Nor is it up to us to cut the budget of the NEA to send them a message.

Judgments will still have to be made by review committees, and we should not establish a political layer of censorship on top of the artistic decisions made as to who gets grants and for what.

In this case, the NEA gave a grant to the Walker Arts Center, one of the most prestigious arts centers in the Midwest. That grant was used for over 100 different arts events. One of them was a \$150 grant to help Mr. Athey's exhibit, which some people here characterize as obscene, which some people slander and talk about HIV-positive blood and so forth, which was not the case.

But it is not up to us to make those decisions, and if we cut this budget by 5 percent, they are still going to have to make decisions.

And are we going to set up the Congress, a political body, a bunch of politicians, as a board of censors for the NEA?

The point is the NEA makes those decisions, and that is the only place they can be made.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the Stearns amendment to cut 5 percent of the budget for the National Endowment for the Arts. \* \* \*

Mr. WALKER. Mr. Chairman, I demand that the gentleman's words be taken down.

Mrs. MALONEY. I think the arts should not be censored. As Frederic Lewis Allen, the noted historian, said—

The CHAIRMAN. The gentleman will withhold for a moment.

Specifically what words does the gentleman demand be taken down? Her last sentence?

Mr. STEARNS. No. Mr. Chairman, when she started talking about women's breasts and who she ascribed that to, that comment. We would like to find out who she is saying said that comment.

The CHAIRMAN. The Clerk will report the last few sentences of the gentleman's remarks.

Mr. STEARNS. Mr. NADLER earlier said the same thing, but the point is we just want to establish who she is saying said this.

Mr. CHAIRMAN, can we have the—

The CHAIRMAN. The Clerk will report the words objected to.

Mr. YATES. I do not think Mr. NADLER did, made reference.

Mr. STEARNS. Mr. Chairman, we are just talking about the present speaker.

The CHAIRMAN. The request of the gentleman from Pennsylvania [Mr. WALKER] was made of the present speaker's remarks, and the Clerk is in the process of getting ready to read back the remarks of the gentleman from New York.

□ 1210

So let us wait until the Clerk has read.

The Chair would point out that the chairman of the Committee of the Whole does not rule on this kind of an objection.

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, this matter may be resolved by the words being withdrawn, is that not correct?

The CHAIRMAN. It would take unanimous consent.

Mr. WALKER. Since the words were offensive, all they have to do is be withdrawn by unanimous consent, and I doubt anybody would object to that.

Mr. YATES. Mr. Chairman, what are the offensive words? What are the words to be withdrawn?

Mr. WALKER. About the last two sentences.

The CHAIRMAN. The Clerk will report the words.

The Clerk read as follows:

The Stearns amendments wants to censor, but what did Mr. STEARNS say to a Member of Congress who commented on the size of a woman's breasts?

Mr. STEARNS. Mr. Chairman, if I understand that, I do not believe I ever said something like that.

Mr. YATES. She did not say "you" did say it. She says "a Member of Congress."

Mr. STEARNS. Regular order. This is not debatable, as I understand.

The CHAIRMAN. It is not debatable. Does the gentleman from Illinois have a unanimous consent request?

Mr. STEARNS. Mr. Chairman, I object to it because I think she is ascribing motivations to me which are not there.

The CHAIRMAN. The Members will withhold until—

Mr. YATES. Mr. Chairman, I ask unanimous consent the words be read again. I do not think they appertain to—

The CHAIRMAN. The Clerk will read the words slowly.

The Clerk read as follows:

The Stearns amendment wants to censor, but what did Mr. STEARNS say to a Member of Congress who commented on the size of a woman's breasts?

Mr. STEARNS. Mr. Chairman, I think it still sort of indicates some

kind of motivation on my part, and I feel it is sort of negative.

Mr. FRANK of Massachusetts. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. At this point this is not debatable.

The gentleman from Massachusetts has a parliamentary inquiry.

Mr. FRANK of Massachusetts. The Chairman just answered it in response to the gentleman from Florida [Mr. STEARNS].

The CHAIRMAN. It is not debatable. So the Members will just withhold.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the offending works, whatever they are, be withdrawn so that we may proceed.

The CHAIRMAN. The chairman of the subcommittee asks unanimous consent that the words that were read be withdrawn.

Is there objection to the request of the gentleman from Illinois?

Mr. STEARNS. No objection, Mr. Chairman.

The CHAIRMAN. The Chairs hears none.

The words are withdrawn.

The gentlewoman from New York [Mrs. MALONEY] may proceed.

Mrs. MALONEY. Mr. Chairman, as Frederick Louis Allen, the noted historian, said, "America has something special, a culture which we do not think of as something for the elite, but as something that is accessible to practically everyone."

Over the last 30 years the NEA has clearly and successfully made the arts more accessible to more of the American public. And there is a significant economic benefit to this investment.

According to the Department of Labor, more than 1.3 million people work directly in the field of the arts, and the nonprofit arts industry alone generates \$3.4 billion alone in income tax revenue every year.

The total funding for the NEA is \$171 million per year, or less than 70 cents per person.

For that 70 cents, all Americans share in theater, dance, and museums to which they might not otherwise have access.

Mr. Chairman, society defines itself by the way it preserves and presents its culture as much as by its investments in new technologies or in defense systems.

I urge my colleagues to vote "no" on this amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I do not support the cut of 5 percent for the National Endowment for the Arts [NEA] unless every Federal agency will have a 5-percent cut. I regret disagreeing with my good friend from Florida, Mr. STEARNS. He and I went to the Rules Committee last year and we tried to get a proposal before this House which

would have cut most Federal agencies across the board by limiting their growth.

I do support the 1.5-percent cut as the least bad alternative. This debate reminds me of some of those in this Chamber who waved the \$800 hammer; they were not really talking about the stupidity of procuring the \$800 hammer in the Department of Defense. What the hammer-wavers really wanted was to abolish most or all of the Defense Department. They simply did not like spending money on defense.

What we have here is an art exhibit in question that the NEA did not know about. The NEA gave a general support grant to the Walker Center in Minneapolis. It is one of America's distinguished museums. When the NEA gave that grant money to the Walker Center, it did not know that this exhibit would occur. So, if you adopt the Stearns amendment, you are punishing an agency that had no knowledge of this particular exhibit. And it sounds exactly like the \$800 hammer nonsense, which was a way to get at the Defense Department.

The National Endowment for the Arts has had tens of thousands of grants which have brought enlightenment, hope, and joy to millions of our fellow citizens. That should be recognized.

I would simply say, "Let us support the Dicks amendment and then let us get on with the business of the day."

Mr. STEARNS. Mr. Chairman, I yield 1 minute to my colleague, the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, in Escondido, CA, in my district, we have a very beautiful, brand new arts center in which the National Endowment for the Arts gave a grant. Many other people have contributed, just trying to get it going.

NEA has given some effort in that area. But most people in my district do not want their tax dollars going for a project like that. I personally gave \$1,000 to the symphony, San Diego Symphony, and pledged to give money to the Escondido Arts Center, over \$1,000. I give literally thousands of dollars out of my own pocket to education, but I feel it is wrong for me to force other people to take money out of their pockets for projects that they do not want to give money to. That is what the NEA does.

People want a chance to choose where they want to put their money, not to be forced by a bureaucracy to have money go for arts in areas they do not want it to go. So, for that reason I support the amendment and ask my colleagues to do the same.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I urge my colleagues here today to support my

amendment to Mr. STEARNS' amendment. Again, I reiterate that it cuts 1.5 percent, which is a total of \$2.55 million. Although that is a substantial reduction, I do it to minimize the damage to the National Endowment for the Arts.

Last year we adopted the Stearns amendment, which totaled about \$9 million. It affected 18 separate programs in the Endowment.

□ 1220

Mr. Chairman, I ask my colleagues on the other side on both sides of the aisle, why doesn't somebody get up here and focus on the positive things that we have done with the National Endowment for the Arts with over 100,000 grants that weren't controversial, that help the operas, the ballets, help individual artists all over the country?

The Endowment has been a positive factor since 1965, not a negative factor, and this committee has fought to put in language that says, "You cannot fund anything that is obscene, and you must strive for artistic excellence."

Mr. Chairman, this program deserves the support of the Congress.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida is recognized for 1½ minutes.

Mr. STEARNS. Mr. Chairman, let me say to my colleagues that in 1989 we funded NEA at \$169 million. Today it is roughly \$171 million. So, for all those colleagues that say we have cut, cut, cut, there have not been these cuts that they have talked about. So, frankly this 5 percent would bring it down a little bit lower than in 1989.

The second statement I hear continually is that this is a great investment. In fact, Mr. Chairman, the gentlewoman from New York talked about it and said that we are spending \$171 million, and I think her words were "we are getting \$138 billion back in return." Now obviously the return on this investment is because there is a lot of private investment, too, but that already exists, quite apart from NEA.

So, Mr. Chairman, I want to say, just in conclusion, what we have here. We in Congress have an amendment to cut 5 percent. There will be a vote on my amendment. So, for those Members who are scared they will not get another chance to vote for my amendment, they will, so I ask them to vote no on the amendment offered by the gentleman from Washington [Mr. DICKS] and yes on the amendment offered by myself, which is 5 percent. Surely we can cut 5 percent, and surely, if it goes to conference, it is going to be cut in half again. So, if we take 1½ percent, and take it to conference, it is going to come down to next to nothing. History has shown that the NEA has not been cut like my good friend from New Mexico said.

So, I urge my colleagues to vote no on the Dicks amendment, and then we will have a vote on the Stearns amendment which will follow to reduce funding by 5 percent.

Mr. YATES. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Florida [Mr. STEARNS] was correct in stating what the NEA received in 1989. But unfortunately that does not tell the entire truth. In 1992, Mr. Chairman, the NEA received \$175 million, \$6 million more than the gentleman's figure for 1989. So, when he says that by recommending less, that he is not hurting the NEA much, the NEA is being hurt very, very much.

I have listened to the various gentlemen on the other side and on my side denouncing the NEA and Jane Alexander for the grant that was made to the Walker Arts Center in Minneapolis. The Walker Arts Center is one of the great art institutions of the city, and NEA, under its present practices, makes grants, and the Walker Arts Center and others in the country are given the opportunity to make subgrants. For a while some years back, Mr. Chairman, we put language in the bill which required that the subgrants come back to the NEA for approval. Perhaps we ought to do that again because NEA did not know how this money was going to be spent in the series of subgrants.

At any rate, Mr. Chairman, I take issue with charges that have been made against the NEA. I think NEA is one of the great agencies in our country. I think it has an outstanding staff. I think that Jane Alexander is one of the great administrators; she has proved that already in connection with her administration of NEA and, I think, if she is allowed to do her job properly without the attacks that are going on, that we will see a flourishing NEA. We will see an arts community in the country which will respond to and flower as a result of her efforts and NEA's efforts.

I hope that the efforts to cut this appropriation are defeated.

Mr. ENGEL. Mr. Chairman, I rise today in strong opposition to any sort of reduction or elimination of Federal funding for the National Endowment for the Arts.

As the primary sponsor of the Community Arts Partnership Act, a program which was included in House-passed H.R. 6, the reauthorization of the Elementary and Secondary Education Act, I understand the valuable role that the arts and humanities play in every American's life. Through my work on the Community Arts Partnership Act, I have become increasingly aware of the tremendous impact that the arts and humanities have in the education of our children.

In fact, national studies have dramatically shown that the arts and humanities play an invaluable role in educating our children. The arts have been shown to aid in the development of higher-order thinking skills; an in-

crease in multicultural understanding; an enhanced learning environment; improved self-esteem and positive emotional responses to learning; and engagement of a variety of learning styles. In addition, children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction.

The important work undertaken by the NEA and the NEH significantly expands beyond the educational concept behind my Community Arts Partnership Act. Through the agencies' leadership, public participation and access to the arts and humanities has been enhanced, support for cultural diversity has been expanded, and local economies have been strengthened through jobs creation and tax revenues. In addition, for every Federal dollar allocated to the NEA and NEH, substantial funding is leveraged through private and other public resources. Without continued Federal leadership, thousands of communities across the Nation, and the quality of life for their residents, will be severely impacted through the elimination or reduction in local cultural programs.

I urge my colleagues to oppose any amendment which would weaken the important work undertaken by the NEA and NEH.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS] to the amendment offered by the gentleman from Florida [Mr. STEARNS].

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

#### RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for a recorded vote, if ordered, on the amendment offered by the gentleman from Florida [Mr. STEARNS], as amended or not, following the vote on the amendment offered by the gentleman from Washington [Mr. DICKS] if there is no intervening debate or business.

The vote was taken by electronic device, and there were—ayes 240, noes 189, not voting 10, as follows:

[Roll No. 266]

#### AYES—240

Andrews (ME)	Brooks	Cramer
Andrews (TX)	Browder	Danner
Applegate	Brown (CA)	Darden
Bacchus (FL)	Brown (FL)	de la Garza
Baesler	Brown (OH)	de Lugo (VI)
Barca	Bryant	DeFazio
Barcia	Byrne	DeLauro
Barlow	Cantwell	Dellums
Barrett (WI)	Cardin	Derrick
Becerra	Carr	Deutsch
Bellenson	Castle	Diaz-Balart
Berman	Clay	Dicks
Bevill	Clayton	Dingell
Bilbray	Clement	Dixon
Bishop	Clinger	Dooley
Blackwell	Clyburn	Durbin
Blute	Coleman	Edwards (CA)
Boehlert	Collins (IL)	Ehlers
Boehner	Collins (MI)	English
Bonior	Conyers	Eshoo
Borski	Coppersmith	Evans
Boucher	Costello	Farr
Brewster	Coyne	Fazio

Fields (LA)	Lazio	Romero-Barcelo
Fliner	Leach	(PR)
Fingerhut	Levin	Ros-Lehtinen
Fish	Lewis (CA)	Rose
Flake	Lowe	Rostenkowski
Foglietta	Maloney	Roybal-Allard
Ford (MI)	Mann	Rush
Ford (TN)	Manton	Sabo
Fowler	Markey	Sanders
Frank (MA)	Martinez	Sangmeister
Frost	Matsui	Sawyer
Furse	Mazzoli	Schenk
Gallo	McDermott	Schroeder
Gejdenson	McHale	Scott
Gephardt	McInnis	Serrano
Gibbons	McKinney	Sharp
Gilchrest	McMillan	Shays
Gilman	McNulty	Shepherd
Glickman	Meehan	Skaggs
Gonzalez	Meek	Skeen
Grandy	Menendez	Slattery
Green	Mfume	Slaughter
Gunderson	Michel	Smith (IA)
Gutierrez	Miller (CA)	Spratt
Hamburg	Mineta	Stark
Hastings	Mink	Stokes
Hefner	Moakley	Strickland
Hilliard	Mollohan	Studds
Hinchee	Moorhead	Stupak
Hoagland	Morella	Swift
Horn	Murphy	Synar
Houghton	Nadler	Tejeda
Hoyer	Neal (MA)	Thompson
Hughes	Neal (NC)	Thornton
Inslee	Norton (DC)	Torkildsen
Jacobs	Oberstar	Torres
Jefferson	Obey	Torricelli
Johnson (CT)	Oliver	Tucker
Johnson (GA)	Pallone	Unsoeld
Johnson (SD)	Pastor	Valentine
Johnson, E. B.	Payne (NJ)	Velazquez
Johnston	Payne (VA)	Vento
Kaptur	Pelosi	Visclosky
Kasich	Penny	Walsh
Kennedy	Peterson (FL)	Watt
Kennelly	Peterson (MN)	Waxman
Kildee	Pickle	Wheat
Kim	Pomeroy	Whitten
Klecza	Price (NC)	Williams
Klein	Rahall	Wilson
Klink	Rangel	Wise
Kopetski	Ravenel	Woolsey
Kreidler	Reed	Wyden
LaFalce	Regula	Wynn
Lambert	Reynolds	Yates
Lancaster	Richardson	Young (AK)
Lantos	Ridge	
LaRocco	Roemer	

#### NOES—189

Abercrombie	Cunningham	Hayes
Ackerman	Deal	Hefley
Allard	DeLay	Herger
Andrews (NJ)	Dickey	Hobson
Archer	Doolittle	Hoekstra
Army	Dornan	Hoke
Bachus (AL)	Dreier	Holden
Baker (CA)	Duncan	Huffington
Baker (LA)	Dunn	Hunter
Ballenger	Edwards (TX)	Hutchinson
Barrett (NE)	Emerson	Hutto
Bartlett	Engel	Hyde
Barton	Everett	Inglis
Bateman	Ewing	Inhofe
Bentley	Fawell	Istook
Bereuter	Fields (TX)	Johnson, Sam
Billrakis	Franks (CT)	Kanjorski
Bliley	Franks (NJ)	King
Bonilla	Galleghy	Kingston
Bunning	Gekas	Klug
Burton	Geran	Knollenberg
Buyer	Gillmor	Kolbe
Callahan	Gingrich	Kyl
Calvert	Goodlatte	Laughlin
Camp	Goodling	Lehman
Canady	Gordon	Levy
Chapman	Goss	Lewis (FL)
Coble	Grams	Lewis (GA)
Collins (GA)	Greenwood	Lewis (KY)
Combest	Hall (OH)	Lightfoot
Condit	Hall (TX)	Linder
Cooper	Hamilton	Lipinski
Cox	Hancock	Livingston
Crane	Hansen	Long
Crapo	Hastert	Lucas

Manzullo	Pombo	Smith (TX)
McCandless	Porter	Snowe
McCloskey	Portman	Solomon
McCollum	Poshard	Spence
McCrery	Pryce (OH)	Stearns
McCurdy	Quillen	Stenholm
McDade	Quinn	Stump
McHugh	Ramstad	Sundquist
McKeon	Roberts	Swett
Meyers	Rogers	Talent
Mica	Rohrabacher	Tanner
Miller (FL)	Roth	Tauzin
Minge	Roukema	Taylor (MS)
Molinari	Rowland	Taylor (NC)
Montgomery	Royce	Thomas (CA)
Moran	Santorum	Thomas (WY)
Murtha	Sarpalius	Thurman
Myers	Saxton	Traficant
Nussle	Schaefer	Upton
Ortiz	Schiff	Volkmer
Orton	Sensenbrenner	Vucanovich
Owens	Shaw	Walker
Oxley	Shuster	Walters
Packard	Sisisky	Weldon
Parker	Skelton	Wolf
Paxon	Smith (MI)	Young (FL)
Petri	Smith (NJ)	Zeliff
Pickett	Smith (OR)	Zimmer

NOT VOTING—10

Faleomavaega (AS)	Lloyd	Schumer
Harman	Machtley	Towns
Hochbrueckner	Margolies-Mezvinsky	Underwood (GU)
		Washington

□ 1247

Messrs. EDWARDS of Texas, DORNAN, LEWIS of Georgia, MCCOLLUM, GILLMORE, and ABERCROMBIE, changed their vote from "aye" to "no."

Messrs. CARR, HINCHEY, HILLIARD, KIM, FORD of Michigan, HOUGHTON, POMEROY, and PALLONE, and Ms. WOOLSEY changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BACHUS OF ALABAMA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STEARNS, AS AMENDED BY MR. DICKS

Mr. BACHUS of Alabama. Mr. Chairman, I offer an amendment as a substitute for the amendment as amended.

The Clerk read as follows:

Amendment offered by Mr. BACHUS of Alabama as a substitute for the amendment as amended: Strike the language proposed and insert the following:

REDUCTION OF FUNDING

Each amount appropriated or otherwise made available by this title for "National Endowment for the Arts" is hereby reduced by 4.99 percent.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. This is a nondebatable substitute under the time limitation. Does the gentleman from Illinois [Mr. YATES] insist on his point of order?

Mr. YATES. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YATES. Mr. Chairman, the point of order is that it is not in order as an amendment to the substitute.

The CHAIRMAN. The Chair would rule that under rule XIX it is in order

as a substitute for the Stearns amendment assembled by the Dicks amendment, but it is not debatable.

□ 1250

AMENDMENT OFFERED BY MR. YATES TO THE AMENDMENT OFFERED BY MR. BACHUS OF ALABAMA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STEARNS, AS AMENDED.

Mr. YATES. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. YATES to the amendment offered by Mr. BACHUS of Alabama as a substitute for the amendment offered by Mr. STEARNS, as amended: On line 4 of the amendment, strike "4.99" and insert "1.0".

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, for those who have not been following the debate, does this mean 4.99 percent down to 1 percent?

The CHAIRMAN. The amendment is a reduction of the bill amount by 1 percent.

Mr. LINDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINDER. Mr. Chairman, did the Chair say a reduction of 1 percent from 4.99 or a reduction to 1 percent from 4.99?

The CHAIRMAN. The amendment would change the reduction of 4.99 percent in the Bachus substitute to a reduction of 1 percent.

Mr. BACHUS of Alabama. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS of Alabama. Mr. Chairman, is it not an increase in total appropriations?

The CHAIRMAN. That may not be an appropriate parliamentary inquiry. The overall effect of the amendment would still be a reduction of amounts in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES] to the amendment offered by the gentleman from Alabama [Mr. BACHUS] as a substitute for the amendment offered by the gentleman from Florida [Mr. STEARNS] as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote. Pursuant to rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the

Bachus substitute, as amended, and following the vote on the Yates amendment thereto, if there is no intervening debate or business.

The vote was taken by electronic device, and there were—ayes 218, noes 214, not voting 7, as follows:

[Roll No. 267]

AYES—218

Abercrombie	Furse	Norton (DC)
Ackerman	Gejdenson	Oberstar
Andrews (ME)	Gephardt	Obey
Andrews (TX)	Gibbons	Olver
Applegate	Gilman	Owens
Bacchus (FL)	Glickman	Pallone
Baessler	Gonzalez	Pastor
Barca	Gordon	Payne (NJ)
Barlow	Grandy	Payne (VA)
Barrett (WI)	Green	Pelosi
Becerra	Gutierrez	Peterson (FL)
Bellenson	Hamburg	Pickle
Berman	Harman	Price (NC)
Bevill	Hastings	Rahall
Bilbray	Hefner	Rangel
Bishop	Hilliard	Ravenel
Blackwell	Hinchey	Reed
Boehlert	Hoagland	Reynolds
Bonior	Hochbrueckner	Richardson
Borski	Horn	Ridge
Boucher	Houghton	Roemer
Brewster	Hoyer	Romero-Barcelo (PR)
Brooks	Hughes	Rose
Brown (CA)	Inslee	Rostenkowski
Brown (FL)	Jacobs	Roybal-Allard
Brown (OH)	Jefferson	Rush
Bryant	Johnson (CT)	Sabo
Byrne	Johnson (GA)	Sanders
Cantwell	Johnson (SD)	Sangmeister
Cardin	Johnson, E.B.	Sawyer
Carr	Johnston	Schenk
Clay	Kaptur	Schroeder
Clayton	Kennedy	Scott
Clement	Kennelly	Serrano
Clinger	Kildee	Sharp
Clyburn	Klecicka	Shepherd
Coleman	Klein	Skaggs
Collins (IL)	Kopetski	Slattery
Collins (MI)	Kreidler	Slaughter
Conyers	LaFalce	Smith (IA)
Coppersmith	Lambert	Spratt
Costello	Lantos	Stark
Coyne	LaRocco	Stokes
Danner	Leach	Strickland
Darden	Levin	Studds
de la Garza	Lewis (GA)	Stupak
de Lugo (VI)	Lowey	Swift
DeFazio	Maloney	Synar
DeLauro	Manton	Tejeda
Dellums	Margolies-Mezvinsky	Thompson
Derrick	Markey	Thornton
Deutsch	Martinez	Torres
Dicks	Matsui	Torricelli
Dingell	Mazzoli	Tucker
Dixon	McDermott	Underwood (GU)
Dooley	McInnis	Unsoeld
Durbin	McKinney	Velazquez
Edwards (CA)	Meehan	Vento
Ehlers	Meek	Visclosky
Engel	Menendez	Waters
English	Mfume	Watt
Eshoo	Miller (CA)	Waxman
Evans	Mineta	Wheat
Farr	Mink	Whitten
Fazio	Moakley	Williams
Fields (LA)	Mollohan	Wilson
Filner	Moran	Wise
Fingerhut	Morella	Woolsey
Fish	Murphy	Wyden
Flake	Murtha	Wynn
Foglietta	Nadler	Yates
Ford (MI)	Neal (MA)	
Frank (MA)	Neal (NC)	
Frost		

NOES—214

Allard	Ballenger	Bereuter
Andrews (NJ)	Barcia	Bilirakis
Archer	Barrett (NE)	Billey
Armey	Bartlett	Blute
Bachus (AL)	Barton	Boehner
Baker (CA)	Bateman	Bonilla
Baker (LA)	Bentley	Browder

Bunning	Hutchinson	Pomeroy
Burton	Hutto	Porter
Buyer	Hyde	Portman
Callahan	Inglis	Poshard
Calvert	Inhofe	Pryce (OH)
Camp	Istook	Quillen
Canady	Johnson, Sam	Quinn
Castle	Kanjorski	Ramstad
Chapman	Kasich	Regula
Coble	Kim	Roberts
Collins (GA)	King	Rogers
Combust	Kingston	Rohrabacher
Condit	Klink	Ros-Lehtinen
Cooper	Klug	Roth
Cox	Knollenberg	Roukema
Cramer	Kolbe	Rowland
Crane	Kyl	Royce
Crapo	Lancaster	Santorum
Cunningham	Laughlin	Sarpalius
Deal	Lazio	Saxton
DeLay	Lehman	Schaefer
Diaz-Balart	Levy	Schiff
Dickey	Lewis (CA)	Sensenbrenner
Doolittle	Lewis (FL)	Shaw
Dornan	Lewis (KY)	Shays
Dreier	Lightfoot	Shuster
Duncan	Linder	Sisisky
Dunn	Lipinski	Skeen
Edwards (TX)	Livingston	Skelton
Emerson	Long	Smith (MI)
Everett	Lucas	Smith (NJ)
Ewing	Mann	Smith (OR)
Fawell	Manzullo	Smith (TX)
Fields (TX)	McCandless	Snowe
Fowler	McCloskey	Solomon
Franks (CT)	McColum	Spence
Franks (NJ)	McCrery	Stearns
Gallely	McCurdy	Stenholm
Gallo	McDade	Stump
Gekas	McHale	Sundquist
Geren	McHugh	Swett
Gilchrist	McKeon	Talent
Gillmor	McMillan	Tanner
Gingrich	McNulty	Tauzin
Goodlatte	Meyers	Taylor (MS)
Goodling	Mica	Taylor (NC)
Goss	Michel	Thomas (CA)
Grams	Miller (FL)	Thomas (WY)
Greenwood	Minge	Thurman
Gunderson	Molinari	Torkildsen
Hall (OH)	Montgomery	Trafiact
Hall (TX)	Moorhead	Upton
Hamilton	Myers	Valentine
Hancock	Nussle	Volkmer
Hansen	Ortiz	Vucanovich
Hastert	Orton	Walker
Hayes	Oxley	Walsh
Hefley	Packard	Weldon
Herger	Parker	Wolf
Hobson	Paxon	Young (AK)
Hoekstra	Penny	Young (FL)
Hoke	Peterson (MN)	Zeliff
Holden	Petri	Zimmer
Huffington	Pickett	
Hunter	Pombo	

NOT VOTING—7

Faleomavaega (AS)	Lloyd	Towns
Ford (TN)	Machtley	Washington
	Schumer	

□ 1309

The Clerk announced the following pair:

On this vote:

Mr. Schumer for, with Mr. Machtley against.

Ms. ROS-LEHTINEN and Messrs. KIM, CRAMER, and CRAPO changed their vote from "aye" to "no."

Ms. SCHENK changed her vote from "no" to "aye".

So the amendment to the amendment offered as a substitute for the amendment, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to clause 2(d) of rule XXIII, the Committee rises.

□ 1310

Pursuant to clause 2(d) of rule XXIII the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. GLICKMAN, 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. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, directs him to report that on a recorded vote on an amendment the votes of the Delegates and of the Resident Commissioner from Puerto Rico were decisive.

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

The Clerk read as follows:

Amendment offered by Mr. YATES to the amendment offered by Mr. BACHUS of Alabama as a substitute for the amendment offered by Mr. STEARNS, as amended: On line 4 of the amendment, strike "4.99" and insert "1.0."

The SPEAKER pro tempore. Pursuant to clause 2 of rule XXIII, the Chair will now put the question de novo on the amendment offered by the gentleman from Illinois [Mr. YATES] to the amendment offered by the gentleman from Alabama [Mr. BACHUS] as a substitute for the amendment offered by the gentleman from Florida [Mr. STEARNS], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

the vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 268]

AYES—210

Abercrombie	Clay	Fazio
Ackerman	Clayton	Fields (LA)
Andrews (ME)	Clement	Finer
Andrews (TX)	Clinger	Fingerhut
Applegate	Clyburn	Fish
Bacchus (FL)	Coleman	Flake
Baessler	Collins (IL)	Foglietta
Barca	Collins (MI)	Ford (MI)
Barlow	Conyers	Frank (MA)
Barrett (WI)	Coppersmith	Frost
Becerra	Costello	Furse
Bellenson	Coyne	Gejdenson
Berman	Danner	Gephardt
Bevill	Darden	Gibbons
Bilbray	DeFazio	Gilman
Bishop	DeLauro	Glickman
Blackwell	Dellums	Gonzalez
Boehlert	Derrick	Gordon
Bonior	Deutsch	Grandy
Borski	Dicks	Green
Boucher	Dingell	Gutierrez
Brewster	Dixon	Hamburg
Brooks	Dooley	Harman
Brown (CA)	Durbin	Hastings
Brown (FL)	Edwards (CA)	Hefner
Brown (OH)	Ehlers	Hilliard
Bryant	Engel	Hinchee
Byrne	English	Hoagland
Cantwell	Eshoo	Hochbrueckner
Cardin	Evans	Horn
Carr	Farr	Houghton

Hoyer	Mineta	Scott
Hughes	Mink	Serrano
Insole	Moakley	Sharp
Jacobs	Mollohan	Shepherd
Jefferson	Moran	Skaggs
Johnson (CT)	Morella	Slattery
Johnson (GA)	Murphy	Slaughter
Johnson (SD)	Murtha	Smith (IA)
Johnson, E. B.	Nadler	Spratt
Johnston	Neal (MA)	Stark
Kaptur	Neal (NC)	Stokes
Kennedy	Oberstar	Strickland
Kennelly	Obey	Studds
Kildee	Olver	Stupak
Kiecicka	Owens	Swift
Klein	Pallone	Synar
Kopetski	Pastor	Tejeda
Kreidler	Payne (NJ)	Thompson
LaFalce	Payne (VA)	Thornton
Lambert	Pelosi	Torres
Lantos	Peterson (FL)	Torricelli
LaRocco	Pickle	Tucker
Leach	Price (NC)	Unsold
Levin	Rahall	Velazquez
Lewis (GA)	Rangel	Vento
Lowey	Reed	Visclosky
Maloney	Reynolds	Waters
Manton	Richardson	Watt
Margolies-Mezvinsky	Roemer	Waxman
Markey	Rose	Wheat
Martinez	Rostenkowski	Whitten
Matsui	Roybal-Allard	Williams
Mazzoli	Rush	Wilson
McDermott	Sabo	Wise
Meehan	Sanders	Woolsey
Meek	Sangmeister	Wyden
Menendez	Sawyer	Wynn
Mfume	Schenk	Yates
Miller (CA)	Schroeder	
	Schumer	

NOES—216

Allard	Fawell	Lehman
Andrews (NJ)	Fields (TX)	Levy
Archer	Fowler	Lewis (CA)
Armye	Franks (CT)	Lewis (FL)
Bachus (AL)	Franks (NJ)	Lewis (KY)
Baker (CA)	Gallely	Lightfoot
Baker (LA)	Gallo	Linder
Ballenger	Gekas	Lipinski
Barcia	Geren	Long
Barrett (NE)	Gilchrist	Lucas
Bartlett	Gillmor	Mann
Barton	Gingrich	Manzullo
Bateman	Goodlatte	McCandless
Bentley	Goodling	McCloskey
Bereuter	Goss	McColum
Bilirakis	Grams	McCrery
Bliley	Greenwood	McCurdy
Blute	Gunderson	McDade
Boehner	Hall (OH)	McHale
Bonilla	Hall (TX)	McHugh
Browder	Hamilton	McInnis
Bunning	Hancock	McKeon
Burton	Hansen	McMillan
Buyer	Hastert	McNulty
Callahan	Hayes	Meyers
Calvert	Hefley	Mica
Camp	Herger	Michel
Canady	Hobson	Miller (FL)
Castle	Hoekstra	Minge
Chapman	Hoke	Molinari
Coble	Holden	Montgomery
Collins (GA)	Huffington	Moorhead
Combust	Hunter	Myers
Condit	Hutchinson	Nussle
Cooper	Hutto	Ortiz
Cox	Hyde	Orton
Cramer	Inglis	Oxley
Crane	Inhofe	Packard
Crapo	Istook	Parker
Cunningham	Johnson, Sam	Paxon
Deal	Kanjorski	Penny
DeLay	Kasich	Peterson (MN)
Diaz-Balart	Kim	Petri
Dickey	King	Pickett
Doolittle	Kingston	Pombo
Dornan	Klink	Pomeroy
Dreier	Klug	Porter
Duncan	Knollenberg	Portman
Dunn	Kolbe	Poshard
Edwards (TX)	Kyl	Pryce (OH)
Emerson	Lancaster	Quillen
Everett	Laughlin	Quinn
Ewing	Lazio	Ramstad

Ravenel	Shuster	Taylor (MS)
Regula	Sisisky	Taylor (NC)
Ridge	Skeen	Thomas (CA)
Roberts	Skelton	Thomas (WY)
Rogers	Smith (MI)	Thurman
Rohrabacher	Smith (NJ)	Torkildsen
Ros-Lehtinen	Smith (OR)	Trafficant
Roth	Smith (TX)	Upton
Roukema	Snowe	Valentine
Rowland	Solomon	Volkmer
Royce	Spence	Vucanovich
Santorum	Stearns	Walker
Sarpalius	Stenholm	Walsh
Saxton	Stump	Weidon
Schaefer	Sundquist	Wolf
Schiff	Swett	Young (AK)
Sensenbrenner	Talent	Young (FL)
Shaw	Tanner	Zeliff
Shays	Tauzin	Zimmer

NOT VOTING—8

de la Garza	Lloyd	Towns
Ford (TN)	Machtley	Washington
Livingston	McKinney	

□ 1334

Mr. CASTLE changed his vote from "aye" to "no."

Mr. PETERSON of Florida changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to rule XXIII, clause 2(d). The Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 4602.

□ 1335

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. 4602, with Mr. GLICKMAN 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 Mr. YATES to the Bachus substitute has been adopted on a recorded vote on which the votes cast by the delegates and the resident commissioner were decisive.

That result has since been reversed by the House. Accordingly, the amendment offered by Mr. YATES to the Bachus substitute is not agreed to.

AMENDMENT OFFERED BY MR. DICKS TO THE AMENDMENT OFFERED BY MR. BACHUS OF ALABAMA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STEARNS, AS AMENDED

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. DICKS to the amendment offered by Mr. BACHUS of Alabama as a substitute for the amendment offered by Mr. STEARNS, as amended: In line 4 of the substitute amendment strike "4.99" and insert "2.0"

The CHAIRMAN. There is no debate on this amendment, pursuant to the unanimous consent request earlier on.

The question is on the amendment offered by the gentleman from Wash-

ington [Mr. DICKS] to the amendment offered by the gentleman from Alabama [Mr. BACHUS] as a substitute for the amendment offered by the gentleman from Florida [Mr. STEARNS] as amended.

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BACHUS of Alabama. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question.

The vote was taken by electronic device, and there were—ayes 222, noes 204, not voting 13, as follows:

[Roll No. 269]

AYES—222

Abercrombie	Fazio	Martinez
Ackerman	Fields (LA)	Matsui
Andrews (ME)	Fliner	Mazzoli
Andrews (TX)	Fingerhut	McDermott
Applegate	Fish	McHale
Bacchus (FL)	Foglietta	McKinney
Baesler	Ford (MI)	McNulty
Barca	Frank (MA)	Meehan
Barcia	Frost	Meek
Barlow	Furse	Menendez
Barrett (WI)	Gedjenson	Mfume
Becerra	Gephardt	Miller (CA)
Bellenson	Gibbons	Mineta
Berman	Gilman	Mink
Bevill	Glickman	Moakley
Bilbray	Gonzalez	Molohan
Bishop	Gordon	Moran
Blackwell	Grandy	Morella
Boehlert	Green	Murphy
Bonior	Gutierrez	Murtha
Borski	Hall (OH)	Nadler
Boucher	Hamburg	Neal (MA)
Brewster	Harman	Neal (NC)
Brooks	Hastings	Norton (DC)
Brown (CA)	Hefner	Oberstar
Brown (FL)	Hilliard	Obey
Bryant	Hinchey	Oliver
Byrne	Hoagland	Owens
Cantwell	Hochbrueckner	Pallone
Cardin	Horn	Pastor
Carr	Houghton	Payne (NJ)
Clayton	Hoyer	Payne (VA)
Clement	Hughes	Pelosi
Clinger	Inslee	Penny
Clyburn	Jacobs	Peterson (FL)
Coleman	Jefferson	Pickle
Collins (IL)	Johnson (CT)	Pomeroy
Collins (MI)	Johnson (GA)	Price (NC)
Conyers	Johnson (SD)	Rahall
Coppersmith	Johnson, E. B.	Rangel
Costello	Johnston	Reed
Coyne	Kaptur	Reynolds
Danner	Kennedy	Richardson
Darden	Kennelly	Roemer
de la Garza	Kildee	Romero-Barcelo
de Lugo (VI)	Kleczka	(PR)
DeFazio	Klein	Rose
DeLauro	Klink	Rostenkowski
Dellums	Kopetski	Roybal-Allard
Derrick	Kreidler	Rush
Deutsch	LaFalce	Sabo
Dicks	Lambert	Sanders
Dingell	Lancaster	Sangmeister
Dixon	Lantos	Sawyer
Dooley	LaRocco	Schenk
Dunn	Leach	Schroeder
Durbin	Levin	Schumer
Edwards (CA)	Lewis (GA)	Scott
Ehlers	Lipinski	Serrano
Engel	Lowe	Sharp
English	Maloney	Shays
Eshoo	Manton	Shepherd
Evans	Margolies-	Skaggs
Farr	Mezvinsky	Slatery

Slaughter	Thompson	Waters
Smith (IA)	Thornton	Watt
Spratt	Torres	Wheat
Stark	Torricelli	Whitten
Stokes	Tucker	Williams
Strickland	Underwood (GU)	Wilson
Studds	Unsoeld	Wise
Stupak	Velazquez	Woolsey
Swift	Vento	Wynn
Synar	Visclosky	Yates
Tejeda	Walsh	

NOES—204

Allard	Gunderson	Parker
Andrews (NJ)	Hall (TX)	Paxon
Archer	Hamilton	Peterson (MN)
Armey	Hancock	Petri
Bachus (AL)	Hansen	Pickett
Baker (CA)	Hastert	Pombo
Baker (LA)	Hayes	Porter
Ballenger	Hefley	Portman
Barrett (NE)	Herger	Poshard
Bartlett	Hobson	Pryce (OH)
Barton	Hoekstra	Quillen
Bateman	Hoke	Quinn
Bentley	Holden	Ramstad
Bereuter	Huffington	Ravenel
Billrakis	Hunter	Regula
Billey	Hutchinson	Ridge
Blute	Hutto	Roberts
Boehner	Hyde	Rogers
Bonilla	Inglis	Rohrabacher
Browder	Inhofe	Ros-Lehtinen
Brown (OH)	Istook	Roth
Bunning	Johnson, Sam	Roukema
Burton	Kanjorski	Rowland
Buyer	Kasich	Royce
Callahan	Kim	Santorum
Calvert	King	Sarpalius
Camp	Kingston	Saxton
Canady	Klug	Schaefer
Castle	Knollenberg	Schiff
Chapman	Kolbe	Sensenbrenner
Coble	Kyl	Shaw
Collins (GA)	Laughlin	Shuster
Combest	Lazio	Sisisky
Condit	Lehman	Skeen
Cooper	Levy	Skelton
Cox	Lewis (CA)	Smith (MI)
Cramer	Lewis (FL)	Smith (NJ)
Crane	Lewis (KY)	Smith (OR)
Crapo	Lightfoot	Smith (TX)
Cunningham	Linder	Snowe
Deal	Livingston	Solomon
DeLay	Long	Spence
Diaz-Balart	Lucas	Stearns
Dickey	Mann	Stenholm
Doolittle	Manzullo	Stump
Dornan	McCandless	Sundquist
Dreier	McCloskey	Swett
Duncan	McCollum	Talent
Pastor	McCrery	Tanner
Edwards (TX)	McCurdy	Tauzin
Emerson	McDade	Taylor (MS)
Everett	McHugh	Taylor (NC)
Ewing	McInnis	Thomas (CA)
Fields (TX)	McKeon	Thomas (WY)
Fowler	McMillan	Thurman
Franks (CT)	Meyers	Torkildsen
Franks (NJ)	Mica	Trafficant
Gallely	Michel	Upton
Gallo	Miller (FL)	Valentine
Gekas	Molinari	Volkmer
Geren	Montgomery	Vucanovich
Gilchrist	Moorhead	Walker
Gillmor	Myers	Weidon
Gingrich	Nussle	Wolf
Goodlatte	Ortiz	Young (AK)
Goodling	Orton	Young (FL)
Goss	Oxley	Zeliff
Grams	Packard	Zimmer
Greenwood		

NOT VOTING—13

Clay	Ford (TN)	Towns
Faleomavaega	Lloyd	Washington
(AS)	Machtley	Waxman
Fawell	Markey	Wyden
Flake	Minge	

□ 1353

So the amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Alabama [Mr. BACHUS] as a substitute for the amendment offered by the gentleman from Florida [Mr. STEARNS], as amended.

The amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS], as amended.

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

## RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 380, noes 41, not voting 18, as follows:

[Roll No. 270]

AYES—380

Ackerman	Coble	Gejdenson
Allard	Coleman	Gekas
Andrews (ME)	Collins (GA)	Gephardt
Andrews (NJ)	Collins (MI)	Geren
Andrews (TX)	Combust	Gibbons
Applegate	Condit	Gilchrest
Archer	Conyers	Gillmor
Army	Cooper	Gilman
Bacchus (FL)	Coppersmith	Gingrich
Bacchus (AL)	Costello	Glickman
Baesler	Cox	Goodlatte
Baker (CA)	Coyne	Goodling
Baker (LA)	Cramer	Gordon
Ballenger	Crane	Goss
Barca	Crapo	Grams
Barcia	Cunningham	Grandy
Barlow	Danner	Green
Barrett (NE)	Darden	Greenwood
Barrett (WI)	de la Garza	Gunderson
Bartlett	Deal	Gutierrez
Bateman	DeFazio	Hall (OH)
Becerra	DeLauro	Hall (TX)
Bentley	DeLay	Hamilton
Bereuter	Derrick	Hancock
Bevill	Deutsch	Hansen
Bilbray	Diaz-Balart	Hastert
Billirakis	Dickey	Hayes
Bishop	Dicks	Hefley
Blackwell	Dingell	Hefner
Billey	Dooley	Herger
Blute	Doolittle	Hoagland
Boehlert	Dornan	Hobson
Boehner	Dreier	Hochbrueckner
Bonilla	Duncan	Hoekstra
Bonior	Dunn	Hoke
Borski	Durbin	Holden
Boucher	Edwards (CA)	Horn
Brewster	Edwards (TX)	Houghton
Brooks	Ehlers	Hoyer
Browder	Emerson	Huffington
Brown (CA)	English	Hughes
Brown (FL)	Eshoo	Hunter
Brown (OH)	Evans	Hutchinson
Bryant	Everett	Hutto
Bunning	Ewing	Hyde
Burton	Farr	Inglis
Buyer	Fawell	Inhofe
Byrne	Fazio	Inslie
Callahan	Fields (TX)	Jacobs
Calvert	Fingerhut	Jefferson
Camp	Fish	Johnson (CT)
Canady	Flake	Johnson (GA)
Cantwell	Ford (MI)	Johnson (SD)
Cardin	Fowler	Johnson, E. B.
Carr	Franks (CT)	Johnson, Sam
Castle	Franks (NJ)	Kanjorski
Chapman	Frost	Kaptur
Clement	Furse	Kasich
Clinger	Galleghy	Kennedy
Clyburn	Gallo	Kennelly

Kildee	Mollinari	Sensenbrenner
Kim	Mollohan	Sharp
King	Montgomery	Shaw
Kingston	Moorhead	Shays
Kiecicka	Murphy	Shepherd
Klein	Myers	Shuster
Klink	Neal (NC)	Sisisky
Klug	Nussle	Skeen
Knollenberg	Oberstar	Skelton
Kolbe	Obey	Slattery
Kopetski	Ortiz	Smith (IA)
Kreidler	Orton	Smith (MI)
Kyl	Owens	Smith (NJ)
LaFalce	Packard	Smith (OR)
Lambert	Pallone	Smith (TX)
Lancaster	Parker	Snowe
Lantos	Pastor	Solomon
LaRocco	Paxon	Spence
Laughlin	Payne (VA)	Spratt
Lazio	Penny	Stearns
Lehman	Peterson (FL)	Stenholm
Levin	Peterson (MN)	Stokes
Levy	Petri	Stump
Lewis (CA)	Pickett	Stupak
Lewis (FL)	Pickle	Sundquist
Lewis (KY)	Pombo	Sweet
Lightfoot	Pomeroy	Swift
Linder	Porter	Synar
Lipinski	Portman	Talent
Livingston	Poshard	Tanner
Long	Price (NC)	Tauzin
Lucas	Pryce (OH)	Taylor (MS)
Mann	Quillen	Taylor (NC)
Manton	Quinn	Tejeda
Manzullo	Rahall	Thomas (CA)
Margolies-	Ramstad	Thomas (WY)
Mezvinsky	Rangel	Thompson
Markey	Ravenel	Thornton
Martinez	Reed	Thurman
Matsui	Regula	Torkildsen
Mazzoli	Reynolds	Torres
McCandless	Richardson	Torricelli
McCloskey	Ridge	Trafficant
McCollum	Roberts	Unsoeld
McCrery	Roemer	Upton
McCurdy	Rogers	Valentine
McDade	Rohrabacher	Velazquez
McDermott	Ros-Lehtinen	Vento
McHale	Rose	Visclosky
McHugh	Rostenkowski	Volkmer
McInnis	Roth	Vucanovich
McKeon	Roukema	Walker
McMillan	Rowland	Walsh
McNulty	Roybal-Allard	Waxman
Meehan	Royce	Weldon
Meek	Sanders	Wheat
Menendez	Sangmeister	Whitten
Meyers	Santorum	Williams
Mfume	Sarpalius	Wilson
Mica	Sawyer	Wise
Michel	Saxton	Wolf
Miller (CA)	Schaefer	Woolsey
Miller (FL)	Schenk	Wyden
Mineta	Schiff	Wynn
Minge	Schroeder	Young (AK)
Mink	Schumer	Young (FL)
Moakley	Scott	Zimmer

## NOES—41

Abercrombie	Harman	Neal (MA)
Beilenson	Hastings	Norton (DC)
Berman	Hilliard	Olver
Clayton	Hinchee	Payne (NJ)
Collins (IL)	Johnston	Pelosi
de Lugo (VI)	Leach	Sabo
Dellums	Lewis (GA)	Skaggs
Dixon	Lowe	Slaughter
Engel	Maloney	Stark
Fields (LA)	McKinney	Studds
Filner	Moran	Waters
Foglietta	Morella	Watt
Frank (MA)	Murtha	Yates
Hamburg	Nadler	

## NOT VOTING—18

Barton	Lloyd	Strickland
Clay	Machtley	Towns
Faleomavaega	Oxley	Tucker
(AS)	Romero-Barcelo	Underwood (GU)
Ford (TN)	(PR)	Washington
Gonzalez	Rush	Zeliff
Istook	Serrano	

□ 1406

Messrs. ABERCROMBIE, DIXON, and DELLUMS, Ms. WATERS, Mrs. MALONEY, Mrs. LOWEY, Ms. NOR-TON, and Ms. SLAUGHTER changed their vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding. I have asked him to do so for the purpose of getting his and the subcommittee's clarification of the action regarding the road maintenance budget of the Forest Service.

Is it the chairman's intent that this bill includes funding for reconstruction of the Kooacanusa Bridge, which is located on the Kootenai National Forest in Northwest Montana?

Mr. YATES. The committee understands the importance of this project to the gentleman from Montana and in providing a budget level for road maintenance which is \$1 million less than the President's request, it is the committee's intention that under this bill the project will move forward next year.

Mr. WILLIAMS. Regarding the \$1 million reduction in the road maintenance budget, was it the committee's intent that this be taken across the board or from one particular region?

Mr. YATES. The committee intended that this reduction be taken across the board, appropriately balanced among all regions of the Forest Service.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG: Page 58, line 9, strike "\$445,544,000" and insert "\$418,271,000".

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer a second amendment, and I ask unanimous consent it be considered en bloc with the amendment just offered.

The Clerk read as follows:

Amendment offered by Mr. KLUG: Page 59, line 9, strike "\$824,585,000" and insert "\$834,585,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. YATES. Mr. Chairman, I object. The CHAIRMAN. Objection is heard.

The gentleman from Wisconsin [Mr. KLUG] is recognized for 5 minutes on his first amendment.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I understand the gentleman from Wisconsin is agreeable to a time restriction of 30 minutes for consideration of this amendment and all amendments thereto, with 15 minutes to be controlled by the gentleman

from Wisconsin [Mr. KLUG] and 15 minutes to be controlled by the gentleman from Illinois.

Mr. KLUG. Mr. Chairman, I am agreeable, with the caveat that if this one passes, we will then discuss the second one.

Mr. YATES. Mr. Chairman, I offer this as a unanimous-consent request.

The CHAIRMAN. Without objection, the time limit is 30 minutes total time on this amendment and all amendments thereto, equally divided between the gentleman from Illinois [Mr. YATES] and the gentleman from Wisconsin [Mr. KLUG].

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KLUG] is recognized for 15 minutes.

□ 1410

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

This series of amendments is an attempt to cut \$28 million which represents the President's funding levels for coal technology research and to save roughly half of that money or a little bit more than half of that money and also shift, if we are successful in the original cut, about \$10 million into additional conservation programs.

The administration requested \$128 million for coal research and development, and the committee has put \$155 million into this bill. So the Interior appropriation one more time is more than \$27 million what the administration wanted.

Even under these cuts, we still continue to invest roughly 27 percent of the fossil fuel budget into coal research and technology. That is a reduction right now from a level of about 39 percent.

My colleagues should keep in mind that for the 1970's and through the 1980's, we funded a wide array of potential markets for coal from electric power to industrial processes to residential and commercial heating. If Members check the long history of these projects, we discovered we have funded some of them since the early 1940's. I believe that at a time when we have shrinking resources, it makes more sense to move to emerging technologies rather than to continue to fund technologies that have been worked since the 1940's.

This actually confirms what the authorizing committee has attempted to do. This is an October 5, 1992 colloquy between the gentleman from California [Mr. BROWN] and the ranking member, the gentleman from Pennsylvania [Mr. WALKER] on the Committee on Science, Space, and Technology on their understanding of the coal and research development authorization in the Energy Policy Act.

The gentleman from Pennsylvania [Mr. WALKER] said:

In the titles XIII which authorizes coal research and development of \$278 million,

\$139,000 is authorized for 1993. This is \$42 million less than the current funding level and sets the policy of the Federal Government that starts with graduating that mature technology to the private sector.

In other words, the Government should be weaned from the program.

And then he asks, "Would the gentleman from California be good enough to confirm this is the intent of the committee?"

And the gentleman from California [Mr. BROWN], the chairman of the Science Authorization Committee says, "I thank the gentleman for yielding. I would like to state that this is exactly my understanding."

Now, one quick example, since the early 1940's, there has been an ongoing coal liquefaction research and development project. But the private sector cost of this program is only about 12 percent. So we have been doing it for 45 years, and the private sector still does not see enough of an investment that they really allow us to pay more than 88 percent of the cost of the research projects. If industry does not have any confidence in this program after more than 50 years, why should we? I do not think it is necessary for the Federal Government to continue to fund it, and that is why we would like to see a substantial cutback and also attempt to move some money into the conservation program itself.

Let me make it very clear that the Executive Office of the President, the OMB, sent a statement over yesterday saying, "The Administration urges the House to restore \$27 million to fund important initiatives, and this could be achieved by reducing lower priority items funded under the Fossil Energy Research and Development Act."

That is exactly what we are attempting to do at this point.

Mr. Chairman, in brief, we have had similar cuts on this program in the past which have all passed. The gentleman from Pennsylvania [Mr. WALKER] was successful last year. The administration has attempted to reduce these funding levels. The Senate continues to protect them and so we find ourselves year after year after year having the same debate.

I think, clearly, since we have been funding projects since the 1940's which have not had commercial payoffs yet, since we are facing a \$200 billion deficit, it is absolutely appropriate that we reduce the funding levels to the administration's concerns, bank a chunk of it and put the rest in conservation programs which, in my mind, have a priority, a higher priority. And it is the same higher priority in this case that the Clinton administration even supports the case.

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

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have go to set the record straight here.

No. 1, this cut will come out of coal, oil, and gas, because they are lumped together in the bill.

The amount in the bill for coal is \$155 million. The amount in the bill for oil and gas is \$201 million.

This cut will come out of both.

It is important that we do the continuing research, because as stated by the Assistant Secretary for Fossil Energy, economic growth and clean environmental achievements in the 21st century, that is out the next 100 years, need high-efficiency fossil fuel technologies.

What we are talking about here is the research needed to perfect these fossil fuel technologies.

It was stated that there is a very small industry match. I would point out that the average is 20 percent industry, private sector; 80, public, and in the clean coal program, it is a minimum of 50/50.

We are not going to nuclear in this country. Let us face it. Fifty-five percent of our Nation's electricity comes from coal; 40 percent of the world's electricity comes from coal. We are going to be using coal and oil and gas as far into the future as we can see, because nuclear is off the board.

Therefore, it is vitally important that we continue the research. But let us also make it clear that this is not a reduction from the President's number in total. As a matter of act, it is down under last year's level by \$2 million, and it is inconsistent with the President's request in terms of a total amount for coal and oil and gas.

I have got to emphasize that we are not just talking about coal here. We are talking about coal, oil, and gas. I would point out also that in terms of Btu's, the production of energy, from the U.S. coal reserves is equal, equal to all of the world's known oil reserves, all the oil in the world, we equal with coal.

But we have got to be able to use our coal in an environmentally safe way. That is what this research is all about.

I think it would be foolish at this juncture to go below last year, to go below the President's request and, certainly, for those of my colleagues that were here in the late 1970's, and even if they were not here, they remember the energy crisis. We were doing all kinds of things. People were sitting in gasoline lines and, as we look at the numbers prospectively, we will be dependent on foreign sources for oil and gas, up to about 70 percent. We are probably at about 50 percent today.

We absolutely need to use our coal to produce electricity. We need to think of ways to enhance the oil and gas reserves of this Nation so we are not dependent on foreign energy resources in a world of turmoil and particularly in the Middle East for 60 to 70 percent of our energy resources.

I think it is vitally important that we continue the research on the ways to burn coal environmentally safely, that we continue research to enhance our oil and gas production. There are millions of Btu's in the ground that can be recovered if we develop the right techniques.

I would lastly point out what the Assistant Secretary for Fossil Energy said in the committee hearing.

The recommendations (for further reductions) appear to be based on the assumption of a rapid transition away from fossil fuels, particularly coal, to an energy infrastructure dominated by energy conservation and reliance on renewable energy sources. At some point in the future that transition may indeed occur, but it is doubtful it will occur as rapidly as assumed and, in any event, as shown by the EIA projections, it is not going to happen in the next 20 years. Further cuts in the coal R&D budget will delay or possibly eliminate the potential for use of cleaner, more efficient U.S.-based coal technology throughout the world. However, as projected by the EIA, worldwide coal use will continue to increase. In this event, the coal utilization technology employed will be existing, less environmentally sound systems, or, more likely, the technology gap will be filled by our European and Japanese competitors who continue to work aggressively on developing cleaner coal-power systems technology.

□ 1420

Mr. Chairman, it is vitally important to the energy future of this Nation, that we continue our research on coal, oil, and gas to make it environmentally safe and to extend the use and make our Nation independent of offshore sources.

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

Mr. Chairman, I appreciate what was said in the committee hearing that the gentleman from Ohio [Mr. REGULA] quoted from, but also let me point out that the Executive Office of the President has sent down a letter telling us that they support the cut, and moving more money to additional programs in fossil energy and research. So for now, the administration is on our side, despite what was said in the earlier hearing.

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Minnesota [Mr. RAMSTAD], one of the cosponsors of this bill, along with the gentleman from Wisconsin [Mr. KLECZKA].

Mr. RAMSTAD. Mr. Chairman, I join my colleagues, the gentlemen from Wisconsin [Mr. KLUG and Mr. KLECZKA] in offering this bipartisan amendment to reduce the appropriation for coal research and development.

Mr. Chairman, the President is right on this one. Last year the House was right in voting overwhelmingly to reduce this program by \$49 million. Today we simply ask that the House cut this appropriation by \$28 million and bring the appropriation in line with the President's request.

Coal is hardly a new energy source, Mr. Chairman. Research and development in the private sector is well established. It is high time Congress reduces subsidies to these mature technologies. With a projected deficit in this country in the \$200 billion range, we simply cannot afford to continue these subsidies.

Our amendment is supported by several national taxpayers' groups, the National Taxpayers Union and Citizens Against Government Waste, to name but two. This would save the American taxpayers at least \$18 million. Our amendment is also supported by several environmental groups: Friends of the Earth, the National Resources Defense Fund, and Environmental Action. It would dedicate \$10 million to energy conservation, which is very, very crucial at this time.

Mr. Chairman, let us cast a vote for fiscal responsibility. Let us cast a vote for environmental responsibility at the same time. Let us bring the spending level down to President Clinton's request. Support the Klug-Ramstad-Kleczyka amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I know most of the Members will find this interesting, that I am opposing the amendment of my best friend in the Congress, but I think the amendment is going in the wrong direction. We are trying to cut funding in this Congress, we are trying to save money, but we also realize that we have a responsibility in this Congress to make sure that there is proper investment in our country in areas where the private sector cannot do it alone.

Mr. Chairman, when we look at the energy needs of this country, no one can look the other way when it comes to coal. We have vast resources of coal in this country, but because it has high sulfur in some cases, because of the particulate matter involved in it, if we can find ways to have cleaner coal technology developed in this country, we are going to do our children and their children in the next generations behind us a very, very big favor.

So while we want to reduce spending, and we want to cut expenditures, we should not be penny wise and pound foolish. That is exactly what this amendment does. This basic research that is done in clean coal technology will benefit our Nation.

In Ohio, we have a separate fund that has been developed, that takes the basic research that is done out of this program, adds more money to it to try to commercialize those process. I think this is exactly the type of program that the Federal Government ought to have.

Mr. Chairman, yesterday I opposed an amendment on the NEA because I did not think it was within the proper

scope of the Federal Government to be involved in it. This is the kind of project, though, that is within the scope of what the U.S. Congress ought to be doing.

Mr. Chairman, I oppose the gentleman's amendment and I urge my colleagues to do so as well.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Chairman, I rise in opposition to the amendment of my friend, the gentleman from Wisconsin [Mr. KLUG].

I am proud to represent a significant part of the largest anthracite deposit of coal in this country. Anthracite coal is a low-sulfur burning fuel that has a future. It has a future in industrial use, it has a future in domestic use. More importantly and most significantly, great progress has been made recently in the process of turning anthracite coal into a gasoline component.

As the previous speaker mentioned earlier, we are too dependent on foreign oil in this country, and we have large deposits of anthracite coal and bituminous coal that can be of great use to us if we face another energy crisis. I ask all my colleagues in the House to oppose the amendment and keep investing in our future, keep investing in research and development, in rich coal deposits that we have in this country.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I simply want to talk a little bit about the importance of this research in the energy future of this country. Just this morning we talked considerably about offshore oil. We talked about the domestic oil industry and its decline. We talked about what we are going to do in the longrun future. We talked about the future of gas, and particularly, coal, coal being, I suspect, the greatest volume of energy that we have available, particularly for electric power generation.

Mr. Chairman, we have to find ways to use this abundant energy resource in better ways than we do now. For example, we have coal that costs \$5 or \$6 in the Powder River Basin in Wyoming, but costs \$27 or \$28 in Texas. We need to find ways to make that more efficient.

We have to find ways to continue to reduce the water content, for example, and increase the Btu content so shipping costs can go down, so this can be more efficient. That is what this is designed to do.

Mr. Chairman, this kind of research is essential, it seems to me, to the future of our economy. I oppose the amendment.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WALKER], the ranking Republican on the Committee on Science, Space, and Technology.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I also thank the gentleman for his amendment, and it is an amendment that I have brought to the floor on several occasions in the past. I want to agree with a lot of people who have talked about the importance of the coal research and what goes on.

Mr. Chairman, I never have had any doubt about that whatsoever. Coal is one of our most important natural resources. It is an energy source of the future. We need to figure out ways to utilize it better.

Mr. Chairman, here is my problem with the programs that we have in place right now. Instead of being leading edge R&D programs, what we have is a lot of programs that are basically on a research and development life support system. They are programs where we have proven the technology, where we know how to do it.

The problem is that what we have found out is that having gotten there, it is too expensive to put into the energy stream. In order to keep the technologies alive, we have put them on an R&D life support system, rather than going to the commercialization.

Mr. Chairman, my point is R&D always ought to be aimed at making certain that we are out on the leading edge, finding the new technologies that make things better. In this particular case, what we have is an inability to commercialize what we have already found out because it is too expensive, and therefore we are retaining it on life support.

Mr. Chairman, I think what we can do is assure that all of the money heads toward doing real leading edge R&D. That is fine. What we ought to do is withdraw the programs where we have already found out that they know how to do it and it is just too expensive to commercialize. That it seems to me to be something that the taxpayers can no longer afford to do. That is a subsidy which, in my view, does not constitute research and development.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to my friend, the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in the committee we rejected an \$18 million subsidy for fuel cells for the very reason the gentleman says, because it is commercial. Therefore, it should be sold and developed commercially. Coal, oil and gas research has not quite reached that point. That is our concern.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

□ 1430

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

Mr. DURBIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

They say in politics for every issue that is debated, there is a good reason and a real reason for a vote. I will leave it to those listening to reach their conclusion on what I have to say. I would like to at least preface my remarks by saying that when the gentleman from Minnesota and the gentleman from Wisconsin come before us and say we are talking about a subsidy to the coal industry, they are dead wrong. We are talking about a Federal investment in energy research to try to find a way to develop coal resources in an environmentally safe manner in the United States. Subsidy programs are historically programs like the dairy program in Wisconsin or the dairy program in Minnesota. This is not a subsidy program. This is a research investment program.

Let me tell Members why we should oppose the amendment offered by the gentleman from Wisconsin. First, what is at stake here are American jobs. In my home State of Illinois, about 10 years ago there were 20,000 men and women engaged in coal mining. It is a tough job, a dirty job, and a dangerous job, but it pays pretty well and the folks who went to work each day struggled and toiled to make a living, raise their families in communities all across Illinois, 20,000 of them. Today that number is down to around 5,000 because of new environmental standards nationwide, standards which I accept. We need cleaner air. America wants it. We must produce it. But we also ought to keep in mind that as we go through this transition and lose these jobs, we need to invest more in research to find ways to use the coal reserves already in America.

At this point what we are calling for is more fossil fuel energy research as my colleague from Ohio has asked for to reduce America's dependence on imported oil and gas.

Mr. Chairman, we remember not too long ago waiting in lines at gas stations, waiting to determine whether the OPEC cartel would say, "OK, America, it's OK to be in business another year." Does America want to return to those days? I think not.

In conclusion, we do not need to return to the days of energy dependence, to put our head in the sand, to ignore research which could produce energy sources right here in America. Energy dependence on foreign sources can lead us into all sorts of involvement, some say even the Persian Gulf war was created because of our energy dependence. We do not need that. If we are going to put research on a dubious questionable space station, if we are going to put re-

search into Star Wars, for goodness sakes, should not we put research into energy sources to put Americans back to work?

The amendment of the gentleman from Wisconsin [Mr. KLUG] is a vote for energy dependence on foreign oil and gas and it is a vote to eliminate jobs in the United States. Please vote "no" on the Klug amendment.

Mr. KLUG. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 7 minutes remaining.

Mr. KLUG. Mr. Chairman, do I have the right to close debate?

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has the right to close debate.

Mr. KLUG. Let me take a couple of more minutes if I could, Mr. Chairman, to simply make a couple of final points before the other side has an opportunity to do this.

I appreciate the comments of my colleague, the gentleman from Illinois, who is the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies, who obviously has the ability to shape dairy policy differently if he disagrees with me. What we are talking about here, however, let me make this point one more time, we have subsidized, and I think that is the correct term, coal liquefaction research since the 1940's. If it has not paid off in 50 years, how much more time will it take?

Mr. Chairman, it seems to me we are in the never-ending box that we always debate here about science research programs. It is never too early to kill it because we do not know the potential, and it is always too late to kill it because it may still pay off at some point in the future. I suggest after five decades of research and millions of dollars of Federal money, if it has not paid off to this point, it will never pay off in the future.

Again, the thrust of my amendment had I offered both of them together was to, first, cut some of the money devoted to coal research, save some of the money; and, second, shift some of the money to conservation research projects which is another way to reduce our dependence on foreign oil by reducing our need for energy use and, instead, shift to energy conservation. That is why I think in this case we get strong support from taxpayer groups like the Citizens Against Government Waste and the National Taxpayers Union because from an economic perspective, this program is tough to justify. From an environmental perspective, from folks like the Friends of the Earth or the Citizens Against Government Waste Research Project or the Natural Resources Defense Council, the sense is there is a better priority by

spending money and shifting money into new energy technology, and, into technologies which will help us reach the goals of both global warming and also reach the goals that are stated in the Clean Air Act.

Mr. Chairman, again, I think from both an environmental perspective and from a taxpayer perspective, it makes sense to, first, make this cut; then, second, if we are successful in a few minutes, talk about shifting some of the money to another research project.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I would point out to our Members that we have increased the conservation budget \$135 million over last year. So that we have recognized, as the gentleman points out, the importance of conservation with a very substantial increase already in the bill.

Mr. KLUG. I thank the gentleman.

Mr. Chairman, my point simply being I would still like to see even more money shifted into that program.

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

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise in strong opposition to the Klug amendment to cut coal research and development funding. It reminds me of the old Hurt America First fuels approach. More than half of all the electricity in this country each day comes from coal. Coal makes up about 90 percent of our Nation's domestic fossil fuel resource. In North Dakota, lignite coal provides electricity for more than 2 million homes throughout the Upper Midwest and at present rates of production we can do this for the next 1,000 years, our resource is so plentiful. There is no doubt going to come a day when we will have alternative fuels. We will have solar, wind, renewables we have not even thought of. But that day is far away. Right now the choice is coal, or more dependence on foreign oil sources.

Mr. Chairman, a stand for domestic energy is a stand for coal. In that light it only makes sense to try and improve this resource further; cleaner burning, more efficient. It is not as though coal has not taken its hit in terms of trying to get this budget under control, the national budget under control. This year the committee recommendation was a full \$12 million below funding for fiscal year 1994 which means it has been cut enough.

I urge my colleagues to reject the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I believe that we should be doing

research into the use of coal, but the question is at what level should this research support be at. That is where the basic question comes in. The OMB and President Clinton have recommended that we cut it back by \$27 million more and this is the level at which I believe the private sector can begin to contribute more towards these R&D kinds of efforts.

Mr. Chairman, these are difficult times. The President is putting forward significant and substantial deficit reduction efforts in my estimation, but we have to support him in those efforts. This was one of his strong recommendations and I believe we should follow it.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, final points. I want to make it very clear to my colleagues as the gentleman from Pennsylvania [Mr. WALKER] said before, this is not a new fight. In fact, the Walker-Brown-Penny amendment to last year's appropriations bill passed 276 to 144 and that amendment cut \$49 million from coal-related spending. This amendment only cuts \$27 million.

Let me also point out that even that \$40 million cut was eventually added back in in the conference committee with the Senate. For those Members who voted for the Penny-Kasich amendment, it rescinded funds for fossil energy research and development to 25 percent of its baseline level and this amendment before us is much tamer than that.

Let me also point out finally, the President requested \$976 million in energy conservation. The committee actually delivered \$824 million, which is \$152 million in conservation levels below what the White House itself requested.

□ 1440

So one more time from the perspective of those of us in this Chamber who want to save money, I believe this amendment makes sense, which is why it has the endorsement of the National Taxpayers Union and the Citizens Against Government Waste, and again, for those of you in this Chamber who are motivated by environmental reasons, that is why we find a number of colleagues including Friends of the Earth and the National Resources Defense Council trying to make the case that this is technology we have funded for 50 years. It has not paid dividends, and increasingly we need to shift money away from coal research into other kinds of projects.

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

Mr. YATES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment would affect oil and gas programs which have been receiving increased emphasis in the research program.

Techniques to recover significant quantities of oil traditionally left in the ground as unrecoverable will be delayed or abandoned.

Promising work on advanced gas turbines and fuel cells, both of which are clean and efficient technologies, will be delayed.

The committee has recommended modest increases in this area, but still below the budget request.

I point out to my good friend, the gentleman from Wisconsin [Mr. KLUG], we have made progress in the field of coal research. A barrel of oil from coal which was \$95 a few years ago is now down to \$35 as a result of the research. It is very hopeful and expected that in the near future if the research programs are allowed to continue the cost will be reduced even further, perhaps to \$25 a barrel.

I oppose the amendment, and I urge the committee to defeat it.

Mr. COSTELLO. Mr. Chairman, I want to urge my colleagues to vote against the amendment offered by my colleague from Wisconsin [Mr. KLUG]. The Klug amendment would cut \$27 million from the coal research and development budget, a cut that would do great harm to our country's most abundant energy resource.

One of the byproducts of the 1990 Clean Air Act is to try and find ways and incentives to burn high-sulfur coal using clean, environmentally-safe methods. This is an issue close to the heart of my congressional district, where several coal mines—and thousands of miners—have lost their jobs since 1990. If Congress continues to cut funding for coal research and development, we will only see these losses continue at a faster pace.

Pick up a newspaper almost daily in my district and you can read about another mine closing, another hundred families shifting from private employment to public support. Without ways to use these abundant coal resources, without this research, we will continue to import more foreign oil, relying more and more on overseas imports to sustain our Nation's energy base, and more hard-working Americans will be unemployed.

This amendment makes an unjustified cut in a program that is shouldering more than its share of the deficit reduction burden. The committee, in this bill, is recommending an overall figure for fossil energy research that is less than what Congress approved last year. In addition, the committee is recommending for coal research and development a figure that is \$11 billion less than what Congress approved last year. The coal program cannot sustain these cuts and keep this vital industry alive. I urge my colleagues to vote against the Klug amendment.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin. In recent years we have seen the budget for coal research and development decrease as offsetting increases appeared in energy conservation. I applaud our new emphasis on energy efficiency but I want to add a cautionary note. The administration's request for the coal R&D programs reflects changing priorities but does not provide

enough funding to complete ongoing programs.

As an example, the department has been funding a project to develop and construct a 1.6 megawatt pressurized fluidized bed facility. The department did not include funding for completion of the facility nor did it include operating funds needed to obtain testing results from the facility. The department's lack of foresight to bring this project to a logical conclusion is disturbing in terms of protecting our prior year investments and bringing new technologies forward to utilize our abundant coal resources. These technologies are also vital for our environmental future as the developing nations of the world continue to utilize their vast coal resources. By completing the development of more efficient and environmentally friendly coal technologies, we can provide technological leadership.

In restoring \$28 million to the budget request, the committee allows current programs to continue. Even with the additional \$28 million, the coal budget is reduced by \$12 million from last years funding levels.

I urge my colleagues to oppose the Klug amendment.

Mr. BROWN of California. Mr. Chairman, I rise in support of this Department of the Interior and related agencies appropriations bill and I commend the gentleman from Illinois and the committee for their efforts.

I am pleased with the substance of the bill as it pertains to programs in the jurisdiction of the Committee on Science, Space, and Technology. I am pleased that it is relatively free of the kind of legislative language that should be left to the proper authorizing committees—but that nevertheless appears all too often in appropriations bills. And I am pleased that the committee has continued to be one that keeps inappropriate academic earmarks to a minimum.

With respect to the substance of the bill, I am pleased that the committee has produced a bill consistent with the administration's requests for energy R&D and consistent with the Energy Policy Act of 1992. Unfortunately, in this tight budget environment the committee's recommendation provides only half the increase in energy conservation R&D requested by the President. Still, the recommended funding represents a substantial increase over last year's level. R&D investments are critical to raising the Nation's productivity and standard of living, yet they all too often are singled out for reduction or elimination by zealous deficit cutters who overlook their longer term payoffs in order to achieve short-term budget savings.

The Interior appropriations bill is not entirely free of pork, but staff of the Science Committee has identified less than \$10 million in academic earmarks, and Mr. YATES is to be recommended for his efforts to keep academic earmarking under control.

All in all, Mr. Chairman, this is a good bill and I urge all Members to support it.

Mr. POSHARD. Mr. Chairman, I rise in strong opposition to the Klug amendment.

Here is the headline in one of my newspapers this morning "Old Ben No. 25 To Close—200 Jobs Lost by August."

Those are families in my district who have about 60 days to determine what they're going to do next—and perhaps they will have no

choice but to leave a profession which has been in their families for generations.

The Clean Air Act has taken hope from these families.

What hope they have left is largely invested in the promise of research—research into promising technologies which will enable us to use these coal resources and provide jobs for our people.

The Interior appropriations committee has done difficult work in parceling out scarce resources.

We are already operating under very austere conditions and cannot afford additional reductions in this account.

Mr. Chairman, I urge opposition to the amendment.

OLD BEN NO. 25 TO CLOSE—200 JOBS LOST BY  
AUGUST

(By Nick Mariano)

Zeigler Coal Co. will stop mining coal at Old Ben No. 25 near West Frankfort in two months, the firm announced Tuesday.

Company officials told the mine's 200 employees about the decision on Friday, when the workers received 60 days' notice of the impending layoffs.

Company spokesman Vic Svec said the closing is a result of the 1990 Clean Air Act, which sets limits on sulfur dioxide emissions.

"We will cease mining operations in mid-August. This is a direct result of the Clean Air Act," he said.

The mine will remain open to recover equipment and to remove stockpiles of coal. Reclamation work also will continue, Svec said.

He said the contract with the mine's only customer, Georgia Power, expires on June 30 and will not be renewed.

The contract was in effect from the mid-1970s until 1993, and then was extended for one year. The mine produced 1.6 million tons of coal in 1993.

United Mine Workers Local 2250 President Kenneth Craig said the announcement was not a surprise. The closing has been rumored since the UMW strike ended in December.

He, too, blamed federal regulations.

"The Clean Air Act is the culprit behind the closing. Companies buying western coal will make Illinois suffer and Illinois will continue to suffer until politicians put scrubbers on power plants" he said.

Southern Illinois coal is high in sulfur, while that mined in the western United States contains less of the pollutant.

The union represents 160 of the employees at the mine. The remaining 40 employees hold management positions.

West Frankfort Mayor John Simmons said losing the mine will not only damage the income base in the city, but also eliminate revenue that the city receives from the mining company for water.

That money, he said, is used to maintain city property at the West Frankfort City Lake. Work will continue at the lake as it has been done, on an as-needed basis, he said.

The announcement did not surprise him either.

"The mining industry, has been dying for several years," he said.

According to Svec, unsuccessful attempts were made by Zeigler Coal Co., the mine's parent company, to find other customers for the high-sulfur coal.

It is unlikely, however, that the mine would reopen even if a customer were found after the mine closes.

"Conditions at the mine are probably not practical to reopen it," he said, citing problems with water leaking into the mine.

Repairs at the mine were made after a spring storm this year that ripped the roof off a washhouse at the mine and damaged about 20 mining vehicles.

The mine has coal reserves that would last another decade, Svec estimated.

The last layoffs at No. 25 were in 1990 and involved 76 workers. At that time, there were 330 employees.

Two Zeigler Coal-owned mines will continue to operate in Franklin County, No. 24 near Benton and No. 26 near Sesser.

Svec said those mines are not in jeopardy now, but he added that it will be a challenge for all of Southern Illinois to keep mines open past the year 2000, when the second phase of the Clean Air Act goes into effect. That phase will require power companies to install scrubbers, devices used to remove sulfur dioxide.

"By the time Phase Two comes around, many of the mines will have been forced to exit the market," he said.

Mr. BARCA of Wisconsin. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. KLUG, my colleague from Wisconsin.

We should be doing research into the use of coal, but the question is at what level should we support it.

The Office of Management and Budget, as well as President Clinton, have proposed to scale this program back by \$27 million.

Certainly, some of this research could receive a greater contribution from the private sector.

I would urge my colleagues to support the President's efforts at cutting spending in this area.

In these times of high budget deficits, our first priority must be to put our fiscal house in order.

Mr. Chairman, passing this amendment would advance us toward our needed goal of balancing the budget.

We must continue making progress on meeting this goal. Passing this amendment would be a step in the right direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 242, not voting 15, as follows:

[Roll No. 271]

AYES—182

Allard	Blute	DeFazio
Andrews (ME)	Boehert	DeLauro
Andrews (NJ)	Bonilla	Deutsch
Andrews (TX)	Brown (FL)	Diaz-Balart
Archer	Burton	Dickey
Army	Calvert	Doolittle
Baesler	Camp	Dornan
Baker (CA)	Canady	Dreier
Baker (LA)	Cantwell	Duncan
Ballenger	Castle	Ehlers
Barca	Coble	Engel
Barrett (NE)	Collins (GA)	Farr
Barrett (WI)	Condit	Filner
Bartlett	Coppersmith	Fingerhut
Barton	Cox	Fish
Bereuter	Crane	Fowler
Bilbray	Cunningham	Frank (MA)



excess of 10 percentum more than the rental rates which were in effect on September 1, 1994, for such housing.

SEC. 311. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 84, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. RAHALL: Page 84, after line 23, insert the following new section:

SEC. 312. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Fossil Energy Research and Development", and increasing the amount made available for "Abandoned Mine Reclamation Fund", by \$10,000,000.

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. YATES. Mr. Chairman, I ask the gentleman from West Virginia [Mr. RAHALL] to agree to a time limitation of 10 minutes, 5 minutes to be controlled by the gentleman from West Virginia and 5 minutes to be controlled by myself.

The CHAIRMAN. Is the gentleman from Illinois making a unanimous-consent request that the time for debate on the amendment offered by the gentleman from West Virginia be limited to 10 minutes, 5 minutes to be controlled by the gentleman from West Virginia and 5 minutes to be controlled by himself?

Mr. YATES. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. REGULA. Mr. Chairman, reserving the right to object, I would withdraw my reservation of objection if we can have half the time.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I will be very glad to give the gentleman from Ohio [Mr. REGULA] 2½ minutes of my time.

Mr. REGULA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the time for debate on the amendment offered by the gentleman from West Virginia [Mr. RAHALL] is limited to 10 minutes, 5 minutes to be controlled by

the gentleman from West Virginia [Mr. RAHALL], 2½ minutes to be controlled by the gentleman from Illinois [Mr. YATES] and 2½ minutes to be controlled by the gentleman from Ohio [Mr. REGULA].

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I want to first commend Chairman YATES and ranking Republican member RALPH REGULA for the excellent work they have done on this bill in light of the extremely tight budget allocation they had to work under.

But with that said, I am compelled to offer this amendment.

This amendment would strike \$10 million from the \$446,544,000 proposed for fossil energy research and development.

This \$10 million would then be added to the abandoned mine reclamation fund appropriation.

Let me be clear. I offer this amendment with no malice toward fossil energy research.

Indeed, I have always been very supportive of this research.

And if I had my preference, I would simply increase the Abandoned Mine Reclamation Program funding without this offsetting reduction.

This, however, is not a viable way to proceed under the existing budgetary situation.

And so it is appropriate, in my view, to slightly reduce the fossil energy research account in order to provide an increased appropriation for a program aimed at mitigating the health, safety, and environmental consequences of past fossil energy production, in this case, from coal mining.

This is what is happening under the abandoned mine reclamation fund.

Under the programs supported by this fund, jobs are created and immediate environmental benefits are received through the restoration of lands left unreclaimed by past coal mining practices.

We are talking about the letting of contracts and dirt being moved in a similar fashion to the highway program.

It is important to note that financing for this program is provided for through a fee assessed on every ton of coal mined in the United States.

These fees, paid by the coal industry, are deposited into the abandoned mine reclamation fund.

In effect, this fund serves as the coal industry's version of the Superfund.

However, enactment of the administration's request for this program would result in an unappropriated balance of over \$1 billion in the abandoned mine reclamation fund.

That is \$1 billion.

Now, I would suggest that the Congress did not impose these fees on the

coal industry simply to allow these money to sit idle in a Government trust fund.

Money sitting idle, I might add, while people's homes and livelihoods are being threatened by burning refuse piles, landslides, and things of this nature.

While the Appropriations Committee increased the administration request slightly—by \$5.7 million—the overall recommended amount of \$172.4 million is still far below the \$190 million in current fiscal year funding.

What I am proposing is a tradeoff. Fossil energy research should, in the future, lead to technologies that allow for the use of fossil fuels in a more environmentally sound fashion.

However, I do not think we can turn our backs on the very real and pressing problems that people face today, on the ground, in many regions of the country as a result of past coal mining practices.

And so I would transfer this \$10 million to the abandoned mine reclamation fund, and it is my intent that this \$10 million be made available for the Rural Abandoned Mine Reclamation Program, or RAMP.

Amounts appropriated from the fund are utilized through three delivery mechanisms: State grants, the Federal program and under RAMP.

While I believe the State grants program should also be increased, the RAMP Program would be wiped out under this bill. It is only proposed to receive \$2.5 million rather than the \$13 or so million normally appropriated for it.

So I say to Chairman YATES and to Mr. REGULA that it is my hope you will accept this amendment.

Mr. Chairman, I urge the adoption of this amendment.

□ 1510

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

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the fossil energy R&D budget was already cut substantially at the committee level.

Further cuts will have two adverse consequences. First, the cuts will mean a decrease in natural gas research funding, the fuel the administration is pushing as the cornerstone of our Nation's energy policy, for good reason. Natural gas is clean and abundant.

The second adverse consequence of the cuts will be to threaten the research and development necessary to keep stripper wells open and operating. There are 1 million such marginal wells operating today and they produce nearly 20 percent of our domestic oil. Without additional research and technology to make them more efficient and profitable, the United States is likely to see oil and gas production eroded even further. This year the

United States already has set a dubious record of importing 50 percent of its energy. To protect our national security as well as our economy, we need to increase, not decrease, the funds spent on research and development.

In fact, recent Department of Energy estimates suggest that as much as 60 to 70 percent of the known remaining domestic oil resources could be abandoned in less than 15 years unless effective technologies are developed and utilized.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in strong support of the Rahall amendment which would reinstate funds to the Abandoned Mine Reclamation Program, better known as RAMP.

Mr. Chairman, coal operators have paid over \$489 million into a trust fund which is used to reclaim lands left by past coal mine activities.

This is money that our coal communities have paid but cannot use to restore their land and protect their property because it is sitting by idle in a Government trust fund.

It is wrong to deny communities protection from these dangerous reclamation problems, and RAMP funds provide this protection.

We must take action now so that we can provide immediate help to people whose homes and lives are in danger, and restore funds to a program which addresses reclamation problems before they turn into emergencies.

In Kentucky, over 300,000 acres of abandoned mined lands have been reclaimed and another 102,000 acres of abandoned surface mined lands still need major reclamation work.

I see no justifiable reason for us to ignore the severe subsidence problems, property damage, and flooding that result when restoration of abandoned mine lands does not occur.

These problems can lead to serious slides or other emergencies which threaten the homes and lives of the families in my district.

Mr. Chairman, not only does RAMP funds provide assistance to families who have been affected by mine-related problems, but it also works to improve water quality in lakes and streams. It also improves the visual quality of lands that have been exposed due to the effects of strip mining.

Mr. Chairman, the list of program benefits goes on and on. This is a valuable program to eastern and southern Kentucky and other communities throughout this country.

I have seen first hand the excellent reclamation work that is accomplished through this program. The W.H. Bowlin Coal Co. in Saxton, KY, recently was awarded the national Surface Mining Reclamation Award for excellence in land reclamation. It is quality reclamation efforts such as these which benefit from RAMP funds.

Mr. Chairman, we have a responsibility to provide immediate help to those who need it and to insure the health and safety of those whose livelihood is threatened by mine related emergencies.

I urge my colleagues support the coal communities who need these funds to restore their land and protect their homes and property.

I urge my colleagues to support the Rahall amendment.

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

Mr. Chairman, I conclude by reinforcing what I and the gentleman from Kentucky [Mr. ROGERS] have stated. We have gone to the mat on a number of occasions in Congress to authorize and to extend the life of the abandoned mine reclamation fund. We set up this fund in 1977 when Congress wisely enacted the Surface Mining Reclamation Act, and it has been on the books since. The industry has fought us in our efforts to extend this program. We have invoked their wrath a number of times, yet they have abided by the law as Congress has passed this legislation.

I would say that it is only fair to the American people, it is only fair to the Appalachian States, and only fair to the coal industry, now that they are abiding by the law, paying this tax into the fund, that this money not sit idle here in Washington, but be spent for the purposes for which the original legislation was enacted. The receipts into this fund have been increasing over the years, since 1987, yet the actual appropriations for the AML have been declining. This is a small step in trying to restore that balance in fairness.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. Chairman, I am very sympathetic to the gentleman's amendment. I wish we could comply with his request. I recognize the importance of the RAMP Program, except we are prisoners of caps and of budget agreements. And in order for this program to be approved, it will be necessary to find an appropriate offset.

The gentleman suggests we take it out of coal research, out of research for fossil fuels. This would reduce fossil energy research by \$10 million, and we have already reduced that program by \$23 million below the President's request. It would have the effect of cutting oil and gas programs already reduced below the President's budget, and reducing coal programs that have already been reduced for the past 3 years.

I wish we could do it, Mr. Chairman, but the offsets that are suggested cannot be used for that purpose.

Mr. Chairman, I reluctantly have to oppose the gentleman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment was rejected.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1995".

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in support of H.R. 4602, the fiscal year 1994 Interior appropriations bill, and in opposition to any damaging amendments which would eliminate or reduce funding for the National Endowment for the Arts [NEA] or the National Endowment for the Humanities [NEH].

Efforts to eliminate or slash funding for the NEA and NEH seems to have become an annual occurrence in the U.S. Congress. Fortunately, many Members recognize the valuable contribution that these organizations make to our country and, as a result, efforts to terminate or cripple the NEA and NEH are usually unsuccessful. The reason that so many Members support funding for the NEA and NEH, including myself, is simple—the arts are important to the health and prosperity of all of American society and should be supported by the U.S. Congress. When we decide to appropriate a teeny speck of our Federal budget to the NEA and NEH, only 65 cents per American in 1993, these organizations are then able to expand these dollars and turn them into artistic appreciation and opportunities for millions of Americans.

To determine whether the NEA and NEH have any positive impact on our constituents, only one needs to take a look around one's congressional district. In the Seventh Congressional District of Illinois, which I represent, students from Bellwood, Berkely, Maywood, Oak Park, River Forest, Westchester, Hillside, and Elmwood Park attended special concerts by the world-renown Chicago Symphony. The Community Television Network in Chicago received a grant to support the neighborhood video program which is targeted at young people who have dropped out of public schools and have little exposure to the arts. I could go on and on and I am certain that many of my colleagues also have many examples of activities sponsored by the NEA and NEH in their districts.

Mr. Chairman, the arts are good for America and for that simple reason, we should continue to support Federal funding for the arts and oppose any efforts to cut NEA and NEH funding.

Mr. FRANKS of Connecticut. Mr. Chairman, I support the Interior appropriations bill before us today. It provides \$13.2 billion to help preserve our important natural and biological resources. This bill funds the National Park System, the National Wildlife Refuge fund, and the U.S. Fish and Wildlife Service. Americans are visiting our national parks and appreciating the natural beauty of our country in record numbers. Money for the Interior has been reduced by \$195 million less than last year, a reasonable reduction considering our national deficit. This cut will not hurt the ability of Americans to enjoy the natural assets of our country.

This bill comes close to home for my constituents because it provides the money needed to operate the Weir Farm National Historic site. Connecticut is proud of having been the summer home of the American impressionist painter J. Alden Weir. Volunteers and private donors have worked to make this park a place of beauty and historical meaning. I have introduced a bill to expand the boundaries of the Weir Farm Historic Site. Every member of the Connecticut delegation has cosponsored this bill.

This bill also funds the National Endowment for the Arts. In no way do I support the offensive performances that have been funded by the NEA. At the same time, I realize that the vast majority of projects funded by the NEA are respected and worthwhile. I feel it is best to handle the NEA controversy by cutting the program, but not completely eliminating it. I do not understand why these few offensive projects get chosen for funding, and we in Congress need to make sure that this problem stops.

Mr. EMERSON. Mr. Chairman, I rise today to voice my opposition to a little-known provision in the Interior appropriations bill that will effectively close an important research center in my district. With this language the Bureau of Mines Research Centers in Tuscaloosa, AL and Rolla, MO, the latter being in my district, will be closed over a 2-year period. This will happen under the guise of reorganization by the Bureau of Mines. In fact, this proposal is politically motivated and not based on scientific analysis. Furthermore, this proposal was done with hardly any input from rank-and-file employees of the Bureau of Mines. The proposed reorganization ignores the primary customer of the Bureau of Mines—the mining community. There is certainly no secret that this plan was put together with political considerations overriding any logical criteria.

Closing the Rolla facility would be a serious mistake. It would not only irreparably harm this rural community, but it would significantly undercut the Bureau's own efforts in environmental research. In fact, the Rolla Research Center devotes 75 percent of its budget to waste remediation and reuse investigations. It is also my understanding that about half of the Bureau's expertise in environmental remediation and pollution control and prevention—as related to mining and metallurgical problems—takes place at the Rolla Center. The Center has developed unique capabilities in the treatment of hazardous wastes through the use of innovative and selective systems to clean up contaminated sites resulting in clean soils plus valuable and usable byproducts.

This administration has emphasized the importance of cleaning up our past environmental mistakes with regard to the mining community and other areas. Missouri, as well as other States across the country have serious problems that must be addressed. The thrust of the Center's research is complimentary to the very ideals espoused by this administration. In my mind, the Bureau would better serve itself and the country by starting its reorganization efforts from the top down. The Bureau should first make cuts with the bureaucracy here in Washington, rather than with the people and the facilities in the field where the work and research is actually done.

Mr. Chairman, Missouri produces about 94 percent of the Nation's primary lead. The Roll Center is located approximately 60 miles from what's known as the New Lead Belt. The State is eighth in nonfuel minerals, with a mineral value of \$1.5 billion. It is home to eight lead, silver, zinc, copper, cobalt, and iron mines with three smelters and six mills. All told, the industry employs about 12,000 people from all over the State, but undoubtedly the majority of them make their home and their livelihood in my district.

We in Missouri have benefited from our God-given natural resources. Lead which once contributed invaluable to the civilized world in the form of plumbing, shelter, and high-octane fuels, we now know to be a mixed blessing. It is still invaluable to us for the lead-acid battery found in every car and for extensive use in radiation shielding. Yet, it is a heavy-metal toxin. Research into its safe extraction and use is as necessary as research into stabilization and clean up of old waste piles and impoundments—something that we have plenty of in Missouri. The Rolla Center is involved in this technology.

The Center has worked closely over the years in coordination with the industry concerning some of the technologies I mentioned earlier. The industry in Missouri is strongly united in keeping the Center located in Rolla. Furthermore, the Center has worked closely with the USGS, the University of Missouri-Rolla—formerly the Missouri School of Mines—and State officials as well. I would challenge anyone to prove to me that the Rolla Research Center is not a good bang for the Federal buck. Furthermore, the Rolla Chamber of Commerce estimates that the economic value of the Center to this rural community is approximately \$28 million—so for a little over \$4 million of Federal funds, the Center is returning \$28 million to the community in economic activity.

Mr. Chairman, as I conclude, I want to also point out that the work being done by the Research Center is unprecedented. While it gets 3 percent of the Bureau's research budget, it accounts for 30 percent of in-house R&D awards and 19 percent of the Bureau Center's awards overall. It would appear to me that the Center is doing something right. I seriously question the rationale and the criteria used by the Bureau of Mines to come to the conclusions it has reached regarding the Rolla Research Center.

In my mind, a prudent and complete examination of this plan will find that the Rolla Research Center is a good investment to guide us in future environmental technologies for the mining community.

Mr. DE LUGO. Mr. Chairman, I rise in support of the bill.

As chairman of the authorizing subcommittee with general jurisdiction over matters concerning the U.S. insular areas—including the smaller areas which receive special assistance through the Interior Department, I want to commend my friend and distinguished colleague, the chairman of the Interior Subcommittee, SIDNEY YATES, for his masterful work in putting this bill together.

In particular, I want to express my appreciation for his cooperation and sensitivity on several insular matters, especially a few which in-

involved both authorizing and appropriating committee responsibilities.

One of these matters is the epidemic of violent crime which in the territory that I am privileged to represent, the Virgin Islands. It has become so serious that it justifies special assistance.

Much of it is due to the trafficking of illicit drugs from the outside through and in our islands.

The brutality of some crimes has imperiled our tourism-based economy. But, more importantly, violent crime rates which are far above the national average have substantially worsened the quality of life of every Virgin Islander.

Our Governor, Alexander Farrelly, was realistic enough to recognize that Federal resources are needed to help protect what in other ways is America's tropical paradise both for its people and our million visitors from the States each year.

Mr. Chairman, I am particularly pleased to see that H.R. 4602 includes funding for Guam and the Commonwealth of the Northern Mariana Islands to partially offset the costs that have been incurred by these two insular areas since implementation of the Compact of Free Association With the Micronesian States.

The Compact permits Micronesians open entry into the United States and insular areas. The law which actually defines the relationship, Public Law 99-239, included an amendment, which I and others authored, which authorized appropriations to cover the cost imposed on the educational and other social systems of insular governments by Compact migration.

The executive branch is supposed to calculate these costs and recommend appropriate reimbursement; but the Interior Department's territories office, OTIA, has consistently tried to avoid the responsibility to pay for the costs by saying that it didn't know what the cost were.

It also has tried to pass off the responsibility to calculate the costs to the insular governments involved—and then disputed insular estimates.

The gentleman from Illinois has moved to end this ruse by rejecting funds for more studying of the matter—and proposing the funding that the law actually intends: To reimburse the insular governments. I also want to note the role of the Delegate from Guam, ROBERT A. UNDERWOOD, in getting us to this point.

The bill also includes another reimbursement intended by Congress in establishing free association with the Marshall Islands through another provision that some of us helped write.

The Compact signed by a representative of President Reagan would have provided Federal tax and trade law exemptions to encourage economic activity in the Marshalls and Micronesia—which had been little developed by OTIA economically but which would need to become more self-reliant under self-government.

The incentive proposals were irresponsible, however. Outlandish loopholes that would have created tax havens were proposed. They would have provided greater encouragement for investment in essentially independent sovereign States than are provided in U.S. areas.

This House changed the provisions, still providing a very attractive investment climate but not violating defensible policy.

At the same time, we recognized that the peoples of the islands had been misled in approving the compact on the economic benefits that it would bring. We also recognized the need to provide assistance for economic development.

We added a number of Federal programs and capital to facilitate U.S. economic activity in the islands. Some of the capital was guaranteed; other amounts were authorized.

The bill includes a small portion of the funds we authorized to make up for what had not been done otherwise.

There is one other matter that Chairman YATES and our committee have worked on which involves the freely associated states that I should mention. It concerns the safety of the atoll of Rongelap, contaminated by a U.S. nuclear weapons test 40 years ago, and the health and welfare of the atoll's people.

In acting on the compact with the Marshalls, our committee insisted on a provision to commit our Nation to answer the people of Rongelap's questions about the seriousness of the contamination and take the measures necessary to overcome any problems.

The distinguished chairman of the full committee, GEORGE MILLER, and I have fought to get these commitments implemented.

We now know that there has been good reason for the concerns of the people of Rongelap—in spite of the assurances of safety provided by Federal bureaucrats. Way out of proportion cancer rates and heart-rendering birth defects prove that there is a problem.

The bill includes a portion of the further funding that will be needed to address it. We expect that some of the additional funds will come through the Defense Department appropriations bill due to the origin of the problem and also due to the understanding of our distinguished colleague who chairs that subcommittee, JOHN MURTHA. Other funds will have to be provided later.

Since all that needs to be done is still not clear, the funds—for cleanup and resettlement of Rongelap as well as other needs of the community—would be spent with the approval of OTIA. Given its record of relative insensitivity to problem, however, we will also expect to be given adequate notice of the spending plans. This will provide us with an opportunity to act if bureaucrats against try to push the people back to the island before the problems are sufficiently dealt with.

The people of Rongelap, who have been away from their homes for years now, can be more easily pressured to prematurely return because of the desperate conditions under which many are living in exile. We will expect their essential human needs to be met while they have to be away from Rongelap so that they can make truly free decisions about their future and they can live decently while a mess that our Government created is clean-up.

Mr. Chairman, as Members may know the administration expects to enter into free association with the last remaining part of the Pacific Islands Territory that we have been responsible for under an agreement with the United Nations—Palau—on October 1. This relationship is authorized to be implemented

under a law and terms which I am very proud to have sponsored.

The bill includes the appropriate funding for this compact. It also, however, includes funds which I and others recommended, to fulfill responsibilities for developing these islands into self-reliance.

In noting this, I want to also note that we will have to provide further funds for Palau if the compact cannot actually be implemented as agreed October 1.

I also want to explain why the bill includes more special assistance than almost anyone had anticipated for the development of the one part of the Pacific Islands Territory that has become a part of the United States political family: The Northern Mariana Islands.

Current law requires \$27,720,000 in such assistance annually until this requirement is changed; but the law also contemplated a change after Congress considered recommendations. OTIA recommended a \$120 million commitment of assistance from fiscal year 1994 to fiscal year 2000.

We objected to a new commitment of special assistance without conditions related to the commonwealth's tax and alien labor policies. The tax policies fail to meet the commonwealth's responsibilities for self-reliance.

The alien labor policies have let in massive numbers of nonresident workers, imposing costs on public services and threatening the social fabric of the community. They have allowed too many nonresidents to be treated inhumanely. And they use low-paid, non-residents and the Commonwealth's free-trade relationship with the United States to unfairly compete with the garment industry in the States and other insular areas.

OTIA hindered agreement on a commitment with conditions last year, so the will of the House was to provide no funds rather than special assistance without conditions.

In spite of this, OTIA recently recommended a scaled-down package of assistance—\$27 million between fiscal years 1995 and 1996 without real conditions. This was amazing in light of the insistence of Chairman MILLER and others that there be conditions.

OTIA's proposal is, obviously, unacceptable and, thus, \$27,720,000 will continue to be provided.

Mr. Chairman, in all of the Pacific issues I have mentioned, OTIA has performed disappointingly. The office, perhaps fortunately, also, though, has much less of a role than it once did.

In fact, most of our frustrations with it relate to it interfering in areas outside of its real mandate in policies and programs which other agencies now handle directly with self-governing insular areas.

Further, OTIA will lose one of its most important remaining missions when the Compact with Palau is implemented, scheduled, as I mentioned earlier, for October 1. While OTIA now oversees and subsidizes the Government of Palau, relations will then be conducted by a State Department Office and most assistance will then be provided on an automatic basis.

OTIA once oversaw and subsidized the governments of all of the insular areas. But it now oversees none other than Palau and only subsidizes American Samoa with funds that in-

volve any substantial work on its part. Most of its work is in providing the special assistance that I have mentioned.

In spite of this, OTIA spends a substantial amount of funds in ways that relate to its former role as an overseer of insular governments and lead agency on matters concerning them. These expenditures especially involve intergovernmental liaison, travel, and the responsibilities of other agencies.

At the same time, it doesn't attend to its real areas of responsibility well.

In case there is still any question about this, I want to mention an issue that is not covered by this bill because it doesn't require funding—but is one of OTIA's few remaining major responsibilities: Disposing of Water Island in the Virgin Islands.

The disposal was complicated by a deficient lease that the Department entered into in 1952. But legal complications arising from the lease really only involve a portion of the property and a settlement could have been worked out.

We have done everything possible to help OTIA find its way, from hearings, to a law requiring a plan, to House passage of a process, to an agreement with the Senate chairman on the parameters of a disposal.

I have given guidance on every policy question; but OTIA has tied itself in legal and political knots. And a year and a half after the end of the lease, the island still has not integrated into the local community, hundreds of people involved are in limbo, and some of the most precious property under the U.S.-flag cannot be put to its best uses.

OTIA's performance and reduced role does not justify the level of funds that have been provided for it. So, Chairman MILLER and I worked with Chairman YATES to reduce funding for OTIA's own expenses, while increasing funding as appropriate to meet needs in and Federal responsibilities regarding the insular areas themselves.

The reduction in the bill is the least that we believe should be agreed to.

In conclusion, I want to commend Chairman YATES and the ranking member of the subcommittee, RALPH REGULA, for the continued support they have shown to the peoples of the U.S. offshore areas. I also want to note the work and cooperation of the staff, especially Kathy Johnson.

I urge my colleagues to support this bill.

Ms. PELOSI. Mr. Speaker, I rise to reaffirm my full support of the National Endowment for the Humanities and in opposition to any amendments which would weaken either program. Both endowments support artistic excellence and expanded opportunities for all Americans to experience and participate in the arts and humanities.

Let me commend Chairman YATES of the Interior Appropriations Subcommittee for bringing us a bill clearly within the discretionary allocation for both budget authority and outlays. As we all know, the country's budget problems are not due to discretionary spending programs, particularly the important programs included in this bill.

The NEA's budget is less than 2/100ths of 1 percent of the Federal budget and \$20 million less than the budget for military bands.

Most endowment grants must be matched by nonfederal funds—from 1:1 to 1:4—and

therefore generate significant revenue. For example, in 1992, the NEA awarded \$123 million to 3,500 organizations. This resulted in generating an estimated \$1.4 billion in matching funds or ten times as much as the NEA awards themselves. This is an example of a sound Federal program.

Investing in arts organizations creates jobs and more importantly, improves the quality of American lives. The NEA and NEH stimulate both private and public sector investment which further creates jobs and opportunities for both educational and enriching experiences. Mr. Chairman, I strongly urge my colleagues to support the NEA and NEH and to defeat the ill-conceived amendment attempting to weaken these programs.

Mr. YATES. Mr. Chairman, before I move that the committee rise, I just want to express the gratitude of myself and the members of our committee for the superb job that they did in conducting the administration of this bill. It was very well done.

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker pro tempore [Mr. WISE] having assumed the chair, Mr. GLICKMAN, 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. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was 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, in its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion to recommit offered by Mr. MYERS of Indiana: Mr. MYERS of Indiana moves to recommit the bill, H.R. 4602, to the Commit-

tee on Appropriations with instructions to that committee to report the same back to the House forthwith with the following amendment:

On Page 50, line 11, strike \$62,131,000 and insert \$61,131,000.

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, I will just take one minute to simply explain, this is a simple motion to recommit, striking \$1 million from the land acquisition account for the Forest Service for acquisition of some property in the district of the gentleman from Tennessee [Mr. QUILLEN], in the Cherokee National Forest, and specifically for the highlands of Roan. The local authorities say that it is going to take the land off the taxing base. The Forest Service has not adequately taken care of the land they do have.

□ 1520

It is a simple amendment.

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

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I have examined the amendment. I have discussed it with the gentleman from Indiana. We can accept this amendment.

Mr. MYERS of Indiana. Mr. Speaker, I thank the chairman. He has a good bill. With this, I will be able to vote for it.

The SPEAKER pro tempore (Mr. WISE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. YATES. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 4602, back to the House with an amendment.

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

The Clerk read as follows:

Amendment: On Page 50, line 11, strike \$62,131,000 and insert \$61,131,000.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was 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.

The SPEAKER pro tempore. 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.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 338, nays 85, not voting 11, as follows:

Abercrombie	Franks (CT)	Margolies-
Ackerman	Frost	Mezvinsky
Andrews (ME)	Furse	Markey
Andrews (NJ)	Gallegly	Martinez
Andrews (TX)	Gallo	Matsui
Applegate	Gejdenson	Mazzoli
Bacchus (FL)	Gephardt	McCandless
Baesler	Geren	McCloskey
Barca	Gibbons	McCrery
Barlow	Gilchrest	McDade
Barrett (WI)	Gillmor	McDermott
Bateman	Gilman	McHale
Becerra	Gingrich	McInnis
Bellenson	Glickman	McKeon
Bentley	Gonzalez	McKinney
Bereuter	Goodlatte	McMillan
Berman	Goodling	McNulty
Bevill	Gordon	Meehan
Bilbray	Goss	Meek
Bilirakis	Grandy	Menendez
Bishop	Green	Meyers
Blackwell	Greenwood	Mfume
Blute	Gutierrez	Mica
Boehlt	Hall (OH)	Michel
Bonilla	Hamburg	Miller (CA)
Borski	Hamilton	Mineta
Boucher	Hansen	Minge
Brewster	Harman	Mink
Brooks	Hastert	Moakley
Browder	Hastings	Mollohan
Brown (CA)	Hayes	Montgomery
Brown (FL)	Hefner	Moran
Brown (OH)	Hilliard	Morella
Bryant	Hinchee	Murphy
Byrne	Hoagland	Murtha
Calvert	Hobson	Myers
Canady	Hochbrueckner	Nadler
Cantwell	Hoekstra	Neal (MA)
Cardin	Hoke	Neal (NC)
Carr	Holden	Nussle
Castle	Horn	Oberstar
Chapman	Houghton	Obey
Clayton	Hoyer	Oliver
Clement	Hughes	Ortiz
Clinger	Hutchinson	Orton
Clyburn	Hutto	Owens
Coleman	Hyde	Packard
Collins (GA)	Inhofe	Pallone
Collins (IL)	Inslee	Parker
Collins (MI)	Istook	Pastor
Conyers	Jefferson	Payne (NJ)
Cooper	Johnson (CT)	Payne (VA)
Coppersmith	Johnson (GA)	Pelosi
Costello	Johnson (SD)	Penny
Coyne	Johnson, E. B.	Peterson (FL)
Cramer	Johnston	Peterson (MN)
Danner	Kanjorski	Pickett
Darden	Kaptur	Pickle
de la Garza	Kasich	Pomeroy
Deal	Kennedy	Porter
DeFazio	Kennelly	Portman
DeLauro	Kildee	Poshard
Dellums	Kleczka	Price (NC)
Derrick	Klein	Pryce (OH)
Deutsch	Klink	Quillen
Diaz-Balart	Kolbe	Rahall
Dicks	Kopetski	Rangel
Dingell	Kreidler	Ravenel
Dixon	Kyl	Reed
Dooley	LaFalce	Regula
Dunn	Lambert	Reynolds
Durbin	Lancaster	Richardson
Edwards (CA)	Lantos	Ridge
Edwards (TX)	LaRocco	Roemer
Engel	Laughlin	Rogers
English	Lazio	Ros-Lehtinen
Eshoo	Leach	Rose
Evans	Lehman	Rostenkowski
Everett	Levin	Roukema
Ewing	Lewis (CA)	Rowland
Farr	Lewis (FL)	Roybal-Allard
Fawell	Lewis (GA)	Rush
Fazio	Lightfoot	Sabo
Fields (LA)	Linder	Sanders
Filner	Lipinski	Sangmeister
Fingerhut	Livingston	Sawyer
Fish	Long	Saxton
Flake	Lowey	Schenk
Foglietta	Lucas	Schiff
Ford (MI)	Maloney	Schroeder
Ford (TN)	Mann	Schumer
Fowler	Manton	Scott
Frank (MA)		Serrano

[Roll No. 272]  
YEAS—338

Sharp	Sundquist	Visclosky
Shaw	Swett	Volkmere
Shays	Swift	Walsh
Shepherd	Synar	Waters
Shuster	Tanner	Watt
Sisisky	Taylor (NC)	Waxman
Skaggs	Tejeda	Weldon
Skeen	Thomas (CA)	Wheat
Skelton	Thomas (WY)	Whitten
Slattery	Thompson	Williams
Slaughter	Thornton	Wilson
Smith (IA)	Thurman	Wise
Smith (NJ)	Torkildsen	Wolf
Snowe	Torres	Woolsey
Spratt	Torricelli	Wyden
Stark	Traffant	Wynn
Stenholm	Tucker	Yates
Stokes	Unsoeld	Young (AK)
Strickland	Valentine	Young (FL)
Studds	Velazquez	
Stupak	Vento	

## NAYS—85

Allard	Duncan	Oxley
Archer	Ehlers	Paxon
Armey	Emerson	Petri
Bachus (AL)	Fields (TX)	Pombo
Baker (CA)	Franks (NJ)	Ramstad
Baker (LA)	Gekas	Roberts
Ballenger	Grams	Rohrabacher
Barcia	Hall (TX)	Roth
Barrett (NE)	Hancock	Royce
Bartlett	Hefley	Santorum
Barton	Herger	Sarpalius
Bliley	Huffington	Schaefer
Boehner	Hunter	Sensenbrenner
Bunning	Inglis	Smith (MI)
Burton	Jacobs	Smith (OR)
Buyer	Johnson, Sam	Smith (TX)
Callahan	Kim	Solomon
Camp	King	Spence
Coble	Kingston	Stearns
Combest	Klug	Stump
Condit	Knollenberg	Talent
Cox	Levy	Tauzin
Crane	Lewis (KY)	Taylor (MS)
Crapo	Manzullo	Upton
Cunningham	McCullum	Vucanovich
DeLay	McHugh	Walker
Dickey	Miller (FL)	Zimmer
Doolittle	Molinari	
Dreier	Moorhead	

## NOT VOTING—11

Bonior	Lloyd	Towns
Clay	Machtley	Washington
Dornan	McCurdy	Zeliff
Gunderson	Quinn	

□ 1543

The Clerk announced the following pair:

On this vote:

Mrs. Lloyd for, with Mr. Quinn against.

Mr. HANCOCK changed his vote from "yea" to "nay."

Mr. LEWIS of Florida changed his vote from "nay" to "yea."

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. RUSH. Mr. Speaker, due to official business, I was not available for rollcall No. 270.

Had I been present, I would have voted "aye" on No. 270.

## PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, on rollcall vote 269, I was unavoidably detained and was unable to cast my vote. Had I been present, I would have voted "nay."

### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. YATES. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4602, the Clerk shall be authorized to make any necessary technical corrections.

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

There was no objection.

### WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4603, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995, AND SUPPLEMENTAL APPROPRIATIONS, 1994

Mr. BEILENSEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 461

*Resolved*, That points of order against consideration of the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes, for failure to comply with clause 2(L)(6) of rule XI or clause 7 of rule XXI are waived. During consideration of the bill, all points of order against provisions in the bill or failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "notwithstanding" on page 3, line 18, through "Act," on line 19; beginning with "That" on page 36, line 16, through, "Provided further," on page 37, line 6; and beginning with "Provided" on page 48, line 25, through "Treasury" on page 49, line 4. Where points of order are waived against only part of a paragraph, any point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution shall have precedence over a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted, if the amendment is offered by a Member designated in the report.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSEN] is recognized for 1 hour.

Mr. BEILENSEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 461 is the rule providing for the consideration of H.R. 4603, the fiscal year 1995 appropriations for the Departments of Commerce, Justice, and State, and for the Judiciary and related agencies.

Mr. Speaker, this is an open rule. The rule waives clause 2(L)(6) of rule XI, requiring a 3-day layover, and clause 7 of rule XXI, requiring that relevant printed hearings and report be available for 3 days prior to consideration of a general appropriation bill, against consideration of the bill.

In addition, clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in a general appropriation bill, is waived against all provisions in the bill with certain exceptions. This waiver, protecting certain sections of the bill against points of order, is necessary because the bill contains appropriations for several agencies that have not yet been reauthorized.

The bill also contains a number of general provisions, many of which have been carried for several years. This waiver we believe is reasonable, especially since the bill provides funding for agencies and activities for which authorizing legislation has not been finalized.

For example, authorization has not yet been enacted for most of the appropriations items in the Department of Justice needed for the war on crime and drugs, including the FBI, the DEA, the INS, the U.S. attorneys, and the Byrne grants for State and local law enforcement assistance.

In addition, the bill recommends over \$2 billion in funding for programs included in the crime bill, which is currently awaiting action by a conference committee.

Several programs under the Department of Commerce also await reauthorization as do several independent agencies and commissions, including the Federal Communications Commission and the Federal Trade Commission.

Mr. Speaker, there are several exceptions to this waiver, as I mentioned all of which are clearly defined in the rule. The exceptions were made at the request of the authorizing committees with jurisdiction over those particular provisions; they are made in accordance with a longstanding tradition in the Rules Committee to honor such requests. The rule provides that if only a portion of a paragraph is protected, a point of order may lie only against the balance of the paragraph.

The provisions which remain unprotected under the rule deal with the Anti-Car Theft Act of 1992, a provision dealing with the Securities and Exchange Commission, and a provision dealing with user fees under the U.S. Travel and Tourism Administration.

□ 1550

Finally, Mr. Speaker, the rule provides that the amendment printed in

the report to accompany the rule, if offered by the designated Member, Mr. TAYLOR of North Carolina, will have precedence over a motion that the Committee on the Whole rise. The amendment made in order limits funds from being used to implement, administer, or enforce EEOC guidelines covering religious harassment.

Mr. Speaker, H.R. 4603, the bill for which this rule provides consideration is a \$26.6 billion appropriation for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 1995. The bill is \$1.2 billion below the President's request and \$36 million below the subcommittee section 602(b) allocation.

A number of important programs are funded by this bill, including several for law enforcement and immigration, including substantial increases in the number of Border Patrol agents, which are among the most popular in Congress and the most important to our constituents. The committee is operating under severe budgetary restraints and has, unfortunately, been unable to fund some of the programs many of us had hoped to see funded.

As one Member who represents the area in Los Angeles that was hardest hit by the January earthquake, I would like to thank the committee for recognizing the need to transfer the unspent money from the Transportation account in the earthquake supplemental bill to the Small Business Administration.

The SBA has been faced with an overwhelming number of applications for loans from residents and businesses in the area whose homes and companies were damaged or destroyed by this disaster.

Mr. Speaker, we commend the new chairman of the subcommittee, the gentleman from West Virginia, Mr. MOLLOHAN, and his friend Mr. ROGERS, the ranking minority member, for their good work in bringing us a fiscally responsible measure for financing some of the most visible and important agencies of the Government. We know this has been a very difficult task for them under the budget constraints.

Mr. Speaker, to repeat, this is an open rule, and I urge my colleagues to support it so that we may proceed to consideration of the bill as soon as possible.

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

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

Mr. Speaker, I begin by urging my colleagues to look closely at this bill—it is chock full of important programs, like immigration and border control and increased funding for prisons. And that is why I am disappointed that the arbitrary pressures of scheduling have forced the Rules Committee to waive the normal 3-day layover period and rush this bill to the floor.

Mr. Speaker, it seems we are on a roll in the Rules Committee—for the sixth time this year we have an open amendment process on an appropriations bill. That is good news for Members and good news for taxpayers, because it means we can make reductions where appropriate. But openness does not necessarily mean fairness and there is a disturbing aspect to the trend we seem to be setting. These appropriations bills are coming to the House floor through the Rules Committee, under special protections and waivers even though appropriations bills should not have to go through the Rules Committee at all. But the Rules Committee has been meeting just about daily to crank out these special exceptions, which have the effect of making some Members of this House more privileged than others. You see, at the same time as we grant permission to certain Members to violate the rules of this House, we are denying that same permission to the rest of the House membership.

Some of my colleagues on the other side of the aisle still do not seem to understand the fairness argument. But we are being consistent in our request: Either do not waive the rules of the House for anyone, or waive the rules of this House equally for all Members. In today's case, the rules are waived for most of the bill as written—with a few exceptions for provisions that step on the toes of the chairmen of the Energy and Commerce and Ways and Means Committees. And, in a welcome surprise, the rules have been waived to allow our colleague, Mr. TAYLOR, to offer an amendment suspending the highly questionable new religious harassment guidelines at the EEOC—these guidelines are outrageous and unworkable and they should not be implemented. Your friendly government is telling you you must work in a religious free environment. I congratulate Mr. TAYLOR for his persuasive testimony before the Rules Committee yesterday.

But the rules were not waived for other Members seeking the same opportunity—the chance to have important and relevant matters addressed on this floor. For instance, the House will not consider an important shift in priorities—cutting money from the antitrust division at Justice to ensure that sufficient funds are devoted to combating violent crime. Mr. SCHIFF was turned down despite the excellent case he made that this President and most Americans have asked for more funding and attention to violent crime—not antitrust crime. And we will not consider an amendment pertaining to deportation of felony criminals who happen to be from Mexico, and who end up turned loose in society rather than taken out of society because of problems with the law. LAMAR SMITH gave us a remedy. And we will not have a

chance to consider a crucial amendment offered by the ranking member of the Appropriations Subcommittee, Mr. ROGERS, to cap the U.S. contribution to U.N. peacekeeping missions at 25 percent. This is a matter not just of U.S. funds, but also of U.S. involvement in potentially open-ended, ill-defined and dangerous multilateral peacekeeping adventures.

I doubt most Americans know the bill for peacekeeping right now is about \$1.25 billion. A billion of that is already owed. A quarter of a billion is out there prospectively for other adventures that we may go into, things like Haiti that some of us do not think are such a great idea.

Mr. Speaker, I am especially troubled that we will not consider three different amendments dealing with United States involvement with Haiti. Mr. LIVINGSTON and Mr. LIGHTFOOT raised this issue to ensure that United States troops do not get sucked into a quagmire in Haiti. While some might say this bill is not the proper place for the Haiti debate—I warm my colleagues again that timeliness is a major issue here.

We have significant indication that the administration is heading toward unilateral military intervention in Haiti—apparently at the will of the Black Caucus, Randall Robinson and Haitian exile President Aristide. In the words of one unnamed administration official: "We are no longer in the negotiating business." As U.N. official Dante Caputo noted in his now infamous memo cited by ABC News and the Wall Street Journal, the United States has actually served as "a brake to a diplomatic solution" in Haiti. Caputo also concluded that the administration considers an invasion of Haiti a "chance to show, after strong media criticism of the administration, the President's decisionmaking capability and firmness of leadership in international political matters." Last month this House voted against military intervention in Haiti—a vote that was reversed after 2 weeks of heavy pressure on majority Members by their own leadership. With the House clearly divided on the issue of United States military invasion of Haiti, Members should be concerned that we may end up with troops in Harm's Way in Haiti in the coming weeks. That certainly makes the prospective peacekeeping funds in this bill, \$222 million, which could be used for a Haiti operation, especially relevant. But under this rule, we won't have the opportunity to debate that question unless a procedural motion to rise is defeated—a rare occurrence on this floor.

Mr. Speaker, the unfair nature of this rule is not just a partisan problem—we were even prevented from extending fairness to majority Members seeking flexibility in one of their amendments. Members should be

clear—just because something is labeled an "open rule" does not make it fair or mean it is the best it can be. In this case, we have certainly come up short of that mark.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 4603, COMMERCE, JUSTICE, STATE, JUDICIARY APPROPRIATIONS, FISCAL YEAR 1995, JUNE 22, 1994

1. Rogers—An amendment providing that no funds in the bill may be used to pay more than 25% of a U.N. peacekeeping operation. Vote (Defeated 3-6): Yeas: Quillen, Dreier, Goss. Nays: Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Moakley, Bonior, Wheat, Solomon.

2. Livingston—An amendment providing that U.S. troops may not be used against Haiti unless contingency plans for using U.S. troops against Cuba have been developed. Vote (Defeated 3-7): Yeas: Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

3. Livingston—An amendment providing that no funds in this bill may be used to support U.S. troops against Haiti unless contingency plans for using U.S. troops against Haiti have been developed. Vote (Defeated) 3-7): Yeas: Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

4. Lightfoot—An amendment to prevent peacekeeping funds from being used for a U.N. operation in Haiti including U.S. troops without first seeking authorization from Congress. Vote (Defeated 3-7): Yeas: Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

5. Smith (TX)—An amendment providing that no funds in the bill may be used to return to Mexico any Mexican national who is a prisoner convicted of a felony in the U.S. without a final order of deportation. Vote (Defeated 3-7): Yeas: Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

6. Schiff—An amendment to transfer funds from the Anti-Trust Division of the Justice Department to the U.S. Attorneys appropriation. Vote (Defeated 3-7): Yeas: Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

7. Condit/Thurman—An amendment to provide \$600 million to reimburse states for costs of incarcerating illegal aliens to be paid for by an across-the-board cut of 2.3 percent. Vote (Defeated 4-6): Yeas: Quillen, Dreier, Goss, Beilenson. Nays: Moakley, Derrick, Frost, Hall, Gordon, Slaughter. Not Voting: Bonior, Wheat, Solomon.

8. Adoption of Rule—Vote (Adopted 7-3): Yeas: Moakley, Derrick, Beilenson, Frost, Hall, Gordon, Slaughter. Nays: Quillen, Dreier, Goss. Not Voting: Bonior, Wheat, Solomon.

Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS], the distinguished ranking member of the subcommittee.

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

Mr. Speaker, unfortunately I have to rise in opposition to the rule, and I do so reluctantly.

The Commerce-Justice-State bill can be separated into two parts in my

mind. One is the peacekeeping for the U.N. portion of the bill, part 1; part 2 is the rest of the bill.

Mr. Speaker, overall I strongly support the rest of the bill. But there is a grave deficiency with respect to the U.N. peacekeeping contributions that the United States is being asked to make that should concern every Member of this body and certainly every taxpayer in this country. This bill contains \$1.2 billion to pay the bills the United Nations sends us for peacekeeping just for this year. Included in this amount is \$670 million for a fiscal 1994 supplemental appropriations bill embedded in the 1995 appropriation bill.

□ 1600

This fiscal 1994 supplemental, Mr. Speaker, is being paid for by using the savings the Congress voted last February as part of the supplemental appropriation to aid the victims of the Los Angeles earthquake. Where did those savings come from, Mr. Speaker? They came from very hard-earned savings that Congress made, they came from popular domestic programs like education, low-income housing, among others.

Also included in this bill is another \$533 million for both fiscal 1994 and 1995 U.N. peacekeeping bills handed to the United States by the United Nations. I would point out that the \$670 million in the 1994 supplemental as well as the \$28 million in the 1995 bill go to what the United Nations calls our arrearage to them, past-due bills they say we owe. There is only \$222 million in the fiscal 1995 bill for prospective peacekeeping operations and we all know that that will be insufficient. Why are we providing all this money? Because the United Nations has sent us \$1.1 billion in bills we have not appropriated and should not fully pay, in my view. And why should we not fully pay those bills? Mr. Speaker, because the number and the costs of peacekeeping missions voted by the United Nations have exploded without any regard for the budget constraints that the U.S. Congress faces. A mere two missions existed just 6 years ago, just two peacekeeping missions. And now they number 16 for which we are assessed. The price tag, 6 years ago, was \$30 million. Today it is \$1.5 billion. And because the United Nations continues to bill the American taxpayer for too much of these costs, the United Nations sends our taxpayers a bill for nearly one-third of the cost, 31.7 percent, and our allies do not pay enough. Japan is billed for only 12.5 percent, Germany for 8.9 percent, Great Britain for 6.4 percent, and China 0.9 percent. Is that fair burdensharing, I ask you? I do not think a single Member of this body could say, "yes."

If we are going to give the United Nations a billion dollars, is it not time that the Congress demanded fairness? This bill does not do that.

I asked the Committee on Rules to make in order an amendment to give us some fairness at the United Nations. My amendment would have kept the U.S. share at 25 percent at a savings to us of \$214 million for use for other priorities, which we certainly have. The Committee on Rules refused. Now while I appreciate that the Committee on Rules made in order the Taylor amendment, and while I support the overall bill, Mr. Speaker, I cannot support this rule.

I reluctantly say that because I think the chairman and the subcommittee have done a very good job. But I rise to reluctantly oppose this rule.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LIGHTFOOT].

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

Mr. Speaker, I rise in opposition to the rule. I am disappointed, although not surprised, that the Rules Committee has declined to grant the waiver Mr. LIVINGSTON and I requested with respect to an amendment concerning Haiti.

The Lightfoot-Livingston amendment limits funds in the peacekeeping section of the Commerce, Justice, State, and the Judiciary appropriations bill from being used for a U.N. peacekeeping operation in Haiti, in which United States troops are to be deployed, without first seeking authorization of Congress. For the House to consider this amendment we must now defeat a motion to rise and report at the end of consideration of the bill.

I do not offer this amendment out of any disrespect to the new chairman of the Commerce Appropriations Subcommittee and my friend, Mr. MOLLOHAN. He and HAL ROGERS have done a fine job in crafting a bill under difficult financial circumstances. As Mr. ROGERS has said previously, remove the sections on U.N. peacekeeping and we have ourselves a good bill.

But what an interesting brand of leadership the majority party brings this House. The leadership of the majority routinely defies the President on matters like Bosnia, NAFTA, and China. However, when American lives are potentially at stake, they twist arms to reverse votes and evade their responsibility as members of the legislative branch.

The Lightfoot-Livingston amendment does not prevent the President from committing the United States to acting unilaterally in Haiti. Nor does the amendment prejudice how this House would vote on such an invasion. But if the President decides time and policy allows the United States to work through the Security Council process, then time also allows for an authorization from Congress. By denying Mr. LIVINGSTON and me the opportunity to offer this amendment, the

majority party is clearly showing its lack of confidence in the President's ability to persuade the American people why we should invade Haiti.

Let me also comment on the Rules Committee's decision to deny Mr. ROGERS the opportunity to offer his amendment to limit our contribution to peacekeeping operations to 25 percent of all U.N. peacekeeping expenses. The U.N. is headed down an expensive road and this administration is so enamored of multilateral solutions that it refuses to see the long-term costs and risks.

For example, the U.N. has increased its peacekeeping staff by 99 percent in last 9 months. You can be sure the U.N. did not reduce staff in other parts of its operation to cover that increase. This administration now provides intelligence information to the United Nations on a regular basis, the only nation that provides such information acknowledged to come from its intelligence service. Most alarming of all, U.N. Ambassador Albright does not feel that U.S. personnel are at any special risk in peacekeeping operations.

Frankly, there are other serious questions about the President's new peacekeeping policy. Despite the President's allegedly tough new criteria, which are actually no different than the criteria announced at the President's speech before the United Nations last fall, the United States has not voted against a single peacekeeping mission.

Second, despite these new criteria, allegations have arisen that the United States vote-swapped peacekeeping votes in the security council with the French last fall. Although we have requested the U.S./U.N. cables which might clarify this situation, so far the administration, citing executive privilege, has refused to supply Congress with those cables.

Finally, it appears that Colin Powell's language to protect U.S. soldiers serving in the field in U.N. operations was removed at the request of Ambassador Albright after U.N. Secretary General Boutros Ghali objected. Again, attempts to clarify this situation have been stonewalled.

I would hope this House, at the least, agrees that if we are going to deploy troops to Haiti, the people's elected representatives should be consulted before our sons and daughters are placed in harms way.

So I urge my colleagues to reject this rule and, if necessary, vote against the motion to rise at the end of this bill so this House can perform its constitutional duty with regard to Haiti.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to our friend, the gentleman from Arizona [Mr. COPPERSMITH].

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

Mr. Speaker, I rise to speak because of a matter outside the scope of the bill

to which this rule applies has a significant effect on an issue within the bill's scope. First, however, I wish to salute the subcommittee as well as its chairman, because I believe no prior Congress and no prior administration have done so much to help with the serious problems of illegal immigration in the United States, particularly in the Southwest.

The bill which we will take up following adoption of this rule provides for \$54.5 million for up to 950 new and desperately needed Border Patrol agents. This legislation recognizes that illegal immigration patterns may have changed, possibly as a result of a shift away from locations that received additional Border Patrol positions in fiscal year 1994, the so-called bubble effect.

In Nogales, AZ, which did not receive supplemental new agents, we have seen a dramatic increase in undocumented immigrants and illegal border crossings. The resources we spend stemming illegal immigration at the border should pay great future dividends in the form of savings on medical, education, public safety, and corrections costs.

However, we face another problem even with the adoption of this bill. To fund the INS at the level called for in this bill, the crime bill conferees must increase the authorization for the INS from the Crime Control Trust Fund by at least \$185.4 million for fiscal year 1995.

A draft conference report circulated by the crime bill conferees indicates that out of the \$30.2 billion in the proposed crime control trust fund, only \$400 million over 6 years would be authorized for the INS—approximately \$66.6 million for fiscal year 1995.

The integrity of our immigration initiatives will be seriously undermined without an adequate authorization from the pending crime bill.

Today, I joined with 25 of my colleagues in a letter to the crime bill conferees urging them to provide at a minimum \$252 million in fiscal year 1995 authorizations to the INS from the crime control trust fund.

Given what I believe will be strong support for the Commerce, Justice, and State appropriations bill coming before us today, I believe the crime bill conferees can increase the INS authorization levels knowing that this Congress and the country stand behind them.

Mr. GOSS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], a distinguished member of the committee.

□ 1610

Mr. LIVINGSTON. Mr. Speaker, I rise in opposition to the rule on the Commerce, Justice, State appropriations bill. The rule is allegedly open. Unfortunately, Mr. Speaker, the rules

of the House do not allow funding limitation amendments unless the motion to rise is defeated, and that is a fact which confuses the issue so that we will not directly confront matters which, I believe, are extremely important.

The gentleman from Iowa [Mr. LIGHTFOOT] and I requested waivers from the Committee on Rules so that we could offer our important amendment requiring congressional approval for a peacekeeping invasion in Haiti. Without waivers, which we did not get, the administration's plans for the invasion of Haiti may never receive adequate scrutiny by this Congress.

President Clinton's administration has notified the United Nations that unless Mr. Aristide is reinstated, we may invade Haiti within a couple of months. In my opinion, Mr. Speaker, that is a very dangerous and ill-advised policy. If the President wants to use the United Nations as a tool to send United States troops to Haiti, he should have to seek authorization from Congress, just as President Bush did before the commencement of Operation Desert Storm.

There is no United States strategic national interests at stake in Haiti. The Haitian military force would be easy to defeat. But what happens afterwards? Our troops will be vulnerable to mob attack, sniping and terrorism. Furthermore, the CIA has briefed Members of Congress, evidently, that Aristide is mentally unstable and prone to violence. Mr. Aristide is not worth risking a single U.S. life in uniform.

Lawrence Pezzullo, the former special adviser on Haiti for the Clinton administration, claims that the United States backed away from a plan for national reconciliation in Haiti because of domestic pressure from supporters of Aristide. Writing in the Washington Post, Mr. Speaker, Mr. Pezzullo said:

By abandoning the track of multilateral negotiations, which was forcing Haitians to take political responsibility for effecting change in their country, we have taken on full responsibility for Haiti's future.

Mr. Speaker, we should not put United States servicemen at risk so that President Clinton, by force of arms, can rescue his wholly failed policy of restrictive sanctions against the poor Haitians. The President should be required to seek approval from Congress if he wants to put more United States lives on the line in a United Nations peacekeeping expedition to Haiti.

Taking the administration's plans further, I think the administration could bring some much needed consistency to its foreign policy if it persists in this effort however. That is why I asked yesterday the Committee on Rules to make an amendment in order that, if the Clinton administration persists in its plans to invade Haiti, they should not stop there. They should go

forward and also invade Cuba in which all of the horrors of Haiti also exist and have existed for so many years since the takeover by Fidel Castro.

Now I do not think we should invade Haiti or Cuba, but, if we are going to invade Haiti to restore democracy, we should do the same thing in Cuba. The Committee on Rules did not waive the rules necessary to offer this amendment obviously, or the one to force President Clinton to come to Congress before invading Haiti. I am not serious about the Cuban thing, but I do think and do believe that my colleagues should defeat this rule because, if it fails, they should defeat the motion to rise so that at least the gentleman from Iowa [Mr. LIGHTFOOT] can offer our important amendment on Haiti, and maybe the President will come to Congress before he launches that ill-advised invasion.

AMENDMENT TO H.R. —, AS REPORTED (COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS, 1995) OFFERED BY MR. LIGHTFOOT OF IOWA

At the end of the bill, add the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the payment of any United States contribution for a United Nations peacekeeping operation, when it is made known to the Secretary of State that—

- (1) such operation relates to Haiti;
- (2) military personnel of the United States will be deployed in such operation; and
- (3) such operation has not been specifically approved by the Congress.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF] who had an amendment before the Committee on Rules yesterday.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me. I also rise to oppose this rule, and I also rise, as my colleagues have said before me, reluctantly.

Mr. Speaker, we have before us a proposed open rule, which is a welcomed development. We have seen several already this year, and I commend the Committee on Rules on making that recommendation to us.

Nevertheless, Mr. Speaker, the idea of an open rule, as has been stated, is not the only issue before us. It is not the only matter in which the Committee on Rules can influence the outcome of a bill. The other issue is, as in the word used by the gentleman from California; it is in the word "protection." The Committee on Rules can offer protection to the bill, or amendments, or parts of the bill. Protection of course in this context means protection from the otherwise rules of procedure in the House.

Mr. Speaker, I sought a protection in that I sought to be able to offer what should be two amendments and which will be two amendments as one amend-

ment. I am seeking to transfer funds from the Antitrust Division of the Department of Justice to the U.S. Attorney's Office. If my plan is adopted, the Antitrust Division will still get an increase in funds for the next fiscal year. They will get an increase of 5 percent instead of the 13 percent now recommended by the subcommittee. The difference between 5 percent and 13 percent, which is about \$5.5 million, will go to the U.S. Attorneys where their fight is against violent crime.

Now, in order to put these together; in other words, in order to consolidate them so the Members would have one vote, yes or no, on this idea, I needed to be allowed to offer an en bloc amendment. The Committee on Rules declined, and ordinarily I would walk away from that because no Member has a special right to special protection, even though, without this special protection, my amendments could be confusing to Members because the first amendment would be just a cut in the Antitrust Division without a specific reference to where the money will go if that cut is granted, a cut in the increase. Now, if that is all there were to it though, I would say these are the procedures that ought to be followed, but the rule is filled with protections for other parts of the bill and for another amendment. A number of provisions in the bill are protected against points of order. An amendment is being offered, an amendment that I believe I will support, that seems very reasonable under the circumstances. It is there because we have offered it through the Committee on Rules, a protection from the rules of the House.

Instead, Mr. Speaker, the bill that is being presented on the floor is in violation of the rules of a 3-day layover before it is presented, and the whole point is, Mr. Speaker, that all Members should be on a level playing field. Either everyone who requests a reasonable protection on a rule of procedure should be granted that protection or nobody should be granted such protection.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding the time, and I rise to join him in opposing this rule.

Mr. Speaker, I am mindful of the fact that my friends on the other side of the aisle are about to start asking, "What is it that will make you Republicans happy?"

Here we have a rule that permits all Members to exercise their right to offer amendments to cut or strike—and the one legislative amendment that is made in order is by a Republican.

"So, what do you Republicans want?"—I can hear it now.

Mr. Speaker, the reason why Republicans go before the Rules Committee to ask for legislative amendments on appropriations bills to be made in order is very simple: this is very often the only chance Members have to express the will of Congress concerning Federal agencies and programs.

If this House focused as much effort on conducting the public's business, as it does on preserving the prerogatives and interests of the one-party Democrat leadership, we would not be faced with appropriations bills such as this.

Fully 54 percent of the funds to be appropriated by this bill will go to agencies and programs that are acting without the cover of authorizing legislation.

Fifty-four percent. That is more than \$14 billion in this bill alone.

That is not the fault of the appropriators.

The gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky, [Mr. ROGERS], and their subcommittee members have done the best they could with this bill and the funds they have to work with.

The fault is with the one-party Democrat leadership that rules—and misrules—this House.

So, Republicans are going to continue to ask for legislative amendments on appropriations bills—for as long as large numbers of Federal agencies and programs continue to function without proper authorization because this House cannot do its job.

In conclusion, Mr. Speaker, I would, at least, like to thank the Rules Committee for making in order the very important amendment to be offered by the gentleman from North Carolina [Mr. TAYLOR].

The proposed guidelines—mandates—on so-called religious harassment in the workplace should not be enforced; indeed they should be trashed.

The Senate evidently thinks so, by a vote of 94 to 0. And the House will be given an opportunity to be heard on this same question when the Taylor amendment is presented.

There are several other important Republican-sponsored amendments that are not made in order under this rule: Amendments concerning the escalating costs of U.N. peacekeeping missions; possible United States military intervention in Haiti; the financial burden on State governments that is caused by illegal immigration; and the crushing caseload that is being carried by Federal prosecutors.

The issue of U.N. peacekeeping can be addressed, at least in part, by a straight amendment to cut. And I will offer such an amendment at the appropriate time.

But I do urge a "no" vote on this rule. A vote against this rule is a vote against the continuing abuse of power by the Democrat Party in this House.

□ 1620

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. DREIER] a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Sanibel for yielding.

Mr. Speaker, as is more often than not the case, we are here talking about an issue of fairness. I know that my friend from California [Mr. BEILENSEN] likes to refer to this as an open rule. It does call for an open amendment process. But the fact of the matter is, there are a great many items here that emerged from the Committee on Appropriations that require protection. By protection, it means that they cannot be struck down, because in the rule, we protect those items.

So what it means is that members of the Committee on Appropriations are treated above the rest of our membership here. I think that that is a major mistake and it is a very serious attack on the whole prospect of allowing Members to be able to work their will on this issue.

I would like to raise one particular item in this bill that concerns me as we proceed. We have reported out \$1.2 billion for the U.N. peacekeeping forces, and at the same time there is a reduction in funding for the National Endowment for Democracy. It seems to me as we look at this issue, the work of the National Endowment and Democracy has been so important in trying to encourage democratic expansion and free markets, that if we had a greater opportunity to expand the work of the National Endowment for Democracy, it would naturally follow that the necessity for numbers like \$1.2 billion for U.N. peacekeeping forces would be reduced.

I urge a "no" vote on this rule. It is not fair. It in fact does impinge on the opportunity that Members who are not on the Committee on Appropriations should have, and I hope we reject it and come back down on the floor under the standard operating procedures.

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

Mr. Speaker, I would like to correct the gentleman to a certain extent. Anything that anyone finds objectionable in the bill can be got at by a motion to strike. Under an open rule, everything in this bill can be got at by a motion to strike.

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

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

Mr. Speaker, I am pleased we will be allowed to consider the Taylor-Wolf amendment to the Commerce, Justice, State appropriations bill.

The Taylor-Wolf amendment merely suspends any funding for the October 1, 1993 proposed guidelines that all sides agree are flawed. All sides oppose the

present language and this amendment does not restrain the EEOC from proceeding on refining and improving new guidelines and does not stop the EEOC from proceeding on religious harassment cases under title VII of the Civil Rights Act.

The ACLU:

Under the guidelines as originally proposed, an employer could conclude that the mere utterance of a religious reference or the sighting of a religious symbol, if offense to a single employee, must be expunged from the premises.

The American Jewish Congress:

There is a danger that the guidelines will be used by some to justify suppression of legitimate religious speech in the workplace. There is, indeed, already evidence that the fear of lawsuits alleging religious harassment has already done so, as employers put prophylactic measures into effect in order to ward off potential religious harassment suits\* \* \*.

Gary Bauer of the Family Research Council:

The guidelines broaden employer liability for religious harassment to the point where it would be rational for an employer simply to impose a religion-free workplace\* \* \* many of our constituents are very concerned that they will be forced to remove religious calendars, take the Bible off their office shelf, stop wearing a cross or a star of David\* \* \*.

A major airline has already issued guidelines stating that all personnel are not to:

Possess nor display, in any manner on\* \* \* premises any material which may be construed by anyone to have racial, religious, or sexual overtones, whether positive or negative\* \* \*.

In the majority of workplaces the employer does not independently know the religious beliefs of employees and should not be required to abide by such an overly broad standard that would force employers into a religious-free zone at the workplace.

Mr. Speaker, I include the following for the RECORD.

THE CHRISTIAN LIFE COMMISSION OF  
THE SOUTHERN BAPTIST CONVENTION,

June 22, 1994.

DEAR REPRESENTATIVE: I'm writing to urge you to oppose the motion to rise on the Commerce, Justice, State, and Judiciary Appropriations Bill in order for the House to be able to consider Taylor/Wolf amendment. As you know, this amendment would deny funding to the Equal Employment Opportunity Commission for the purpose of implementing, administering or enforcing the guidelines covering harassment in the workplace based on religion.

The Christian Life Commission is the public policy and religious liberty agency of the Southern Baptist Convention—America's largest Protestant denomination with 15.4 million members in more than 38,400 congregations nationwide.

On June 20, I sent a letter to Representative Wolf to inform him of our support for his amendment. We have now learned that the Taylor/Wolf amendment may be impeded from consideration due to parliamentary rules.

Last week the Southern Baptist Convention in its annual meeting overwhelmingly adopted a resolution which warned that the guidelines "pose a grave risk to religious freedom in the workplace." The resolution urged, "religion should be deleted from the proposed guidelines and that the subject of religious harassment should be addressed separately in the guidelines on religious discrimination."

The purpose of this letter is to inform you of our position that the motion to rise on this appropriations bill will be regarded by our organization as the critical vote on whether the House of Representatives opposes the EEOC proposed guidelines on religious harassment.

Please support the Taylor/Wolf amendment—by opposing the motion to rise—and protect religious liberty in the workplace.

Sincerely,

JAMES A. SMITH,  
Director of Government Relations.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 22, 1994.

SUPPORT TAYLOR-WOLF AMENDMENT

DEAR COLLEAGUE: You may have received a letter recently from the ACLU, the People for the American Way and some religious groups regarding an amendment that we intend to offer to the Commerce, State, Justice Appropriations bill this week. This letter mischaracterized the reach and scope of the amendment we will be offering.

Our amendment will merely limit the funding for the EEOC's proposed guidelines of October 1, 1993 covering religious harassment in the workplace. The amendment reads as follows:

"None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266)

The amendment applies to the October 1, 1993 proposed guidelines only. It is a very narrow amendment. It would prevent the implementation during the next year of the proposed guidelines that virtually all sides agree are misguided. This amendment would not prevent religious harassment claims from being pursued at the EEOC; it would only prevent these proposed guidelines from being used to do so.

If you have any questions regarding this amendment please call Caroline Choi (x56401) or Barbara Comstock (x55136).

Sincerely,

CHARLES TAYLOR,  
FRANK R. WOLF,  
Representatives.

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 22, 1994.

RELIGION-FREE—"WORKPLACE REALITY"

"Rather than wasting critical time resolving these conflicts\* \* \* all personnel are requested to observe the following guidelines:

"Technical operations personnel should not possess nor display, in any manner, on\* \* \* premises, any material which may be construed, by anyone, to have racial, religious, or sexual overtones, whether positive or negative, or which contain or suggest profanity or vulgarity.

"Supervisors are requested to conduct periodic inspections to ensure that all areas are clear of material \* \* \*—Delta Airline guidelines, January 1994.

DEAR COLLEAGUE: A "religion-free" workplace is what is threatened by the EEOC proposed guidelines. The above guidelines have already been promulgated by a major airline under the current climate on this issue. (See memo on back.)

The "Taylor-Wolf" amendment rejects this notion that the workplace must be "religion free" and that supervisors must be engaged in "periodic inspections" to clear out Bibles or other religious items an employee might have at work just because they might be "offensive" to one employee. Religious freedom is a fundamental right enshrined in the First Amendment of our Constitution; it cannot be regulated away and should not be attempted by any government agency.

The "Taylor-Wolf" amendment will prevent the EEOC from using any funds to implement the guidelines as proposed on October 1, 1993. These proposed guidelines have been criticized as unduly broad by those across the ideological spectrum.

If the Rules Committee does not protect this amendment from a point of order, it will be necessary to DEFEAT THE MOTION TO RISE in order to consider and vote on this amendment. We would appreciate your support in this effort to ensure religious freedom in the workplace.

Sincerely,

CHARLES STENHOLM,  
FRANK R. WOLF,  
CHARLES TAYLOR,  
BUCK MCKEON.  
*Representatives.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 22, 1994.

DEAR COLLEAGUE: Earlier today, leading NASCAR drivers came to Congress to express their support for the Taylor-Wolf amendment to the Commerce, Justice, State Appropriations bill. Their statement is reprinted below.

We urge you to support the Taylor-Wolf amendment when the House takes up the appropriations bill tomorrow. If the Rules Committee does not make the amendment in order it will be necessary to DEFEAT THE MOTION TO RISE in order to vote on this amendment.

Sincerely,

CHARLES TAYLOR,  
FRANK R. WOLF,  
*Representatives.*

LEADING NASCAR DRIVERS SUPPORT TAYLOR-WOLF AMENDMENT TO STOP EEOC'S ATTEMPT TO CURTAIL RELIGIOUS LIBERTY

Statement by: Darrell Waltrip, Ernie Ivan, Hut Stricklin, Jr., Lake Speed, Don Miller, and Max Helton.

The professional racing community, like many others in professional sports, participate in a number of religious activities in the workplace. Chapel services prior to Sunday races are an important part of our lives. Of necessity these services must take place within the confines of our somewhat unusual workplace.

We believe we speak for the vast majority of the drivers and other members of the racing community, as well as the sentiment of most of our millions of fans, when we say that we find any limitation upon our religious liberty to be absolutely unacceptable.

It is for this reason that we urge the Congress of the United States to pass the Tay-

lor-Wolf Amendment to the budget bill which funds the EEOC and other agencies. The EEOC regulations, which are the target of this Amendment, have been criticized by religious and legal organizations from all sides of the political perspective. And in a non-binding vote last week, the Senate voted 94 to 0 to urge the EEOC to delete the so-called religious harassment guidelines from its proposed order.

We are here today to make sure that the EEOC's efforts which would curtail our religious liberty are stopped by binding legislation. Our freedoms are too precious to be left to non-binding votes alone. We want protection that is effective and that is why we urge the House to pass the Taylor-Wolf Amendment.

A major airline has already implemented the proposed guidelines by banning all religious speech whatsoever from the workplace. Legal departments of other agencies may reach similar conclusions. And it doesn't take a first class pit mechanic to understand that some Federal judge somewhere might eventually rule that any discussion of religion or display of religious symbols or materials violates the EEOC's rules.

No one favors true religious harassment. We are informed such harassment is already made illegal by Title VII and other federal laws. But voluntary chapel services, Bible studies, religious symbols, and discussions of the gospel and other religious topics among adults in the workplace would be threatened if these EEOC guidelines are allowed to become final.

In an effort to strain out the last gnat of religious harassment, the EEOC appears ready to swallow up major portions of our religious liberty. We are unwilling to remain in the stands when our liberty is at stake. The EEOC needs to have the brakes applied to this effort. And we hope that Congress will bring this sorry episode of big government intrusion upon our liberties to a screeching halt.

U.S. CATHOLIC CONFERENCE,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, DC, June 13, 1994.

DOUGLAS A. GALLEGOS,  
*Chairman, Office of Executive Secretariat,  
Equal Employment Opportunity Commission,  
Washington, DC*

DEAR MR. GALLEGOS: The United States Catholic Conference ("Conference") submits the following comments in response to the notice of proposed rulemaking regarding Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability ("Guidelines"). 58 Fed. Reg. 51266(1993) (comment period extended to June 13, 1994. 59 Fed. Reg. 24998 (1994)). The Conference advocates and promotes the pastoral teaching of the U.S. Catholic Bishops in many diverse areas of the nation's life, including the free expression of religious ideas and fair and equal opportunity in employment. The Conference is also an employer, as are the tens of thousands of Catholic institutions throughout the country. Thus, the Conference has analyzed the Guidelines from the dual perspectives of advocate for religious freedom and religious employer.

However, well-intentioned, in the area of religious harassment, the Guidelines need substantial revisions. In their present form, the Guidelines (i) create confusion which will have a chilling effect on religious expression in the workplace, (ii) fail to distinguish between secular employers and religious employers, and (iii) do not take into account the Supreme Court's recent decision

in *Harris v. Forklift Systems, Inc.*, 114 S. Ct. 367 (1993). Each of these three factors is discussed in more detail below.

CHILLING EFFECT ON RELIGIOUS EXPRESSION IN THE WORKPLACE

Plainly words, gestures, and other conduct designed to communicate negatively against a person on account of religion is harassing and illegal. What separates this actionable behavior from protectable behavior is intent. Employees deserve, in clear cases, the benefit of the law against the insults of others, when that behavior seeks to punish or coerce the employee on account of religious belief. For this reason, the Conference believes it appropriate to include "religion" in the categories of protected classes in the EEOC Guidelines. Excluding religion at this point could very well communicate the wrong conclusion, namely, that religion is less worthy of protection.

The difficulty for the EEOC is that positive actions about religion, including expression of personal belief, is at the core of the values protected by the Free Exercise Clause. The Guidelines do not allude to this distinction, although it is very real and, we submit, the cause (in part) of the recent confusion over these Guidelines. Without support for constitutionally protected religious speech, the Guidelines invite contentious behavior or employee zeal in creating a "religion free" environment, despite the Constitution.

Employers generally are pragmatic and cost-conscious. They like to avoid controversy and reduce expenses. One way to achieve these goals is by adopting policies designed to avoid costly litigation. In their present form, the Guidelines are likely to cause some employers to overreact and adopt workplace rules that will suppress religious expression on the part of employees and supervisors. By choosing to sanitize workplaces from religious expression, some employers will undoubtedly hope to avoid problems generated by those employees who might complain about religious expressions of others. This draconian approach is not far-fetched—it has been reported that a major airline adopted just such an approach in reaction to the Guidelines.

Two factors primarily contribute to the Guideline's potential chilling effect on religious expression. First, the use of subjective and ambiguous terms (such as "denigrate", "aversion," "offensive") without concrete examples will only confuse employers. Second, the Guidelines do not even acknowledge the First Amendment rights of employees and employers to the free expression of religious ideas, either in words or through conduct. The Guidelines' emphasis on the alleged victim's perspective, see 1609.1(c), does not inform employers that other employees also have rights. An employer that sanitizes its workplace in response to the Guidelines may very well find itself in violation of Title VII by discriminating against employees who may, for example, wish to wear religious symbols, have religious pictures or materials at their work stations, or discuss religious issues. In short, the Guidelines need to be more balanced in areas involving religious expression.

The Guidelines can be improved in several ways to decrease their potential chilling effect on religious expression. First, reduce the number of ambiguous and subjective terms. They confuse, rather than clarify, matters for employers. Second, expressly state in the Guidelines that employees have rights to free religious expression that employers need to balance in adopting policies. Employers need to know that, if they overreact, they

may find themselves in violation of Title VII. Finally, providing concrete examples of what is and what is not religious harassment would help employers immensely in understanding their Title VII responsibilities. This could be done with specific descriptions of actual situations, or by including questions and answers as was done in the case of the Pregnancy Discrimination Act, see Appendix to 29 C.F.R. Part 1604.

#### RELIGIOUS EMPLOYERS

Congress accorded religious employers special treatment in violation of Title VII. Title VII has two provisions exempting religious organizations for activities which, if engaged in by secular employers, could constitute religious discrimination under Title VII. See 42 U.S.C. §§ 2000e-1, 2000e-2(e)(2). With regard to section 2000e-1, the U.S. Supreme Court noted that the exemption "is rationally related to the legitimate purpose of alleviating significant governmental interference with the ability of religious organization to define and carry out their religious missions." *Corporation of the Presiding Bishop versus Amos*, 483 U.S. 327, 339 (1987). Title VII does not require religious organizations to employ individuals who act contrary to the religious beliefs of the organization. See *Little versus Wuerl*, 929 F. 2d 944 (3rd Cir. 1991). It should be noted that the Americans with Disabilities Act of 1990 also contains exemptions for religious organizations. 42 U.S.C. § 12113(c) (1) and (2). The Guidelines, however, do not even acknowledge the distinction between religious employers and secular employers.

The failure to acknowledge this distinction invites litigation to test whether the Guidelines or the exemptions control in particular situations. Although it might seem an obvious legal principle that statutes trump regulations (and certainly guidelines), some might even assert the Guidelines are an ultra vires action of the EEOC in not even noting the statutory exemptions. It is not too farfetched in this society to speculate about re-litigation of *Amos* as a religious harassment case. In that case, pressure was brought to bear on the gymnasium employee to correct his status vis-à-vis his church. The Guidelines invite their interposition as a defense against exempt behavior, a "non-adherent's veto". A simple reference to the preservation of the exemption would be of great assistance.

Beyond this scenario, there are other differences between a General Motors and a Catholic seminary, with regard to environment. Both are employers subject to Title VII. Many religious organizations will have religious symbols and artwork throughout their facilities. Often they may have religious activities during the workday. Title VII does not require a religious organization to change its religious mission activities because an employee may be offended by some aspect or another of his environment. It is not beyond the realm of possibility that some disgruntled employee might attempt to utilize the Guidelines to exercise a heckler's veto over the legitimate activities of religious organizations. See May 2, 1994 Press Release of American Atheists (calling for a strict standard of no religion in the workplace). The Guidelines' emphasis on the victim's perspective exacerbates this concern, as does the reality that there is constant litigation attempting to drive religion out of the public square.

The Guidelines must acknowledge the statutory exemptions for religious employers in Title VII. Religious employers must be allowed to conduct their operations and activi-

ties in a manner consistent with their religious beliefs and practices.

#### HARRIS VERSUS FORKLIFT SYSTEMS, INC.

After the EEOC published its Guidelines, the U.S. Supreme Court decided *Harris versus Forklift Systems, Inc.*, 114 S. Ct. 367 (1993). There are some apparent inconsistencies between the Guidelines and the *Harris* decision. These include the following:

1. Quoting an earlier opinion the Court said that the "mere utterance of an epithet which engenders offensive feelings in an employee" does not implicate Title VII. *Harris* at 370. The Guidelines suggest otherwise in footnote 4.

2. The Guidelines adopt a purpose or effect standard, see section 1609.1(b)(1)(i) and (ii), while the Court adopted an objective and subjective standard, *Harris* at 370.

3. The Guidelines incorporate into the reasonable person standard the victim's perspective (relying on the "reasonable woman" standard adopted in 1991 by the Ninth Circuit in *Ellison versus Brady*, 924 F.2d 872). The Court in *Harris* used only a reasonable person standard, *Id.* at 370. While a reasonable woman standard may be appropriate in the sexual harassment context, its utilization in religious harassment cases may be unworkable. The religious affiliations of employees is not readily apparent to employers in contrast to gender. The multiplicity of religious denominations and sects further complicates the matter. How will an employer or the EEOC determine the perspective of the "reasonable" Catholic, Methodist, Jew, Muslim, etc.?

The Conference recommends that the EEOC review the Guidelines in light of *Harris* and make adjustments where appropriate.

#### CONCLUSION AND RECOMMENDATION FOR FUTURE RULEMAKING

While the Conference is recommending substantial revisions in the Guidelines, we do recognize that religious harassment can and has occurred. It is a proper area of concern for the EEOC. If handled appropriately, guidelines could be helpful to employers and employees alike. Therefore, we are not recommending that the EEOC withdraw from all efforts to address religious harassment through guidelines.

The task of balancing the free religious expression rights of employers and employees in the workplace with Title VII's goal of protecting employees from illegal religious harassment is a delicate one, as is evidenced by the enormous response to the Guidelines. For the reasons discussed above, we recommend that the EEOC address the distinctive nature of religious issues. We recommend that, given the diversity of opinions and the sensitive issues involved, that any future guidelines on religious harassment be published again in proposed form for public comment before they are finalized. Where important First Amendment liberties are involved, it is more important that guidelines are done correctly than quickly.

Thank you for the opportunity to submit these comments.

Sincerely,

MARK E. CHOPKO,  
General Counsel.

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

Mr. Speaker, I would like to address the point that has been made by the gentleman from Virginia [Mr. WOLF] about EEOC, the religion-free environment problem. Some would say why do we bother to have these hearings at the

Committee on Rules; it is all cut and dried and not worth going up there. Let me tell you, it was worthwhile. We had wonderful testimony yesterday. A lot of people were shocked to find out that in this place here, where we are now working—at least we think we are working, and I hope most people think we are, I feel we are—we would be in violation of that rule because of the inscription over the Speaker's chair that says "In God we trust." This is not a true religion-free workplace.

Now, that is an absurdity I think that most of America would say, "Come on, will you people please get real here?" And that is what we are trying to do. I think the gentleman from North Carolina [Mr. TAYLOR], bringing this process forward through the Committee on Rules, showed just how ridiculous some of these rules and guidelines have become. It is an area of unintended negative consequences, a good idea that went wrong.

I feel that that kind of thing does, indeed, deserve to be noticed, as it has been pointed out, and corrected. But, more important than that, the Committee on Rules hearing process does work, because that is how we got to this point. So there is hope.

Mr. Speaker, I also wanted to point out that we have a difference between an open rule and a fair rule. How we keep a rule open is one thing, and I congratulate the majority for helping us on that. How we make it fair, the way we protect things, is another matter. And that is the area of our opposition. It is merely in the protection and the inequity, the unequal treatment, the double standard for some Members as opposed to others. That is what we are asking that we change.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. PORTER].

Mr. BEILENSEN. Mr. Speaker, I yield 45 seconds to the gentleman from Illinois [Mr. PORTER].

The SPEAKER pro tempore (Mr. WISE). The gentleman from Illinois is recognized for 2 minutes and 45 seconds.

Mr. PORTER. Mr. Speaker, Chicagoans have been following some of EEOC's work through the Chicago Tribune and Mike Royko's columns and they are mad. And they have a right to be mad. A Government agency which is charged with the important role of enforcing the laws against job discrimination is proceeding, at least in one case, in a way that is just incredible.

Recently in Chicago, a restaurant owner, Hans Morsbach was notified by the EEOC in writing that he was guilty of hiring discrimination. The letter charged that he placed an ad with a hiring agency for someone who was "young" and "bub," and thus is guilty of age discrimination.

According to the Tribune, Morsbach was informed by EEOC that he must

now hire four people over the age of 40, give them back pay and seniority, and post a notice in his restaurant stating that he will no longer discriminate because of age. The EEOC has decided he is guilty and determined his sentence and if he does not comply, he will be hauled into court and must hire an attorney to defend himself. What really galls, however, is that he is prevented from knowing anything about the genesis of the charge against him. EEOC refuses to give any information on this, citing confidentiality.

Well, Morsbach didn't place any such ad with a hiring agency and his hiring record is excellent—he has employed a diverse group of individuals in his restaurant. Morsbach doesn't know what hiring agency is involved, when the incident occurred, or what the word "bub" means. Regardless, Morsbach must invest time and resources into his defense when he goes to court to prove his innocence.

Mr. Speaker, this is crazy, crazy that out of the blue comes a charge the accused knows nothing about, crazy that the agency deems him guilty but at the same time refuses to tell him anything about the charge, and crazy that his only recourse is an expensive court proceeding.

This is an important agency charged with the role of protecting the civil rights of employees and protecting them against discrimination. But in this case, and apparently many others, it proceeds like the Spanish Inquisition.

□ 1630

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

In concluding, let me remind my colleagues that this is in fact an open rule. The waivers that are included are there to protect agencies without authorization which I believe most of us are fully supportive of and for some general provisions which have been carried in this and similar bills for a great many years and which I think most, if not all Members, are supportive of. While they are protected against possible points of order, as our friends on the other side of the aisle have pointed out ad nauseam, they are all also still subject to a motion to strike.

Mr. Speaker, I urge our colleagues to support this very fair rule. It is in fact a fair rule.

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 previous question was ordered. The SPEAKER pro tempore (Mr. WISE). The question is on the resolution.

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

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the grounds 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 243, nays 177, not voting 14, as follows:

[Roll No. 273]

YEAS—243

Abercrombie	Gibbons	Neal (NC)
Ackerman	Glickman	Oberstar
Andrews (ME)	Gonzalez	Obey
Andrews (NJ)	Gordon	Olver
Andrews (TX)	Green	Ortiz
Applegate	Gutierrez	Orton
Bacchus (FL)	Hall (OH)	Owens
Baesler	Hall (TX)	Pallone
Barca	Hamburg	Parker
Barcia	Hamilton	Pastor
Barlow	Harman	Payne (NJ)
Barrett (WI)	Hastings	Payne (VA)
Becerra	Hayes	Pelosi
Bellenson	Hefner	Penny
Berman	Hilliard	Peterson (FL)
Bevill	Hinchey	Peterson (MN)
Bilbray	Hoagland	Pickett
Bishop	Hochbrueckner	Pickle
Blackwell	Holden	Pomeroy
Boniior	Hoyer	Poshard
Borski	Hughes	Price (NC)
Boucher	Hutto	Rahall
Brewster	Inslee	Reed
Brooks	Jefferson	Reynolds
Browder	Johnson (GA)	Richardson
Brown (CA)	Johnson (SD)	Roemer
Brown (FL)	Johnson, E. B.	Rose
Brown (OH)	Johnston	Rostenkowski
Bryant	Kanjorski	Rowland
Byrne	Kennedy	Royal-Allard
Cantwell	Kennelly	Rush
Cardin	Kildee	Sabo
Carr	Kleczka	Sanders
Chapman	Klein	Sangmeister
Clayton	Klink	Sarpalius
Clement	Kopetski	Sawyer
Clyburn	Kreidler	Schenk
Coleman	LaFalce	Schroeder
Collins (IL)	Lambert	Schumer
Conyers	Lancaster	Scott
Coppersmith	Lantos	Serrano
Costello	LaRocco	Sharp
Coyne	Laughlin	Shepherd
Cramer	Lehman	Sisisky
Danner	Levin	Skaag
Darden	Lewis (GA)	Skelton
de la Garza	Lipinski	Slattery
Deal	Long	Slaughter
DeFazio	Lowey	Smith (IA)
DeLauro	Maloney	Spratt
Dellums	Mann	Stark
Derrick	Manton	Stenholm
Deutsch	Margolies-	Stokes
Dicks	Mezvinsky	Strickland
Dingell	Markey	Studds
Dixon	Martinez	Stupak
Dooley	Matsui	Sweet
Durbin	Mazzoli	Swift
Edwards (CA)	McCloskey	Synar
Edwards (TX)	McDermott	Tanner
Engel	McHale	Tauzin
English	McKinney	Tejeda
Eshoo	McNulty	Thompson
Evans	Meehan	Thornnton
Farr	Meek	Thurman
Fazio	Menendez	Torres
Fields (LA)	Mfume	Torricelli
Filner	Miller (CA)	Trafficant
Fingerhut	Mineta	Tucker
Flake	Minge	Unsoeld
Foglietta	Mink	Valentine
Ford (MI)	Moakley	Velazquez
Ford (TN)	Mollohan	Vento
Frank (MA)	Montgomery	Vislosky
Frost	Moran	Volkmer
Furse	Murphy	Waters
Gejdenson	Murtha	Waxman
Gephardt	Nadler	Wheat
Geren	Neal (MA)	Whitten

Williams  
Wilson  
Wise

Woolsey  
Wyden  
Wynn

NAYS—177

Allard	Gilman	Molinari
Archer	Gingrich	Moorhead
Army	Goodlatte	Morella
Bachus (AL)	Goodling	Myers
Baker (CA)	Goss	Nussle
Baker (LA)	Grams	Oxley
Ballenger	Grandy	Packard
Barrett (NE)	Greenwood	Paxon
Bartlett	Hancock	Petri
Barton	Hansen	Pombo
Bateman	Hastert	Porter
Bentley	Hefley	Portman
Bereuter	Herger	Pryce (OH)
Billfrakis	Hobson	Quillen
Biiley	Hoekstra	Ramstad
Blute	Hoke	Ravenel
Boehler	Horn	Regula
Boehner	Houghton	Ridge
Bonilla	Huffington	Roberts
Bunning	Hunter	Rogers
Burton	Hutchinson	Rohrabacher
Buyer	Hyde	Ros-Lehtinen
Callahan	Inglis	Roth
Calvert	Inhofe	Roukema
Camp	Istook	Royce
Canady	Jacobs	Santorum
Castle	Johnson (CT)	Saxton
Clinger	Johnson, Sam	Schaefer
Coble	Kasich	Schiff
Collins (GA)	Kim	Sensenbrenner
Combest	King	Shaw
Cooper	Kingston	Shays
Cox	Klug	Shuster
Crane	Knollenberg	Skeen
Crapo	Kolbe	Smith (MI)
Cunningham	Kyl	Smith (NJ)
DeLay	Lazio	Smith (OR)
Diaz-Balart	Leach	Smith (TX)
Dickey	Levy	Snowe
Doolittle	Lewis (CA)	Solomon
Dornan	Lewis (FL)	Spence
Dreier	Lewis (KY)	Stearns
Duncan	Lightfoot	Stump
Dunn	Linder	Sundquist
Ehlers	Livingston	Talent
Emerson	Lucas	Taylor (MS)
Everett	Manzullo	Taylor (NC)
Ewing	McCandless	Thomas (CA)
Fawell	McCollum	Thomas (WY)
Fields (TX)	McCrery	Torkildsen
Fish	McDade	Upton
Fowler	McHugh	Vucanovich
Franks (CT)	McInnis	Walker
Franks (NJ)	McKeon	Walsh
Galleghy	McMillan	Weldon
Gallo	Meyers	Wolf
Gekas	Mica	Young (AK)
Gilchrest	Michel	Young (FL)
Gillmor	Miller (FL)	Zimmer

NOT VOTING—14

Clay	Lloyd	Towns
Collins (MI)	Machtley	Washington
Condit	McCurdy	Watt
Gunderson	Quinn	Zeliff
Kaptur	Rangel	

□ 1654

The Clerk announced the following pair:

On this vote:

Miss Collins of Michigan for, with Mr. Quinn against.

Messrs. LEWIS of California, McKEON, and BUYER changed their vote from "yea" to "nay."

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. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on H.R. 4603, and that I be permitted to include tabulations, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995, AND SUPPLEMENTAL APPROPRIATIONS, 1994

Mr. MOLLOHAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these Departments and Agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Kentucky [Mr. ROGERS] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The motion was agreed to.

□ 1657

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. 4603, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, I want to thank the Appropriations Committee and the Subcommittee on Commerce, Justice, State, and Judiciary, for their assistance in supporting four projects in western New York which I brought to their attention earlier this year. In particular, I want to thank Chairman OBEY and Chairman MOLLOHAN for their support in this regard. These four proposals are referenced in the committee report accompanying the fiscal year 1995 Commerce-Justice-State-Judiciary appropriations bill which the House is considering today.

First, the committee listed ten proposals, including the Project Connect Consortium, which is a proposed fiber optic, interactive video communication network in western New York, describing the projects as " \* \* \* worthwhile projects for demonstration projects." I am pleased that the committee is urging the Commerce Department " \* \* \* to examine the " \* \* \* proposals and provide grants if warranted, and report back its intentions to the Committee."

I have met several times, here in Washington and in western New York, with officials involved with the development of project connect. I am totally persuaded that it has the potential of forging new ground in the development of the information superhighway in the United States. It filed a grant application with the Department of Commerce on May 15, and I am hopeful that this action by the committee will help persuade the Department to look on that application favorably.

Second, Mr. Speaker, the committee supported my proposal to try to locate Federal prison facilities near existing or expanding State or local facilities in order to achieve savings through sharing of infrastructure and in other ways. Last year I worked hard to obtain \$10.3 million to build a new Federal detention facility to serve the needs of both the Buffalo district of the Immigration and Naturalization Service and the U.S. Marshals Service, and this year I urged the committee to consider recommending that this new facility be sited adjacent to the existing and soon-to-be expanded Niagara County Jail in Lockport, NY. I have met with local officials as well as officials of the Federal agencies which are involved in this issue on numerous occasions. I am therefore very pleased that the committee report endorses this recommendation, suggesting that the U.S. Bureau of Prisons should " \* \* \* work with local officials to determine the feasibility of such an approach." I believe that the Niagara County site will be an ideal one on which to test this cost-savings theory.

Third, in response to my concern about the need to curb haphazard land development and protect the natural beauty of Niagara Falls, I applaud the committee for including \$100,000 for the State Department's Office of Canadian Affairs to " \* \* \* analyze transboundary issues and propose a plan of action to guide New York and the Canadian province of Ontario in establishing a commission to develop a comprehensive zoning and development plan for the preservation of the area around Niagara Falls on both sides of the border." I have no doubt that this will be the start of a new and better approach toward protecting this wonder of the world.

Fourth and last, Mr. Speaker, I want to thank the committee for accepting my sugges-

tion that the Justice Department's Office of Juvenile Justice Programs consider discretionary grants " \* \* \* to a non-governmental, early intervention counseling program that works with the courts to assist young men and women charged with criminal offenses for the first time and who are at risk of stigmatization and recidivism." This describes what has been called the First Time-Last Time program which was founded in 1979 by the Erie County Sheriff's Department and the western New York Chapter of the National Conference of Christians and Jews [NCCJ] to deal with first-time offenders and seek ways of ensuring that recidivism will not occur.

I have met on several occasions with both public officials and representatives of NCCJ in western New York. They have a record of success that is worthy of emulation throughout the nation. Accordingly, I hope that the Justice Department will concur with the committee and support this excellent program when it submits an application for a discretionary grant from the Justice Department later this year.

Mr. Speaker, once again I want to thank Chairman OBEY and Chairman MOLLOHAN for their responsiveness to these ideas. I look forward to working with them and our colleagues as this bill moves forward toward enactment.

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

Mr. Chairman, it is my privilege to present this evening the fiscal year 1995 appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

First, Mr. Chairman, I thank most sincerely my distinguished colleague, the gentleman from Kentucky [Mr. ROGERS], the ranking minority member on our committee, for his cooperation and active participation in developing this legislation.

□ 1700

He is an especially capable Member of this Congress. His suggestions have been very valuable and are certainly incorporated in this bill.

Mr. Chairman, I am particularly fortunate that the expertise of the chairman, the gentleman from Iowa [Mr. SMITH], has been on call, as he has been generous in making himself available to assist me since I have assumed these new responsibilities. His distinguished and capable leadership of this subcommittee for many years is widely admired, and I personally appreciate his friendship and continuing guidance.

Mr. Chairman, the members of our subcommittee are a talented group. To a person, each has made real contributions to this bill. They have been active in its crafting. Their input has been incorporated, and I appreciate their hard work and cooperation.

In addition to the chairman, the gentleman from Iowa [Mr. SMITH], and the gentleman from Kentucky [Mr. ROGERS], our subcommittee includes the chairman, the gentleman from Michigan [Mr. CARR], the gentleman from Virginia [Mr. MORAN], the gentleman

from Colorado [Mr. SKAGGS], the gentleman from North Carolina [Mr. PRICE], the gentleman from Arizona [Mr. KOLBE], and the gentleman from North Carolina [Mr. TAYLOR].

Mr. Chairman, I am indebted to our new full committee chairman, the gentleman from Wisconsin [Mr. OBEY], for the assistance he has given to me on this bill. Despite his new responsibilities, he has always made himself available to work on the many challenges faced during the workup of this bill. He is doing an excellent job, and I appreciate his help.

Mr. Chairman, every Member involved in this legislative process knows how crucial are our hard-working, professional staff. Our subcommittee is blessed with an especially fine group of professionals headed by staff director John Osthaus, and assistants George Schafer and Sally Chadbourne, and on detail from the Commerce Department's Office of Comptroller is Soo Jin Kwon, and we appreciate all of their efforts.

Mr. Chairman, the bill provides a total of \$26,549,129,000 in new budget authority for fiscal year 1995. This amount is \$1,181,452,000 below the President's budget request for budget authority, and it is \$35 million below the 602(b) budget authority allocation for the bill.

The bill provides a total of \$25,298,000,000 in outlays for fiscal year 1995, and this amount is \$771,668,000 below the President's budget request for outlays and \$35 million below the outlay allocation for the bill.

Mr. Chairman, this bill is important to Members here and to their constituents. This bill funds most of this country's crime-fighting initiatives, and, my fellow Members, when your constituents ask what you are doing to fight crime, you can point to this bill for the substantive answer. We heard President Clinton's request to enhance Federal law enforcement, and paramount in our consideration was a commitment to employ effectively Federal resources and assets to reinforce the men and women on the front lines in the fight on crime across this great Nation. Addressing our Nation's crime problems is perhaps our most pressing national concern.

It is impossible to turn on the TV or radio, read a newspaper, open constituent mail, or attend a town meeting without hearing about the terrible problem of crime in our neighborhoods and people's fears and concerns about it. The House has responded by enthusiastically passing a comprehensive crime bill. That legislation is, as we speak, in conference with the Senate.

But, Mr. Chairman, it is this bill where we turn our words into action. We are committed to being as responsive as we can to this priority, and we have used every tool we have. We have used every bit of creativity to focus the

money we have to where it is most needed and will be most effective—to the men and women who fight crime and to the communities who support them.

Mr. Chairman, this bill includes \$1.3 billion for community policing, which will put on the street in our local communities 39,000 additional police officers. At the same time, Mr. Chairman, funding for the Federal Bureau of Investigation and the Drug Enforcement Agencies, two of our most crucial crime-fighting Federal agencies, has been restored to their fiscal 1994 levels, and we provide additional funding to enable the FBI to hire 160 new agents and the Drug Enforcement Agency to hire 132 new agents.

I am also extremely pleased the committee has restored and enhanced the Byrne formula grant program. The bill includes funding to more than double the size of this highly effective program. The expanded program will provide grants that States can use for law enforcement purposes, for incarceration of illegal aliens, and improved criminal recordkeeping as required by the Brady law.

All of this is done with an enhanced program which amounts to 125 percent more Byrne grant money to each State than they received last year. The effectiveness of the Byrne formula grant program is reflected by its popularity with your State and local law enforcement officials, the people who confront our crime problem every single day.

I know that more than half of you, more than half of my colleagues, more than half of the Members of this House of Representatives have signed petitions to this subcommittee in support of the Byrne program, and we have been responsive to those concerns.

We also responded to your concerns about prison space, and this bill includes almost \$52 million to activate or expand 11 new Federal prisons.

The committee has also heard the concerns of Members from States along our southern border. We significantly enhance border control by providing an increase of \$54 million to hire 700 new Border Patrol agents, to reassign 250 agents to the line, and to backfill those agents with 110 support personnel. This provision will provide a total of almost 1,000 new Border Patrol agents on the line in 1995. This is in addition to the 600 Border Patrol agents who were added to last year's bill.

Likewise, Mr. Chairman, the President's immigration initiative is of great importance to many Members. In addition to the enhancement of the Border Patrol, the committee nearly fully funded the request for expedited deportation and review of asylum cases.

Let us not forget that crime prevention is a critical component of our crime control efforts. This year the committee has provided a 35-percent

increase for juvenile justice and delinquency prevention programs. We feel that it is imperative to fund programs which help our young people avoid the path to crime.

Mr. Chairman, of course this bill is responsible for much more than crime fighting. The bill contains funding for a reinvigorated Commerce Department. The Commerce programs are the centerpiece of the President's efforts to increase U.S. industrial competitiveness. The committee has strongly supported President Clinton's initiatives to create jobs through civilian technology and economic development initiatives by increasing levels of funding in certain strategic areas.

We have included \$842 million for the National Institute of Standards and Technology, and within this amount we provided the full request of \$61 million for the Manufacturing Extension Partnership Program. This funding will enable the Department to establish additional manufacturing technology centers and support services to help basic industry America introduce new technologies to shop floors. We also provide \$431 million for the Advanced Technology Program, or ATP. ATP helps industry help itself. U.S. industry defines the research priorities, and then industry and the Federal Government share the costs of pursuing high-risk technology development which holds a promise for new commercial products.

The committee included \$70 million in the bill for the very popular information infrastructure grant program. This funding will provide for another round of demonstration projects to highlight innovative ways schools, hospitals, and other public service entities can gain access to the latest information technology available in the deployment of the information highway.

□ 1710

We have funded the Economic Development Administration at \$371 million, a \$50-million increase over last year's level. EDA serves as the central agency for technical and financial assistance to economically distressed areas. Within this amount we have included \$175 million for the traditional public works grant program and \$80 million for targeted grants for defense conversion.

Turning to the National Oceanic and Atmospheric Administration, we have provided \$1.8 billion for the agency's programs. We have provided almost \$600 million related to the modernization of the National Weather Service, including the acquisition of improved radar and other automated systems associated with the modernization effort, the continuation of the NOAA geostationary and polar satellite systems necessary for collecting improved weather data, and staffing for the new radars and weather service facilities.

The committee has also included an increase of \$43 million over fiscal year 1994 amounts for the National Marine Fisheries Service for enhancement of fisheries management programs. This funding is necessary to address the virtual collapse of fisheries in New England and the Pacific Northwest by building sustainable U.S. fisheries and protecting threatened and endangered species.

The amounts recommended in the bill also include restoration of funding for other NOAA programs important to Members, such as regional climate centers, national undersea research centers, and zebra mussel research.

#### SMALL BUSINESS ADMINISTRATION

Also on the job creation front, the bill provides a total of \$796 million for the Small Business Administration, an increase of \$10 million over the President's request.

In this time of economic recovery, the committee recognizes the importance of SBA. The growth of small business is truly critical to the economic health of our Nation, and SBA is the central U.S. Government agency responsible for encouraging and nurturing that growth.

Across America, traditional industries have been crippled, and we have begun to work to rebuild and diversify our economy. The success of our Nation's small businesses is integral to this process.

For those of you facing economic crisis in your district due to base closures or other Federal Government cutbacks, the loss of a major contractor or employer, or simply the effect of years of recession, I urge you to support this committee's funding recommendations for SBA.

In fiscal year 1993, loans made through the section 7(a) business loan program were responsible for creating or maintaining 380,000 jobs nationwide—across every one of my colleagues' districts. And this year, by providing \$327 million for the business loans program account, we will leverage loans to small businesses totaling \$10.5 billion.

Also, our recommendation will provide funding for many other valuable programs under the SBA—programs that provide assistance to women, minorities, handicapped individuals, and veterans trying to overcome barriers to achieve success.

#### FISCAL YEAR 1994 SUPPLEMENTAL

In title VII of the bill, the subcommittee has provided funding for important supplemental appropriations for fiscal year 1994. We have provided \$400 million in emergency supplemental appropriations for fiscal year 1994 for the Small Business Administration's Disaster Loans Program account to meet the remaining disaster loan needs of the victims of the Los Angeles earthquake.

We have also provided \$670 million in supplemental appropriations for fiscal

year 1994 to pay a portion of the assessments for U.S. peacekeeping operations which are estimated to total \$1.1 billion by the end of fiscal year 1994. In title V of the bill we have provided an additional \$288 million for fiscal year 1995 to pay the second year of the multiyear plan to pay off the fiscal year 1994 peacekeeping arrearage.

Mr. Chairman, I would like to comment on the subject of peacekeeping because there will be some discussion during the debate on the bill. I would like to point out to the Members that beginning at page 114 of our report there is a rather lengthy, detailed, factual recitation of the history of peacekeeping. I think it would be instructive to the Members to read this prior to debate on the bill. There is also a table which sets forth the peacekeeping missions, the amounts related to those missions that represent deficits for the year 1994 and the date that those missions were committed to.

I would also note with regard to peacekeeping, Mr. Chairman, that legitimate concerns that Members have had for some time are certainly being addressed and I commend the authorizing committee for doing so.

There have been concerns about the rate which represents the United States' share of peacekeeping operations. The rate for some time has been 30.4 percent. There is certainly an effort to reduce that. That effort is agreed to by a broad cross section of the Members.

We commend the authorizers for providing in their bill, which we just passed in this House not very many weeks ago, a reduction of our share of the peacekeeping from that 30.4 percent rate down to 25 percent beginning with fiscal year 1996.

Mr. Chairman, I have talked about the increases provided in the bill and now I need to mention some of the reductions. As I noted earlier the 602(b) allocation for the bill was \$1.2 billion below the President's request. Therefore, the subcommittee was forced to make a number of reductions which required very difficult choices. The committee cut the following amounts below the budget requests for each of the following. With regard to the Federal Judiciary, we reduced the President's request by 218 million; for the State Department, we reduced the President's request by \$102 million; with respect to the U.S. Information Agency, we reduced the President's request by \$78 million. We reduced the President's request for the Legal Services Corporation by \$85 million. The Maritime Administration was reduced by \$125 million. The Justice Department request was reduced by \$402 million. The Commerce Department request was reduced by \$175 million.

In closing, Mr. Chairman, we are pleased to bring this bill to you today. Our committee has worked very hard

to draft a bill which achieves balance, balance between program demands and budget authority and outlay limitations; balance between the President's important crime and civilian technology investment initiatives and proven agency programs; balance between administration priorities and Congressional priorities on both sides of the aisle.

So I bring to you what I believe is unquestionably a fair bill. This bill is not everything to everyone, but given the fiscal constraints facing us today, Congress must strive for responsible compromise. This bill represents such responsible compromise.

Mr. Chairman, I urge the Members to support our work.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Iowa, certainly.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from West Virginia, and the gentleman from Kentucky and other members of the subcommittee for developing this bill. This is one of the most controversial bills and one of the most important bills that we have in the Congress. It includes the entire Judiciary, a separate branch of our Government that does not have a constituency. Members are always anxious to vote for more judgeships, but they do not want to pay for them. The subcommittee has to handle that problem in this bill.

This bill also handles the administration of the overseas officers of the State Department. Again, there are people who are quick to criticize what happens overseas, but they do not like to provide funds for the State Department.

Then there are the export programs, technology and research programs that are so important to our competition, to our being competitive in the world; and of course the business section of the bill, and the coastal programs.

Then there are 21 independent agencies in this bill including the SEC, the SBA, and the FCC. About one-half of this bill is not authorized, which is the highest percent of any bill brought to the floor. The authorization committees have not been able to get these programs authorized by the time the appropriations bill reaches the floor.

This makes it even more controversial and even harder to handle.

I just want to say that this one of the most important bills and I really commend the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] for what they have done here in this bill.

Mr. Chairman, I urge support of the bill.

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

□ 1720

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

Mr. Chairman, before I begin my comments, I must first praise the gentleman from West Virginia [Mr. MOLLOHAN] the new chairman of the subcommittee. He has taken the helm of one of the most diverse and complex appropriations bills there is, as the former chairman, the gentleman from Iowa [Mr. SMITH] has just indicated, and while we miss the leadership of Chairman SMITH on this subcommittee, we are extremely pleased with the work of the new chairman. In just a few short months he has impressed all of us, particularly this Member, with his dedication, his knowledge and leadership on this subcommittee. He has done a tremendous job in a very difficult year, treating all Members with fairness and respect and working to accommodate a divergent set of needs and priorities. The chairman and all the members of the subcommittee are to be commended for their diligence in crafting a bill which, I believe, Members should support.

So, Mr. Chairman, I rise today in strong support of this bill. Having said that, I must divide the bill into two parts, as I have said before. There is the U.N. peacekeeping portion, and then there is everything else. I will have some words about peacekeeping at the conclusion, but first let me address the everything-else portion of the bill.

I must reiterate to the Members the diverse and competing needs of this subcommittee. One of the smaller appropriations bills in total dollars, this bill is certainly one of the most diverse and funds some of the Congress' highest priorities. The bill funds everything from the war on crime and drugs, one of the top issues facing our Nation today, to programs to promote economic development, increase our competitiveness, build democracy overseas, and promote our interests abroad.

Again this year, Mr. Chairman, like other subcommittees, pressing needs exceeded our limited resources. Due to a constrained 602(b) allocation we are \$1.2 billion below the President's request for programs in this bill. Unfortunately, funding constraints did not permit us to do everything we would like to have done, and many programs are held at or below the fiscal 1994 level, but we have provided increases for the highest priorities, especially the war on crime and drugs.

For the Department of Justice, Mr. Chairman, this bill provides a total of \$12 billion for the department, a 29-percent increase over fiscal 1994, including \$2.4 billion to fund initiatives authorized in the crime bill such as community policing. In addition, we have not only restored, but given, a 125 percent increase in the Byrne formula grant program for law enforcement grants to

all 50 States and their police and sheriffs' departments.

I am particularly pleased, Mr. Chairman, that the bill rejects the large cuts the administration proposed for our core Federal law enforcement programs. Not only does the bill reject the President's proposed cut of 790 people from the FBI, it adds resources to put an additional 760 agents on the street, and for the Drug Enforcement Administration, we rejected those proposed cuts and added an additional 132 agents, new agents, to stop drug traffickers in their tracks.

On immigration control, Mr. Chairman, we have built on the firm foundation established last year providing almost 1,000 more Border Patrol agents on the front lines. When this bill is signed into law, we will have added over 1,500 agents in the last 2 years to protect our borders from the flood of illegal immigrants, driving costs through the roof, not to mention other things.

For the Commerce Department, significant increases for the Administration's technology initiatives and the information superhighway. We continue National Weather Service modernization, as well as provide moneys for the EDA to assist economically distressed communities and those hard hit by defense cutbacks.

For the Judiciary, as the gentleman from Iowa [Mr. SMITH] noted, a 4-percent increase to help the courts cope with continuing demands to fight the war on crime.

Again this year the Department of State will be forced to live with less than current services. Cut by almost 8 percent last year, the State Department's request has been cut significantly, largely to fund U.N. peacekeeping activities, and that brings me to the second part of the bill, the part which troubles me greatly: U.N. peacekeeping.

Mr. Chairman, peacekeeping is simply a runaway fiscal train. Six years ago peacekeeping costs totaled a mere \$30 million to the United States. This year that price tag, our share, is \$1.5 billion, eating up big portions of the other priorities that we would like to fund in this bill, but simply cannot due to peacekeeping demands. Members must understand that for every dollar that goes to peacekeeping a dollar is taken away from other high priority programs right here in the United States. This bill contains \$1.2 billion to pay for the U.S. assessed contribution for U.N. peacekeeping activities. That figure includes \$222 million for expected 1995 requirements for peacekeeping, and we all know that is going to be way too little. In addition, \$288 million is provided to partially pay for what the United Nations says is an arrearage that we owe for past bills, and then finally the bill includes a separate 1994 supplemental embedded in the fis-

cal 1995 bill providing \$670 million, and that amount is, again, to cover only a portion of the fiscal 1994 peacekeeping bills they say are pass due.

Mr. Chairman, the total price tag for the arrearage is \$1.1 billion. That is \$1.1 billion in bills for which our fiscal 1994 appropriation could not cover. And let me put Members on notice now. This will not be the last supplemental for peacekeeping that we will face this year. There is only \$222 million for fiscal 1995 peacekeeping requirements in this bill. The tab for this year, 1994, is \$1.2 billion. So, we know we are going to be faced with a huge billion-dollar, roughly, supplemental for peacekeeping from the United Nations before the year is out. That is too much.

Sadly, Mr. Chairman, the American taxpayer is not being treated fairly at the United Nations. The United Nations continues to demand that we pay more than our fair share. Nearly one-third of the total peacekeeping U.N. operations are billed to Uncle Sam. All the while our allies pay a greatly reduced rate. The next biggest contributor to peacekeeping is Japan who pays only 12.5 percent; Germany, only 8.9 percent; Britain, a mere 6.4 percent; China, a member of the Security Council, nine-tenths of 1 percent. And Uncle Sucker is billed for 31.4 percent. It is too much.

In addition, Mr. Chairman, our taxpayers are footing the bill to pay for billions in military support for the United Nations for which we get no credit or thanks. The United Nations is putting us in a fiscal noose, and we simply cannot ask our citizens to sacrifice anymore. The time is long past due, Mr. Chairman, that we demand equity and burden sharing at the United Nations. Despite the good will and the best efforts of both the Bush and Clinton administrations and pleas from the Congress over the years, all attempts to reduce our share for peacekeeping have been met with a refusal, even to budge. In fact, we say our rate is 30.4 percent. The United Nations says, "no," it has been increased. It is now 31.7 percent. We asked for a reduction. We get an increase. History has shown that the only time the United Nations listens to us and reforms itself is when Uncle Sam pulls on these purse strings. In fact, that is how we got our U.N. general budget contribution reduced 20 years ago to 25 percent on a bill, an appropriations bill out of this subcommittee. We said we are going to pay 25 percent of the general budget of the United Nations and no more. The United Nations later came along and said, OK, they passed a resolution affirming that. I say it is time to do the same thing now with peacekeeping to reduce it to the same rate.

□ 1730

It is time Congress stepped up to the plate and demanded burden sharing at

the United Nations. I regret that this bill does not do that. How much longer can we justify sending billions to the United Nations when they refuse to treat us fairly.

Mr. Chairman, I planned to offer an amendment today to force the United Nations to treat the American taxpayer fairly and with respect. My amendment would have limited to no more than 25 percent the amount the United States could pay for a peacekeeping operation. Twenty-five percent is what is fair and what is right. Thirty percent, what we pay now, or 31.7 percent, what they are billing us, is too much. But the Committee on Rules refused to make that amendment in order so the Members of this House could work their will on the issue.

I hope as the House continues consideration of this bill, and, hear me out, I hope as we consider this bill, there will come a time during that debate where we will be able to address this critical issue, and I think we will, so hold your change.

Mr. Chairman, I support the bill, with the exception of the peacekeeping portion, and I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding. I think the gentleman is raising a very, very important and significant point. As I understand it, not only do we pay all the expenses attendant to housing the United Nations in New York City and bringing all of the diplomatic corps to the United States for that purpose, but then for peacekeeping purposes, we pay 31.7 percent of all peacekeeping missions. And then, since the United States provides most of the military hardware and uniform personnel and operations, we pay all of the costs attendant with United States personnel involved in those peacekeeping missions as well, such as the feeding of the people in Bosnia and the feeding of the people in Northern Iraq. Is that correct?

Mr. ROGERS. As well as the transportation costs of personnel and equipment and food stuffs and all of that.

Mr. LIVINGSTON. You add all that in, we get no credit for all of those expenses. We still pay the highest proportion of any country in the world. It seems the U.S. taxpayer could get a better deal, and I think the gentleman has raised a very, very significant point. I hope the gentleman's amendment is not only allowed in order, but ultimately adopted.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

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

Mr. HUNTER. Mr. Chairman, I just wanted to say to the gentleman that

you have increased the border patrol by almost 1,000 agents, which will take the total number of border patrol agents well over 5,000. I think we need ultimately 10,000, but you are right on track. The Republican Research Committee Task Force on Immigration worked out a schedule which is manifested in an amendment we passed on the crime bill of a little over 1,000 agents per year. You are following that, you are tracking that very effectively.

I might just say to the gentleman, as we put these agents in important places, like El Paso and San Diego, the smugglers start to try to go around the concentrations of agents. And in Imperial County in California, we are now seeing smuggling of both illegal aliens and cocaine surge. I know it is the gentleman's intention that the border patrol agents now be put at other strategic points where smuggling is beginning to increase as a result of the concentrations that we have already in place.

Mr. ROGERS. Mr. Speaker, reclaiming my time, let me briefly respond. The gentleman from California came to Chairman MOLLOHAN and myself early on pleading for more Border Patrol agents. We were able to shift around, and, through sacrifice of other priorities, and found moneys to do just that. So the gentleman is to be commended for his dedication to this issue, not just this year, but last year and previous years. Thanks mainly to his efforts, we now have, or will have by the end of this coming fiscal year, 1,500 new agents assigned to border patrol that we otherwise probably would not have had. So I thank the gentleman for his great work.

Mr. HUNTER. I thank the gentleman. He and the chairman have done a superb job in this area.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would like to commend the gentleman from California for his input on this issue during the process of formulating this bill, and thank the ranking minority Member for bringing Mr. HUNTER's concerns to the committee. It was his amendment last year that enhanced the border patrol on this bill, and we appreciate his input.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN], a distinguished member of our subcommittee.

Mr. MORAN. Mr. Chairman, I had a 21-minute statement, but I am going to try to wrap it into 2 minutes. Most of it was to just tell what a terrific job our new chairman has done, and of course the very talented staff of our full committee chairman. He already

knows that, but the very talented staff of John Osthaus and Sally Chadbourne and George Schafer and Sue Jin Kwon, have done a wonderful job. They have been spending every day and weekend and evening working of this bill.

It was a tough bill, because the White House wanted \$27 billion, if you put all of their requests together, and the budget resolution only gave us \$26 billion. There was actually a gap of \$1.2 billion that we had to make up. That was tough, because this really does fund the administration's principle initiatives: fighting crime, enabling our economy to grow, expanding international trade in a peaceful, stable world.

So what the subcommittee did, under the excellent leadership of the gentleman from West Virginia, Mr. MOLLOHAN, was in fact to expand our ability to fight crime, put 39,000 more police officers on the street. We did not accept cuts in the FBI, and in fact the subcommittee added almost 400 more FBI personnel. Instead of taking the requested cutback on the Drug Enforcement Agency, the subcommittee added another \$20.5 million, and 75 new drug enforcement agents.

Conscious of the Members' concern about our poorest borders and the number of illegal immigrants coming in, we added nearly 1,000 border patrol personnel, on top of the 600 last year. So that gives us about 5,000, I think, total border patrol people. It is as much as the subcommittee could possibly fund, another priority, certainly, of the House of Representatives.

In terms of the economy, we leveraged more than \$10 billion in new loans for small businesses, through a \$79 million increase in appropriation. We doubled the appropriation for the National Institute of Standards and Advanced Technology Program. We nearly tripled the appropriation for the National Information Infrastructure Program.

The fact is this bill helps every single one of our constituents in every community, large and small, rich and poor. It is a good bill. It certainly deserves the support of every single one of our colleagues.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the very able leader of the subcommittee from our side, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Chairman, I thank my wise friend from Kentucky for yielding.

The fiscal year 1995 appropriations bill for Commerce-Justice-State is a bill that has a lot of provisions that many of my colleagues can support. I want to commend the newest cardinal, the gentleman from West Virginia [Mr. MOLLOHAN], for doing a superb job, along with the gentleman from Kentucky [Mr. ROGERS], in a very difficult and complex bill. To the maximum extent, they have taken care of a lot of

programs that all of us are interested in, from Border Patrol to programs that bolster exports to initiatives that foster the development of emerging technologies to help us improve our country's competitive position.

However, as has been pointed out in this debate, we are spending an enormous amount on peacekeeping in this bill, \$1.2 billion. In my opinion, this is an excessive amount, without thinking a bit about what we are doing in terms of long-term priorities.

In particular, there is a \$670 million fiscal year 1994. I began my remarks by saying this is a 1995 bill. We are reaching back to 1994 to try to include \$670 million in supplemental funds.

□ 1740

I think it is important for my colleagues to understand why that 1994 money is available. It is there because when we acted on the emergency appropriation to help cover the cost of the Los Angeles earthquake; this Congress rescinded \$3.2 billion in funds previously appropriated for some 64 programs, including education, agriculture, and home ownership for low-income programs, generating savings of nearly \$600 million in outlays. We pulled the savings out of those programs and put them into this supplemental. How many of us have been on this floor looking at the appropriation bills as they have gone through and saying, we need more money to cover shortfalls in health, in housing, in education, and in crime, yet \$700 million in this bill of 1994 money that is taken away from domestic and other programs is being sent up to pay assessments at the United Nations.

Now, that is exactly where the money is coming from. I want to say to my colleagues that I think it is unjustified. I think it is unjustified because that \$670 million is on top of, get this, \$533 million in fiscal year 1995 money, making a total of \$1.2 billion in this bill to pay up at the United Nations; \$670 million of it from 1994 money, taken from domestic and other programs, and \$533 million in this bill in new money.

My friends, before we make such a decision, we need to remember what happened when we passed the United Nations Participation Act with the understanding that we would be a full partner in financing decisions. Yet for 20 years, my friends, 20 years our Government has tried to get some equity on the United Nations assessment formula. It is not equitable. It is not fair, and they simply brush us off at the United Nations.

Listen to this now. We are being asked to vote in this bill to pay United Nations peacekeeping at an assessment rate of 30.4 percent, for a total of \$1.2 billion. What is going on around the world, friends? The Japanese are paying 12.5 percent. Germany's assessment

to the United Nations, 8.9; Russian federation, 8.6; United Kingdom, 6.3; France, 7.6. And China, who votes with us an equal member in the Security Council, 0.095 percent. United States, 30.4 percent. The United States is actually assessed at 31.7 percent but only pays 30.4 percent. We have a billion-dollar decision that we are going to have to make.

When we look at the Federal budget in total, we see that peacekeeping costs have risen from \$30 million in 1989 to over \$1.2 billion in 1994. It is time to begin to prioritize.

My friend from Kentucky is going to offer an amendment that will attempt to do that; applying the 25-percent rule which, my friends, we already voted for. It is in the authorization bill for fiscal year 1996 and beyond.

This amendment that my friend will offer will say, apply that formula, 25 percent, to the fiscal year 1994 and the fiscal year 1995 money. And if we do that, what we will be doing is saving several hundred million dollars.

At this point, all we have is a promise to negotiate a reduction in the assessment rate some time in the future. We know the phrase "manana," sometime tomorrow.

My friend's amendment will say, if we have to appropriate or even think of appropriating over a billion dollars in this bill, let us get the reduction now and let us put it into law. That is what this bill is. This is the law of the United States, and we are the Nation's stewards as lawmakers.

Let us vote to keep this payment at the rate of 25 percent and save the American taxpayer some dollars.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I would like to engage the chairman in a colloquy on the subject of the Auto Parts Advisory Committee under the Commerce Department's supervision.

Mr. Chairman, the ongoing United States-Japan Framework Talks have reached a critical stage, and yet APAC has not met at all this year. I would urge Secretary Brown in the strongest possible terms to expedite the reformation APAC by reappointing APAC members of good standing and to set the first meeting of APAC for the earliest possible date.

The U.S. auto parts manufacturing sector is a diverse, \$100 billion industry, with 4,000 firms directly employing over 700,000 U.S. workers. The Auto Parts Advisory Committee is a valuable forum in which this industry may be heard.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Ms. KAPTUR. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understand the concerns of the gentleman from Ohio. It is my understand-

ing that the Fair Trade in Auto Parts Act, which was recently extended for 5 years, reauthorized the Auto Parts Advisory Committee. I also understand that the Department of Commerce has solicited congressional input on the appropriate membership of the advisory committee, and that the Department is in the process of appointing new members of the committee.

I join my colleague from Ohio in urging the Commerce Department to set the first meeting of the Auto Parts Advisory Committee at the earliest possible date. I thank the gentlewoman for bringing this matter to the subcommittee's attention.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KOLBE], a very hard-working member of the subcommittee.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the fiscal year 1995 Commerce, Justice, State, and Judiciary bill.

Mr. Chairman, all this talk that we have heard here about the installation of the newest member of the appropriations cardinal, I expect to see a red hat floating over his desk over there. But I join with my colleagues in commending him for the outstanding job that he has done, for his leadership, for his genuine efforts to accommodate Members' concerns.

He has assumed the chairmanship of this subcommittee midway through the process, a difficult circumstance, and he has proven to be a quick study. He has mastered the details of the bill in short order. In the process, we have established some new priorities that I think this House can enthusiastically support. We have produced a responsible bill that recommends a total of \$26 million in discretionary budget authority. This is \$1.2 million below the administration's budget and is within the subcommittee's 602(b) allocation.

Certainly this bill is not perfect—a statement that could be made about most legislation we consider in this House. But, on balance, this is a good bill, one that responds to the widely expressed priorities of this body, particularly in the area of law enforcement, which I will focus my remarks on.

The bill makes a clear statement that we are serious about curbing illegal immigration. It does so by increasing fiscal year 1994 levels for INS by \$301.2 million.

Funding of \$54.5 million is provided for the hiring of 700 new Border Patrol agents and 110 support personnel. \$117 million is provided for improvements in technology in automation, communication systems, and information to enhance border enforcement. The additional support personnel and the technology improvements will enable the agency to redirect 250 other support personnel to line functions.

Put all these numbers together and you have 950 additional agents on our southern borders to help make them safer and more secure. The 950 new agents, according to INS bottom-up reviews, will enable the INS to implement the highly successful "El Paso" model with high-intensity, line of sight, operations.

At my request, the subcommittee has also included report language expressing concern about shifting illegal immigration patterns resulting from the reprogramming of agents in the current fiscal year. That reprogramming assigned 300 new agents to the San Diego sector and 50 to El Paso, but none in between. The result was predictable. The gentleman from California, [Mr. HUNTER] alluded to this.

Since that time, dramatic increases in alien apprehensions have occurred each month in Arizona. This March, for example, alien apprehensions were 77 percent higher than in March 1993. I will be watching closely to see that the INS assigns the new Border Patrol agents and makes adjustments with previously assigned agents to close this glaring gap on the border.

But the INS and this bill reflects concerns that go beyond simply preventing illegal entry into the United States. The INS also has a vital role in the processing of legal entry into our country. With the passage of NAFTA, it is important to improve efficiency for the legal transport of goods and people between the two countries. Unfortunately, long and financially damaging delays in processing have become the norm at many ports of entry from Mexico.

The bill moves in the right direction by including funds to expedite processing for regular land border crossings. Still more needs to be done to reduce the routine delays in border crossing—delays that ironically encourage illegal crossing. I will continue to work with the subcommittee and INS to resolve these problems.

The bill also recognizes that costs associated with illegal immigration are a Federal responsibility. For the first time we have stepped up to the plate and included funds for the State Criminal Alien Assistance Program. This fund reimburses States for the cost of incarcerating illegal aliens. It's high time we acknowledged that every illegal alien in our communities is the fault of the Federal Government—not local government. And its time we contributed to these skyrocketing and budget-breaking costs that local communities and States endure on a regular basis.

A total of \$804.3 million is provided in the bill for an expanded Byrne program. These monies will be allocated to States for discretionary use on any of three Federal programs: State criminal alien assistance, Byrne formula grants; and State criminal records updates.

The Byrne formula grants have been of critical importance in all States with highly organized drug trafficking networks, such as Arizona.

The multijurisdictional task forces formed with funds from these grants have provided invaluable assistance in the war on crime. Under the expanded Byrne program, each State will receive a substantial increase in funding.

Finally, this bill goes a long way to restore funds that were cut in last year's bill from key law enforcement agencies. The FBI is funded at a level \$47.2 million above the administration's request and \$120 million above the fiscal year 1994 level. The additional funds will halt the proposed FTE cuts and allow the agency to hire 160 new agents and 234 support personnel over the fiscal year 1994 level.

Similarly, the Drug Enforcement Agency [DEA] is \$22 million above the administration's request and \$21.8 million above fiscal year 1994 levels. This will permit the hiring of 132 new agents above last year's level. The Organized Crime Drug Enforcement Task Force is funded at \$13.3 million above the request and \$869,000 above fiscal year 1994.

We cannot fight the war on crime without resources. This bill puts us back on track in the battle to make our communities safer. It sends a message that this subcommittee is serious about combating crime. Supporting this bill will send the same message from the entire House.

□ 1750

Mr. MOLLOHAN, Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. ROGERS, Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

The CHAIRMAN. The gentleman from Illinois [Mr. LIPINSKI] is recognized for 3 minutes.

Mr. LIPINSKI, Mr. Chairman, I rise to engage the chairman of the Commerce, Justice, State and Judiciary Subcommittee in a colloquy regarding this bill.

Mr. Chairman, I know I can speak for the bipartisan membership of the Committee on Merchant Marine and Fisheries in thanking the gentleman for the inclusion of funds for title XI in this bill. I understand how difficult it is to find funding this year. I assure the gentleman this provision will support the construction of many ships in U.S. shipyards and will create U.S. jobs.

I would also like to address the issue of an appropriation from last year, Mr. Speaker, that at the present time remains unobligated. In fiscal year 1994, the Maritime Administration requested the authority to spend \$118 million for the acquisition of foreign-built ships to expand the size of the Ready Reserve Force. Marad has failed to spend that money for that purpose.

I believe that the \$118 million can now be put to better use by providing initial funding for maritime reform.

Mr. BATEMAN, Mr. Chairman, will the gentleman from Illinois yield?

Mr. LIPINSKI, I yield to the gentleman from Virginia.

Mr. BATEMAN, Mr. Chairman, I associate myself with the comments of the gentleman from Illinois, and I would like to briefly expand on those comments.

Last year, the Committee on Merchant Marine and Fisheries opposed further funding for the acquisition of foreign-built vessels. The gentleman's predecessor also opposed the purchase of these foreign-built vessels by Marad without notification to the Appropriations Committee. It is my understanding that these funds remain unobligated.

Last year, the House passed H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This bill would preserve a merchant marine fleet and will set up a program to help U.S. shipyards to convert to commercial work.

This year in our funding bill, H.R. 4003, our committee has established a program to raise \$1.7 billion over 10 years by increasing tonnage fees for all vessels entering the United States from foreign ports. This bill is scheduled to be reported out of the Committee on Ways and Means on July 15. However, to fully fund this program, we had hoped that the unobligated funds for the RRF would be available as start-up money for maritime reform.

With \$118 million, we can build 15 new U.S.-built vessels. If the money remains in the RRF fund, it will be used to purchase five used foreign-built ships.

Mr. LIPINSKI, On behalf of myself and the gentleman from Virginia, is it the Member's intent to keep these funds available until H.R. 4003, the Maritime Administration and Promotional Reform Act of 1993, reaches the House floor later this session.

Mr. MOLLOHAN, Mr. Chairman, I would like to thank the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Virginia [Mr. BATEMAN] for bringing this important matter to our attention. I recognize the importance of the maritime reform legislation and its potential for creating American jobs. I also share the gentlemen's concerns about the purchase of foreign-made ships for the Ready Reserve Force.

I assure both of the gentlemen that I will continue to work with them as this bill, the Commerce-Justice appropriations bill, and the authorization bill, H.R. 4003, continues to move through the Congress.

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

Mr. Chairman, like the chairman of the subcommittee, I will be glad to work with the gentleman to work

through the process to try to relieve the problem.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR], a very hard-working member of our subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to join with my colleagues in thanking the chairman of the subcommittee for the fine job he has done. It has been a tough bill. He has been fair in leading it through the committee and I appreciate that fact.

Mr. Chairman, there are many good things in the bill, many things I can support. There is one item that I hope we will address a little later in the bill. That will be the rules promulgated by the EEOC last October. They would virtually prohibit any religious activity in the workplace. When I am talking about activity, I am talking about members discussing among themselves, crosses, Bibles, any artifacts in the place.

Mr. Chairman, I met yesterday with the NASCAR drivers who asked to come and talk about this bill. Let us put things in perspective. Most people out in my district know that the Government would mess up a one-car funeral, and yet we have asked them to produce rules in a sensitive area such as religion in the workplace, and try to tell us how to micromanage our lives in this particular area.

The NASCAR drivers are saying, "We race on Saturday. We have a minister that comes in. We are about to get in a 4 by 4 piece of metal, it is about 140 degrees inside, and go somewhere between 100 and 200 miles an hour around the track many, many times. We would like to have a chaplain or a minister give a bit of time there for a service."

NASCAR approves it, certainly the race drivers want it, and yet the Government would say with these regulations, "You cannot do that." Who are we to tell that person who is participating in that sport and the hundreds of thousands of fans that are watching that sport that the Government knows best, the Government knows what should be done. They are making this illegal for that transaction to take place, for that race car driver to have that comfort, and we spread it on.

Mr. Chairman, I have a marine who wrote to me and said, "Listen, if this passes, I am not sure that chaplains will be able to talk to the troops, because that is their work place. We are not sure we will be able to keep the Marine motto, because it is 'Always Faithful to God and Country' and the word 'God' would have to be removed."

We see as we unravel this ball of twine, we get in people's minds and in their business where the Government should not be. Mr. Chairman, I hope we will have a chance to correct that.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4603, the Commerce, Justice, State, Judiciary, and related agencies appropriations bill for fiscal year 1995. I would like to commend Chairman MOLLOHAN for bringing this legislation forward.

Mr. Chairman, because of its history of supporting the competitiveness of U.S. industry, the President has assigned the Technology Administration of the Department of Commerce as the lead agency for civilian industrial technology development. I believe this is a wise and appropriate choice.

As a component of the Technology Administration, the National Institute of Standards and Technology's [NIST] explicit mission has always been to work with industry to develop and apply technology, measurements, and standards to promote U.S. economic growth. More than any other Government agency, NIST has the outlook and expertise necessary to help make U.S. industry, including small business, world-class competitors. NIST's core research and development programs make possible American high technology products manufactured with world-class precision.

Increased funding for NIST's industrial technology services, including the advanced technology program, will provide the necessary support for innovative industrial research projects. This model cost-sharing Government program has already proven its potential. Also, expansion of the Manufacturing Extension Centers can help more small manufacturers become more competitive through access to advanced equipment and processes they could not afford on their own.

Although the proposed funding levels for the programs of the Technology Administration are below the administration's request and the Science Committee's authorization contained in H.R. 820, the National Competitiveness Act, I realize that fiscal restraints have made an especially strong impact on the appropriations process this year. While I am sure that the larger sum would have been invested wisely, I accept the Appropriation Committee's budget allocation of cuts from the President's budget. However, I would strongly oppose any attempt to make any further cuts in these vital technology programs.

Mr. Chairman, I believe an investment in the Department of Commerce's technology programs is an investment in long-term economic growth, market expansion, new products, new businesses, and new jobs, and I urge my colleagues to support this bill.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in support of the bill, and I offer my deep gratitude to the chairman and the ranking member for their very careful attention to California issues.

Mr. Chairman, in his first year as chairman of the subcommittee, Mr. MOLLOHAN, and ranking member HAL ROGERS have done an excellent job addressing several items in this bill that are especially important to the people of California and to my constituents. I know the subcommittee had a difficult job working under very tight budget constraints and conflicting priorities. For that reason, I appreciate their willingness to address these important matters.

First, I would like to thank Mr. MOLLOHAN and Mr. ROGERS for including language regarding the San Clemente checkpoint, which is in my district. INS has been studying and planning expansion of the checkpoint since the Carter administration. Meanwhile, the checkpoint is only operating part of a day, creating traffic congestion, and causing dangerous, high-speed chases with the border patrol 60 miles from the Mexican border.

I appreciate that the committee included language to force decisive action on the checkpoint. If the INS does not intend to immediately upgrade the checkpoint so that it operates 24 hours a day, then the checkpoint should be closed and its resources and agents moved to the California border.

The committee also included funding in this bill to put 950 more border patrol agents on the border. Between 2 to 3 million illegal aliens come into the United States every year. Over 2,000 illegal immigrants come across the 14-mile stretch between San Diego and Mexico every single day. Overwhelmed by these massive numbers, the border patrol simply does not have the resources and agents to enforce the border. I am very pleased that the committee recognized the urgency of this situation. Illegal immigration is a problem that affects everyone and it needs national attention.

I am also pleased that the committee included funds to reimburse the city of San Diego for the costs of treating sewage from Tijuana. San Diego spends \$3 million a year treating raw sewage from Mexico. Despite an agreement between the United States and San Diego, the Federal Government has been reluctant to reimburse the city for these costs forcing San Diegans to pick up the tab. I am pleased that for the second year in a row, the committee has found funds to reimburse San Diego.

I appreciate the tremendous effort by the chairman and Mr. ROGERS on this bill, and I urge my colleagues to support it.

□ 1800

Mr. ROGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I want to also congratulate the chairman and ranking member, in tight budget times, particularly for their emphasis on the National Institute of Standards and Technology and recognizing how important they are in U.S. competitiveness.

Mr. Chairman, the committee, especially the chairman and the ranking member, should be applauded for their efforts and hard work in developing this bill. In our current budget climate, the appropriations subcommittees have had an extremely difficult job to do, and I believe they have done it with fairness and deliberation.

This appropriation includes funding for one of the outstanding technical agencies of the Federal Government which is located in my district—the National Institute of Standards and Technology. As you know, NIST is the only Federal laboratory explicitly charged with helping U.S. industry, and is one of our Government's most important instruments in support of U.S. international competitiveness.

I am grateful for the special consideration given to NIST by Mr. MOLLOHAN and Mr. ROGERS in the subcommittee, and I appreciate that they both hold it in the same high regard as I do.

This bill provides a total of \$842 million for NIST for fiscal year 1995. While this amount is a reduction of \$92 million from the budget request, it is an increase of \$322 million above the amounts appropriated for fiscal year 1994. This seems to be a substantial funding increase in a tight budget year, but let us put this funding level in context.

At this level, NIST appropriations would be approximately 1 percent of the Federal research and development budget. This compares, in recent years, to 55 percent for the Department of Defense and over 8.5 percent for the Department of Energy. I believe these increases are a modest step in the much needed reallocation of the Federal R&D budget between civilian and defense technologies.

In addition, Mr. Chairman, I believe there is, perhaps, no other place in the Federal Government, than NIST, where for so little money you can accomplish so much to stimulate good, long-term economic growth.

NIST's missions and approach is to work with industry right from the start. Priorities are focused by industry, and industry shares in the cost and conduct of the work. In this way, the yield is direct investments and benefits for our Nation's businesses.

NIST's laboratories are a critical component in the U.S. game plan for succeeding in the critical industries of the 21st century. NIST technologies speed market acceptance of advanced technologies by giving buyers and sellers objective, technically sound methods to agree on product performance and characteristics. The NIST labs serve all sectors of U.S. industry through tightly focused research programs and services that address industry's needs for measurement and scientific technology. While I appreciate the committee's efforts to provide as much funding as possible for NIST's laboratories, I hope, as this bill moves to the Senate, that the budget for its core missions will not be overlooked. The bill provides \$279 million for NIST's laboratory programs, a reduction of \$37 million from the budget request.

The committee, unfortunately, was forced to cut the request for badly needed renovations and modernization of facilities for the NIST Gaithersburg, MD, and Boulder, CO, facilities. This funding is vital for NIST's future. In the 25 years since NIST's Gaithersburg laboratories

were completed, scientific laboratory facilities have changed dramatically.

The deterioration of NIST facilities has already made it impossible for NIST to provide some United States manufacturers with services on a par with our Japanese and European competitors. The deterioration of these facilities is continuing at an alarming rate. We simply cannot afford to let NIST drift into second-rate status.

Mr. Chairman, I would like to extend my appreciation again to the chairman and the ranking member for their efforts in providing funding for NIST in this very difficult budget environment. While we all share in efforts to cut Federal spending and reduce the Federal deficit, I believe we need to nurture and build on NIST's nearly unique-in-Government expertise in working with civilian industrial firms to bolster our international competitiveness.

Mr. ROGERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a member of the committee.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, despite my opposition to the rule, I do rise in support of the bill. If, as Mr. ROGERS said, take away peacekeeping and we have a fine bill.

But, I am concerned about the President's new peacekeeping policy. For example, the United Nations has increased its peacekeeping staff by 99 percent in the last 9 months. You can be sure the United Nations did not reduce staff in other parts of its operation to cover that increase. This administration now provides intelligence information to the United Nations on a regular basis, the only nation that provides such information acknowledged to come from its intelligence service. Most alarming of all, U.N. Ambassador Albright does not feel that U.S. personnel are at any special risk in peacekeeping operations.

Frankly, there are other serious questions about the President's new peacekeeping policy. Despite the President's allegedly tough new criteria, which are actually no different than the criteria announced at the President's speech before the United Nations last fall, the United States has not voted against a single peacekeeping mission.

Second, despite these new criteria, allegations have arisen that the United States vote swapped peacekeeping votes in the Security Council with the French last fall. Although we have requested the U.S.-U.N. cables which might clarify this situation, so far the administration, citing executive privilege, has refused to supply Congress with those cables.

Finally, it appears that Colin Powell's language to protect U.S. soldiers serving in the field in U.N. operations was removed at the request of Ambassador Albright after U.N. Secretary General Boutros Ghali objected. Again, attempts to clarify this situation have been stonewalled.

So again I commend the subcommittee for their hard work, but I hope the subcommittee will continue to closely monitor proposed peacekeeping missions.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to my distinguished friend and colleague, the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in strong support of H.R. 4603. On behalf of child abuse victims, I want to congratulate the chairman, the ranking member and the staffs for their fine inclusion of these issues in this bill.

Mr. Chairman, I rise in support of H.R. 4603, the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1995.

First, I would like to commend Chairman ALAN MOLLOHAN for his leadership in moving through the Appropriations Committee and bringing to the House floor this important bill that will provide the necessary capital to address the problems of child abuse, to fund needed anticrime initiatives, to assist small and emerging businesses, and to support efforts in developing and implementing strategies to enable U.S. industry to fully realize the commercial benefits of new technology.

Additionally, I would like to commend the staff for their professionalism and attention to details.

Mr. Chairman, the Appropriations Committee has been charged with an almost insurmountable task: funding significant programs on the one hand and acting in accordance with budgetary limitations requirements on the other hand. Chairman MOLLOHAN and the other members of the subcommittee have performed admirably.

I am very supportive of one particular section of this bill. The bill includes funding for the Children's Advocacy Center Program that was authorized in the 1992 amendments to the Victims of Child Abuse Act. The administration included the Children's Advocacy Center Program in its 1995 budget request.

Why is this program important? It is important for several reasons. Based on 1990 revised data, States received and referred for investigation approximately 1.7 million cases of child abuse out of an estimated report of 2.6 million children who are the alleged subjects of child abuse and neglect. In 1991, the number of cases referred for investigation rose to nearly 1.8 million reports. The number reported in 1991 represents an increase of approximately 2.4 percent from 1990 data.

In 1992, approximately 918,263 substantiated and indicated victims of child maltreatment cases were reported from 49 States. Of these, approximately 14 percent (129,982) were sexually abused. The Carnegie Corporation of New York reported, in its publication *Starting Points*, that one in three victims of physical abuse is a baby less than 1 year old and that in 1990, more 1-year-olds were maltreated than in any previous year for which data are available. Additionally, *Starting Points* reported "almost 90 percent of children who died of abuse and neglect in 1990 were under the age of 5; and 53 percent were less than 1 year old." Further, based upon its annual

telephone survey of States, the National Committee for Prevention of Child Abuse reported that at least three children a day die from physical abuse inflicted by a parent or caretaker.

The Children's Advocacy Center Program addresses this problem. The mission of this program is to provide technical assistance, training and networking opportunities to help communities establish and maintain child abuse prevention, intervention, prosecution and investigation programs which provide quality services for helping victims of child abuse, particularly child sexual abuse. The purpose of Children's Advocacy Centers is to help abused children by providing a safe and comfortable environment designed to meet their needs for support and protection.

The cornerstone of this program is the use of multidisciplinary teams. A multidisciplinary team consists of representatives from law enforcement, child protective services, prosecution, victim advocates, medicine and mental health who meet on a regular basis to review cases and issue joint recommendations in the best interest of each child. The multidisciplinary team concept that is incorporated in the Children's Advocacy Program works to coordinate the activity of all involved public and private agencies to intervene in the lives of abused children in a meaningful way and to ensure that the judicial system does not revictimize them through repeated interviews and examinations.

Preventing the inadvertent revictimization of an abused child by the judicial and social service systems in their efforts to protect the child is a major goal of this program. As a consequence of a coordinated response, child victims are spared the pain and confusion of multiple interviews by prosecutors, protective service workers and social workers.

This program may not be a panacea for the increasing problem of child abuse. However, it is more than a first step toward addressing the problem. This program has served and will continue to serve as a model for communities that are working to focus attention and efforts on the best interests of the child and non-offending family members.

Funding this program speaks volumes to the House of Representatives' commitment to support a necessary profamily and anticrime initiative. Without question, this program improves the lives of communities, children and nonoffending family members. Communities from Hawaii to Vermont and cities as diverse as Miami and Salt Lake City have established multidisciplinary teams and mobilized professionals to respond to child sexual abuse. In every instance, when the model outlined in the 1992 amendments to the Victims of Child Abuse Act has been incorporated into a community's unique program, that community has seen positive results.

Mr. Chairman, the Children's Advocacy Center Program is an effective response to child abuse. I commend Chairman MOLLOHAN for his leadership efforts. I urge my colleagues to support the bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, in my district in the neighborhoods of Macomb

and Oakland Counties, Byrne program funds in this bill support multi-jurisdictional anticrime task forces to crack down on drug dealers, auto theft rings, juvenile gangs and other criminals who operate across municipal borders.

In April, the Attorney General, Janet Reno, met with local chiefs in my district. She heard firsthand why it is so important to continue full funding for these local anticrime task forces. A number of us battled together to restore full funding. With the help and leadership of the chairman of the subcommittee, this has now been accomplished. Today the House has a chance to make sure that all of our local police departments have the resources they need to put criminals behind bars. I urge all of my colleagues to join me in strong support for this hard-won Byrne grant funding.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise today in support of the Taylor-Wolf amendment.

The guidelines promulgated by the EEOC are irresponsible; they redefine harassment beyond the established legal standard and will place employers in the awkward position of having to disallow religious expression in order to avoid litigious suits by disgruntled employees.

Religious expression has adequate protection under the Constitution and through numerous Supreme Court cases which have sided with the individual's right to the free expression of religion. Individuals have been protected from discrimination long before such guidelines were proposed. Title VII of the 1964 Civil Rights Act has provided that protection without these overzealous guidelines for the last 30 years—the Constitution has provided protection for the last 205.

The EEOC's efforts to regulate religious expression, however well intended, must be stopped. The Taylor-Wolf amendment is an important move in the right direction. I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, they are the gangs who fight over turf, and who fuel their drug supplies by killing each other and those whose property they steal so they can buy more drugs. They broke into Nancy Slaughter's Washington, DC apartment looking for money; they took cd's, clothing, \$25 worth of food stamps and a child's piggy bank. Nancy pleaded with the gunmen to spare her children, Denise, 16, Nancy 10, and Dennis, Jr, 3: "if you believe in God, please don't shoot my children, shoot me instead." A gunman replied, "I don't believe in God" before he put a gun to the head of Denise

Slaughter, age 16, and fired once, killing her. Imagine, a child murdered in front of her mother by a gunman looking for money for drugs.

And in Chicago, there is one murder every 10 hours, much of which is caused by the battle for control of lucrative drug territories.

Drugs are killing our children, both by kids using drugs and dying on them, or gangs shooting our kids to get more drugs.

The majority of violent crimes are caused by the influx of drugs into the country. We must stop the drugs. The Justice Department bill that we are debating today provides programs to stop these drugs, and the money for these programs was added back by both parties after the administration proposed to reduce or cut them:

First, I am especially pleased that the Edward Byrne Memorial Block Grant Program received \$804.3 million—a 125 percent increase over last year. This program funds statewide antidrug abuse strategies that support Federal drug priorities, including multijurisdictional task forces such as the SLANT program in northern Illinois.

Second, another tremendous boost is increased funding to hire more Drug Enforcement Agency, FBI and Immigration and Naturalization agents. We can't even wage a skirmish against drugs without these agencies help in stopping illicit drugs from entering this country. I'm pleased that the Appropriations Committee rejected the Clinton administration's request and added money to hire 75 additional DEA agents; 160 new special FBI agents; and 700 INS border patrol agents.

Mr. Chairman, I plead with the Members of this body to pass the Justice bill. The memory of Denise Slaughter commands it. The children of America deserve it.

Mr. ROGERS. Mr. Chairman, before I yield the final 30 seconds, I would like to urge support of this bill with the exception of the peacekeeping provision which we will have a provision on later in our consideration of the bill.

Mr. Chairman, I yield our final 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I commend the chairman on the bill.

Mr. Chairman, I would also like to thank them for the additional Border Patrol with the Hunter-Moore-Cunningham amendment. Why? There are 16,000 illegal aliens just in California prisons. There are 84,000 aliens nationwide. That costs with the health care, the law enforcement, and education, \$37 billion a year for the U.S. Government. Take that times five and we have got about \$185 billion. We are looking at a way to pay for health care in this country. Take just half of it, \$93 billion, if we used the lowest absolute figure we could. We could go a long

way to pay for health care, education, and the other things.

Mr. MOLLOHAN. Mr. Chairman, I yield our final 1 minute to the gentleman from Michigan [Mr. STUPAK], a distinguished new Member of Congress.

Mr. STUPAK. Mr. Chairman, as a former Michigan State police trooper, I support funding in the bill for the Byrne grant program. These funds will provide for 22 specific prevention programs.

Mr. Chairman, 153 Members of the House signed a letter to the Committee on Appropriations asking that the Byrne grants be funded at no less than the 1994 level.

I appreciate the chairman and his committee approval of that request. I urge my colleagues to support the Byrne grant formula and our Nation's 881 multijurisdictional drug task forces and vote against any amendments which would reduce the Byrne grant formula level.

Mr. Chairman, in summation we have a Federal program that works. We give the Federal money to the States, then the States decide which of the Byrne grant programs to fund. The Federal Government is not putting unfunded Federal mandates, we are not imposing mandates on States. Rather we are giving the States a discretionary pool of funds so they can best decide how to fight crime at the State and local level.

Mrs. MORELLA. Mr. Chairman, I rise to congratulate members of the committee for their recommendation of \$70 million for the Information Infrastructure Grant Program under the National Telecommunications and Information Administration [NTIA] for demonstration of telecommunications technology applications. A firm investment in the technologies of the future is essential in keeping the United States economically competitive in the world market.

Nowhere is the need for advanced technologies greater than in today's educational system. Most school systems are just beginning to develop and implement new comprehensive educational technology policies. As local and State policies are incorporating the use of technologies such as fiber optic transmission and video and audio CD-ROM disks, teacher training in the use of these technologies is more than ever a primary focus. Boards of education are providing incentives to teachers and administrators to be more creative in their use of educational technologies to prepare their school systems to meet the challenges of the 21st century.

I believe that the creative use of technology in the classroom by students, teachers, businesses and the community will bring limitless opportunities and benefits to our educational system. I commend the committee for including report language, which I requested, which urges NTIA to provide a grant, if warranted, to the Modern Educational Technology Center, Inc. [METEC] located in Rockville, MD to coordinate school-business-community partnerships for the development of new and innovative educational technologies and training methods. I believe that METEC is uniquely po-

sitioned to be a model for the rest of the Nation of parent-school-business partnerships that promote our educational goals and foster economic development.

Again, I reiterate my support for the Appropriations Committee's recommendation of \$70 million for the National Information Infrastructure Grant Program. The additional dollars that the committee has wisely appropriated will enable more communities to have access to the necessary Federal resources so that everyone will have the opportunity to become travelers on the national information infrastructure highway. The dollars we invest today will enable the U.S. to better educate its citizens and remain economically strong.

Mrs. LOWEY. Mr. Chairman, I rise in support of this bill, but I do wish to draw the attention of my colleagues to one area where we can—and should—achieve some savings.

Over 11 years ago, the Appropriations Committee included the following in its report:

The committee \* \* \* continues to be concerned about possible duplication or competition with private sector efforts \* \* \*. The committee directs ITA to continue to take steps to ensure that private sector efforts for expanding the export markets of U.S. industries are enhanced and that ITA does not duplicate or compete with the private sector in those areas where the private sector can and does offer quality opportunities to U.S. firms. The committee expects ITA to work closely with the private sector, particularly private sector event organizers, and other Government agencies including the Small Business Administration to eliminate duplication and competition with private sector firms in the solicitation of participants for overseas trade shows and in the provision of marketing and exhibit services at such shows.

Mr. Chairman, 11 years later, the Department of Commerce still refuses to allow the private sector to participate in the Paris Air Show through the certification program. A constituent of mine who has extensive experience in this field has, in fact, just recently been denied certification for the Paris Air Show. The result is not only a total lack of cooperation and coordination, but head-to-head competition that undermines the ability of both private firms and the Federal Government to effectively and efficiently serve the needs of U.S. aviation exporters.

Furthermore, I want my colleagues to know that the Commerce Department's aviation trade show activities have cost \$645,349 in the past 4 years when there are private firms who are ready and willing to bear the financial risk involved in many aspects of these air shows. Not only does running the pavilion incur direct expenses, but the Commerce Department actually charges other Federal agencies such as NASA and NOAA for display space adding to the total cost of these shows.

Mr. Chairman, the private sector is quite capable of running the U.S. pavilion at the Paris Air Show, as it does at other air shows around the world. Private sector involvement will not mean a reduction in quality of the pavilion; private companies will still need the Department's certification to perform this task and should still work closely with relevant U.S. Government agencies. Allowing private companies to compete to run the U.S. pavilion would save Federal funds without harming ef-

forts to help promote American exports. It is a step that is long overdue.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the rule. Yesterday, I testified to have a limitation amendment made in order prior to the preferential motion to rise.

My amendment to the Commerce, Justice, State appropriations bill would have allowed no funds to be made available to carry out the return to Mexico of any Mexican national who is a prisoner convicted of a felony in the United States without a final order of deportation.

Under a 1977 treaty between the United States and Mexico, Mexican nationals convicted of an felony in the United States may be returned to Mexico to complete their sentences if they request it. While this can alleviate some prison overcrowding, unfortunately most transfers are being done on a voluntary departure basis rather than on a formal order of deportation.

There are immigration consequences to this shortcut. Persons who voluntarily depart can keep illegally re-entering the United States without threat of serious penalties. Formal deportation, however, carries the threat of 15-year imprisonment for those who break the law and re-enter.

The re-entry penalty was enacted to be a strong deterrent to criminal aliens who have been deported from our country. There's no use in having a strong deterrent law on the books if we are going to circumvent it by allowing voluntary departure for criminal aliens who should be deported.

Since I cannot offer my amendment before the preferential motion to rise, I am supporting the attempt to defeat the preferential motion to rise by Representatives LIGHTFOOT and LIVINGSTON and urge other Members to do so as well.

If this motion is defeated then I intend to offer my limitation amendment to clarify what the Nation's priorities should be in the handling of these transfers of criminal aliens.

Mr. STUDDS. Mr. Chairman, I rise to commend the gentleman from West Virginia, the subcommittee chairman, for the fine job that he has done in developing this legislation which provides funding for a number of important ocean, coastal, fisheries, and maritime programs.

In support of a key element of the National Shipbuilding Initiative passed by Congress last year to help revitalize U.S. commercial shipbuilding, the bill provide \$25 million for the Title XI Loan Guarantee Program.

I want to thank the chairman of the Defense Appropriations Subcommittee, for working with me to include these funds. Although the amount is less than the request, I look forward to working with Chairman MOLLOHAN to improve upon this figure as the appropriations process continues.

Currently, U.S. shipyards are completely dependent on military ship construction, a rapidly declining market. Absent a revitalization of commercial shipbuilding, U.S. yards face the possibility of permanent closure, endangering our defense industrial base and our ability to meet future defense needs.

The President and Transportation Secretary Pena have proposed a five-step plan to assist U.S. shipyards in their transition from defense production to commercial construction. A vital

part of this plan is adequate funding for the title XI program which now has been expanded to allow U.S. shipbuilders to utilize these loan guarantees for the export market.

Regulations for the expanded program have recently been issued and generated intense interest. By the end of the month the Maritime Administration expects to have received loan guarantee applications for over 1.9 million dollars' worth of ship construction—ships that will be built in U.S. yards. This means jobs for American workers—good paying jobs—and increased revenues for State and local governments and the Federal Government.

Without additional appropriations for this program, MarAd will temporarily have to cease consideration of applications for loan guarantees for vessels to be built in the United States.

In addition to these important maritime provisions, the bill also provides vital funds for the National Oceanic and Atmospheric Administration [NOAA] to begin rebuilding our decimated fisheries and to manage our threatened coastal resources. The bill provides desperately needed increases to improve the scientific basis for fisheries management, to build sustainable fisheries, to rebuild a healthy fishing industry, and to enhance seafood production through aquaculture. In addition, it provides support for the development and implementation of endangered species recovery plans and for the implementation of recent amendments to the Marine Mammal Protection Act.

The bill provides increases for marine sanctuaries, estuarine research reserves, and coastal zone management. As the population increases in our coastal regions, these investments will pay large dividends because they provide recreational opportunities, conserve increasingly threatened marine resources, and promote managed growth in the coastal zone.

This bill provides necessary funding for many national priorities and I urge its passage.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4603

*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, for the fiscal year ending September 30, 1995, and for other purposes, namely:

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend our subcommittee's new chairman for his outstanding work in producing a bill that addresses our Nation's law enforcement and economic development needs as well as numerous other responsibilities, under very tight budgetary constraints. I also want to recognize and thank Mr. ROGERS for his exemplary contribution as the subcommittee's ranking minority member. Chairman MOLLOHAN and Mr. ROGERS deserve the appreciation of this House, and this bill deserves its support.

It is a good bill. We had some difficult choices to make, but under our

chairman's direction, we made those choices well. The bill contains a total increase in spending of \$2.8 billion over fiscal year 1994—almost all of which is targeted to fund programs created under the crime bill which is now the subject of a conference committee. This increase notwithstanding, the bill is still \$1.2 billion less than the administration requested and contains a number of specific spending cuts and streamlining measures.

One good example is our broadcasts to Cuba, whose budgets have become increasingly difficult to justify in these tight fiscal times. I am pleased that the subcommittee took the bull by the horns—acting unanimously to end funding for TV Marti and significantly reduce expenditures for Radio Marti. This represents a roughly \$19 million victory for the American taxpayer.

The subcommittee based its decision to pull the plug on TV Marti and rein in spending at Radio Marti on the results of an independent panel report. The panel—created last year as a compromise between supporters and opponents of the program—was instructed to determine whether or not TV Marti is technically sound, cost-effective, and is consistently being received by such a significant Cuban audience as to warrant its continuation. In its March 31 report, the panel confirmed what experts have been telling us all along: the necessary operational conditions do not exist to make TV Marti work because of jamming by the Castro government.

In refusing to continue funding TV Marti, the subcommittee also specifically rejected spending any more money to make broadcasting enhancements to fix the failed program. The panel report proposed attempting to switch TV Marti's signal from a VHF to UHF frequencies. But this costly proposition was promptly and widely criticized by numerous technical experts—including the National Association of Broadcasters and MSTV, a national association of commercial and public television stations—as destined to fail.

Another place the subcommittee pursued ways of making the Government smarter and more discriminate in where and how it spends money is in our operations abroad. The report accompanying the bill contains a provision I authored directing the State Department to prepare a pilot program for co-locating support services for U.S. missions overseas. Such a joint administrative operation already exists in Vienna, where one main center serves the various missions headquartered there, including the United States missions to the International Atomic Energy Agency and the Commission on Security and Cooperation in Europe. I expect the benefits of replicating the Vienna model on

a regional level will be increased efficiency and reduced expense in future fiscal years.

Improving operations is also the key goal of critical investments the subcommittee was able to make in supporting a number of Commerce Department programs within the National Oceanic and Atmospheric Administration [NOAA], the National Institute of Standards and Technology [NIST], and the National Telecommunications and Information Administration [NTIA]. Many of these initiatives will help revitalize the American economy and improve the environment for generations to come. One such project is NOAA's Health of the Atmosphere initiative, which promises to provide scientific information invaluable to implementation of the 1990 Clean Air Act amendments.

I'm also pleased that we were able to restore funding for the Wind Profiler Demonstration Network—a network which NOAA has called an unqualified success. Given the crippling economic and human costs of unexpected severe weather phenomena, it strikes me as unwise to shut down a system that's providing vital and accurate forecasting information. Were this network to be dismantled, it could also jeopardize our ability to route aircraft more efficiently, improve the safety of NASA launches, and to maintain a competitive edge in profiler technology.

The subcommittee was also able to provide a significant funding increase for NIST's scientific and technical research program, which represents NIST's core research function. This, coupled with an increase in funding for the industrial technology services program, will allow NIST to fund more of the research necessary to improve American industries' global competitiveness.

Funding for NTIA is vital to support the administration's efforts to help develop an information superhighway. NTIA is the lead agency working to make the information superhighway a reality. The subcommittee's support for NTIA will also go a long way to making up for a decade of neglect of public telecommunication facilities.

The subcommittee also made critical investments in some basic programs that matter to every American every day. Answering the call for safer streets, we've even been able to increase funding for the Federal Bureau of Investigation, the Drug Enforcement Administration, and for organized crime drug enforcement task forces—this means more agents on neighborhood streets.

In particular, the subcommittee has significantly enhanced funding for the Edward Byrne Memorial Formula Grant Program. Byrne grants have proven a valuable resource for State law enforcement programs, such as drug and alcohol treatment and programs to divert youth away from

criminal activities. Under an expanded Byrne Program, which Chairman Mollohan worked with the authorizers to create, funding for States will more than double. For any State that's a big deal. For instance, Colorado received roughly \$5 million in Byrne grants in fiscal year 1994. Under the expanded Byrne Program, Colorado would receive over \$11 million next year. That's a positive step in our fight against crime.

I'm also pleased that we were able to restore funding—\$14.491 million—for the Regional Information Sharing System [RISS]. The information received by State law enforcement agencies from the various RISS databases is immensely useful in tracking criminal activities across State lines.

The bill also includes funding for the National Institute of Corrections [NIC], which is located in Longmont, CO. The NIC is the national center where State correction departments can turn to for information on how to make their operations more efficient and cost effective, and I'm glad we were able to provide the funding that they need to continue their excellent work.

I'd also like to say a little about funding for the Legal Services Corporation [LSC]. The \$415 million we propose is far less than LSC's \$500 million request—and far less than it needs. One of the basic principles of our system of justice is that every American is entitled to a fair hearing in a court of law, and we have an obligation to provide legal representation to those who can't afford it. The poor are entitled competent representation, and this is as important in civil cases as it is in criminal. The LSC is an essential part of the effort to provide this assistance. I support their efforts and hope that we will be able to provide more resources for this valuable program in the future.

Another issue that each year attracts a strong divergence of views is the rising bill for the U.S. share of membership in various international organizations, including the United Nations [U.N.] and its affiliates. Our contributions to U.N. operations—particularly U.N. peacekeeping activities—is an issue of considerable debate within the subcommittee and, for that matter, across the Nation. Beyond controversies over U.S. participation in and financing of U.N. activities, however, is the frightening fact that the demand for peacekeeping operations is growing rapidly. The subcommittee's report includes language I requested which takes note of the need to address this dilemma by addressing a root cause.

Noting that arms sales stimulate arms races, which in turn undermine international security and increase the danger of regional conflicts, the subcommittee's report urges the administration to complete its ongoing review of U.S. policy on conventional arms sales as soon as possible. Further, the

report language encourages the administration to consider initiating negotiations among all major arms supplier governments to agree on a code of conduct based on mutual restraint.

In sum, Mr. Chairman, the bill we present today deals realistically with the fiscal constraints every appropriations subcommittee was faced with in a way that provides the resources we need to continue important law enforcement and economic development programs. I urge its adoption. And, once again, I thank the chairman for his excellent work.

□ 1810

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$94,100,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$750,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate the "Safe Return" Program.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$68,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which: (a) \$50,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) \$12,000,000 shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) \$6,000,000 shall be available for implementation of the Federal Bureau of Investigation's National Instant Background Check System; and (d) \$500,000 shall be available to carry out the provisions of subtitle B of title I of the Anti Car Theft Act of 1992 (Public Law 102-519), notwithstanding the provisions of section 131(b)(2) of said Act, for grants to be used in combating motor vehicle theft: *Provided*, That of the funds made available in fiscal year 1995 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended: (a) \$2,000,000 shall be available for the activities of the District of Columbia Metropolitan

Area Drug Enforcement Task Force; and (b) not to exceed \$500,000 shall be available to make grants or enter contracts to carry out the Denial of Federal Benefits program under the Controlled Substances Act, as amended by the Crime Control Act of 1990 (21 U.S.C. 862): *Provided further*, That funds made available in fiscal year 1995 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN: On page 3, strike everything after line 16 down to and including the word "theft" on line 20, and insert the following: the anti Car Theft Act of 1992 (Public Law 102-519), for grants to be used in combating motor vehicle theft, of which \$200,000 shall be available pursuant to subtitle B of title I of said Act, and of which \$300,000 shall be available pursuant to section 306 of title III of said Act.

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have had a chance to look at the amendment. We find it in order and agree to it and have no objection.

Mr. MOLLOHAN. Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

In addition, for grants, contracts, cooperative agreements, and other assistance, to be allocated and distributed in accordance with section 506(a) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3756), notwithstanding the provisions of section 511 of said Act, \$804,280,000, to remain available until expended, to carry out the provisions of—

(1) subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for grants to States under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs,

(2) section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for costs of incarcerating illegal aliens, and

(3) section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103-159 (107 Stat. 1536) to upgrade State criminal history records.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including

salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$146,500,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102-586, of which: (a) \$100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) \$7,500,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) \$15,000,000 shall be available for expenses authorized by section 285 of part E of title II of said Act; (d) \$4,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (e) \$20,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$11,250,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) \$500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) \$2,000,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) \$2,000,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, of which \$1,500,000 is for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse, and of which \$500,000 is for a grant to the National Network of Child Advocacy Centers; (d) \$1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) \$5,000,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) \$750,000, notwithstanding section 224(b) of said Act, shall be available to develop and distribute model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

#### COMMUNITY POLICING

For grants, contracts, cooperative agreements, and other assistance authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, for the Cops on the Beat Program, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$1,332,000,000, to remain available until expended.

#### PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of public Law 100-690 (102 Stat. 4339-4340), and, in addition, \$2,072,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose and the Speaker pro tempore (Mr. HAST-

INGS) having assumed the chair, Mr. BROWN of California, 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. 4603) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. MCCOLLUM. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

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

The Clerk read as follows:

Mr. MCCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to agree to any provision similar to subtitle I, relating to the Local Partnership Act, of to any provision similar to it, of title X of the House amendment.

The SPEAKER pro tempore. Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and a Majority Member will be recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, I rise to indicate that I will represent the opposition to this motion to instruct conferees.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

This motion to instruct conferees of the House on the crime bill that is going on is to not agree to the Local Partnership Act or to anything similar to it based on a need that I believe, and I think, many Members do not set priorities in spending in this crime legislation.

The chairman's mark I have seen is going to spend about \$30 billion of money. A good portion of that money is going to social or prevention programs, some of which are very good and noble, some of which I agree with.

The problem is that only a fraction of what needs to be spent of the total

amount of money there for dealing with prisons and dealing with the real law enforcement issues is put off in the mark as we now see it.

In the House version that passed out to go to conference, over \$10 billion was set aside for so-called prevention programs. Again, some of that is fine. If we had all the money in the world to spend, we would certainly do a lot of these programs. But I think every Member of this body understands that that is not the case.

When the conferees come down to it, they are going to have to make some very tough decisions. I am a conferee, a number of Members on both sides of the aisle are conferees to a conference that has not yet met. It seems to me we need to understand that and set those priorities at least to give some guidance to setting those priorities to our Members of the conference now.

This motion to instruct is an effort to do that. The \$2 billion Local Partnership Act is a grant program for the cities and local communities that does purportedly a number of things. The money might be for education to prevent crime, for substance abuse treatment to prevent crime, for coordination of crime prevention programs funded under this title with other existing Federal program to meet the overall needs of communities that benefit from funds received under this section, of job programs to prevent crime, a pretty broad possibility here.

The bottom line of it is that it just does not make sense to go forward with a \$2 billion program that is basically a jobs program, which is what I see this is being, when we have so many higher priorities, when we have such a high rate of crime and violent crime in this country and a better place to send the money.

There was a very interesting editorial in the June 13 issue of the Wall Street Journal written by Stephen Moore, and I will just quote a little bit from that particular op-ed piece Mr. Moore published.

He said:

Don't look now, but after 18 months in office, Bill Clinton is finally going to get his long-awaited fiscal stimulus bill through Congress. This year the White House and big-city mayors have used an ingenious marketing strategy. They call it a crime bill. In fact, it is a well-kept secret on Capitol Hill that this year's crime bill is the largest urban cash program to come through Congress since Richard Nixon invented revenue sharing.

□ 1820

Mr. Moore goes on in part of his op-ed piece to point out the \$2 billion program that I would wish us to instruct conferees to delete. He says:

Some \$2 billion would be allocated to the Local Partnership Act of LPA which is revenue sharing. The flow of Federal funds to State programs resurrected under another name. In truth it is worse than revenue sharing, because part of the formula for distributing the cash is based on local tax burdens.

The more oppressive the local tax regime the more money the city get from Uncle Sam. This rewards cities for high taxation. For the cities this is a big gift. For the urban lobby, the LPA promises to become Uncle Sam's gift that never stops giving.

And that is exactly what I see that is wrong with this.

The Local Partnership Act with its focus on a community's affluence, unemployment level and rate of taxation should be considered as part of an economic stimulus package, not part of a crime bill. The limited resources of the violent crime reduction trust fund, which will be set up in this crime bill whenever a conference report is issued must not be used for this program. It just does not make sense. The Local Partnership Act contains a quota provision for disadvantaged business enterprises. Not less than 10 percent obligated by the local government must go to small business concerns controlled by socially and economically disadvantaged individuals and women, and historically black colleges and universities and other colleges and universities with a student body that is 20 percent Hispanic Americans or native Americans. Instead of setting quotas in social spending programs, the crime conferees should be concerned with the figures that really matter in the fight against violent crime. According to the FBI Uniform Crime Reports, in 1991, 22,540 people were murdered, 11,175 of those victims were black. In 1992, 21,505 people were murdered, 10,660 of these victims were black. Blacks account for 12.4 percent of the population but were 49.6 percent of the murder victims in 1991 and 1992. These are alarming statistics. Given these facts and the limited resources to fight violent crime in this country, would not those who are apt to be victims of crime want to have the limited resources spent to put these violent criminals behind bars instead of spending it on a new social program which we are talking about in this particular case?

As the gentleman, Mr. Moore, said in his column, especially that is so since the structure of this program is designed strictly for urban areas and skewed to those with the highest tax rates. It just does not make sense. Of all the prevention programs in this particular legislation, this 50-page one in the House version that we sent over to conference, is the one that clearly had the most problems. If we want to take some of the money out of the prevention area, and I certainly think we should, we cannot begin to fund it all, we should instruct the conferees that this is where we want them to look, this is where we want them to take it out and not somewhere else. Again, that is the purpose of this.

The overall chairman's mark that we have seen and again, we do not know what is going to come out of this conference. It was supposed to meet today, I do not know when it is going to meet.

Every passing day is a problem for us. It is one violent crime every 22 seconds, one murder every 22 minutes, one forcible rape every 5 minutes, one aggravated assault every 28 seconds. And yet we cannot seem to get together as conferees and have a conference. It has been postponed a number of times.

But when we do get together on this, the chairman's mark indicates that even if we took this \$2 billion out there would be nearly \$6 billion left in prevention monies in the bill in addition to monies for prisons and so forth. We simply cannot afford to go this route. Beside this is a bad, bad particular program that this motion to instruct would strike or proposes to strike.

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

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

Mr. Speaker and Members, we are here today on yet another motion to instruct conferees by my friend [Mr. McCOLLUM], a member of the Committee on the Judiciary, who only yesterday offered yet another motion to instruct the House conferees.

Yesterday he insisted that the House revoke the provision that we spend \$13.5 billion for a particular part of the crime bill. Today he comes forward again with yet another motion to instruct conferees, which is setting a new precedent for the use of this parliamentary tool in the House.

Now he says that \$2 billion is an excessive amount in the bill and that it is his intention that in the name of fiscal responsibility that we strike these \$2 billion. Why?

Well, because it is part of the prevention package in the crime bill which is one of the reasons that I supported the crime bill, because we have a balanced crime bill for the first time which deals not only with punishing criminals but creating additional police officers that would be federally funded. For the first time it is looking at the way that we might head off those who might be moving into criminal activities.

So I am here to urge that this motion be rejected because the Local Partnership Act reaffirms our confidence in local government. We are saying that local governments at the city level and at the county level know at least as much about preventing crime as Washington does. So this provision passed by the House, supported by the Committee on the Judiciary would give our most needy urban and rural governments flexible Federal funds so that they could decide after a public hearing how they best prevent crime.

Those who attack the Local Partnership Act at this stage of the game are really attacking their own local governments, they are really saying, we don't think you know how to prevent crime. We don't think the mayors and the police chiefs and the county law officers understand what this particular

problem is. That is precisely why in a very specific prevention package we have the Local Partnership Act. We have determined by formula the way that this money should be going and it employs local self-help by giving more funds to local governments that have imposed high taxes upon themselves. I understand that is under criticism now by my friend. Who else would we want to reward more than those communities who have put a maximum tax upon themselves already. And that is now factored into the formula to determine how this money should be spread. It is a good idea. It is a very important concept.

I would urge that we very quickly, as quickly as possible, vote to keep this program in the crime package and not to give the conferees any further instructions.

As one of the conferees, I have been instructed to death on this bill. We had hearings, we had debate on the floor, we are now being confronted with a series of revisitations to the crime bill, one motion at a time. We have had a couple already. I do not know how many more are coming on.

I too urge that we get the conference under way. I would like at this point to bring to my colleagues' attention a letter received from attorney General Janet Reno, and I would like to quote one paragraph.

The Local Partnership Act is one of the important prevention programs included in the House Crime Bill that make the bill a balanced and common sense approach to fighting crime. The program provides resources to local governments, which are most familiar with local needs, to take necessary steps to fight crime. It is supported by local officials from across the country.

It is important for Congress to include prevention programs like the Local Partnership Act in the Crime Bill.

Sincerely,

JANET RENO.

The text of the complete letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, DC, June 23, 1994.

Hon. JOHN CONYERS,  
Chairman, House Government Operations Committee,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing to you and Chairman Brooks because I understand that a motion may be offered today which would seek to instruct the House of Representatives' conferees on the Crime Bill to reject the Local Partnership Act—which was included in the Crime Bill that passed the House in April. I urge the House to reject the Motion to Instruct.

The Administration supports passage of the Local Partnership Act as part of a comprehensive Crime Bill which should also include, among other key provisions, a funding mechanism to ensure that the bill's promises will be achieved; assistance to state and local communities to help them put an additional 100,000 police officers on our nation's streets; a ban on assault weapons; assistance to states to build necessary correctional facilities to ensure that violent offenders are incarcerated; tough and certain punishment

for repeat and violent offenders, including the President's "three strikes" proposal and the death penalty for the most heinous offenses; and innovative crime prevention programs that give our young people something to say yes to.

The Local Partnership Act is one of the important prevention programs included in the House Crime Bill that make the bill a balanced and commonsense approach to fighting crime. The program provides resources to local governments, which are most familiar with local needs, to take necessary steps to fight crime. It is supported by local officials from across the country.

It is important for Congress to include prevention programs like the Local Partnership Act in the Crime Bill. I again urge defeat of the Motion to Instruct and prompt passage of the Crime Bill.

Sincerely,

JANET RENO.

□ 1830

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

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, I appreciate the gentleman from Michigan [Mr. CONYERS] for yielding. I think he is aware of some concerns that have been expressed from my office to his with regard to the formula used in the Local Partnership Act, and I simply wanted to ask if, if I am correct in that regard, that he is familiar with those concerns, if there is any possibility that we might see a modification of this conference.

Specifically what I am asking about is the way the formula works. The city of Detroit gets about \$29 million, and my city of exactly the same size gets about \$2.3 million. There are a lot of complicated reasons in the formula for that, but the bottom line is it is very difficult for me to defend that kind of a formula when I go back home, and I think perhaps the gentleman or the other authors of the provisions—

Mr. CONYERS. Reclaiming my time, Mr. Speaker, I say to my colleague that I do not want to go city by city through the House of Representatives this evening, but could we not engage in how the formula is constructed, if we could meet, and how it might be modified, if it can be modified?

Mr. BRYANT. Certainly.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF] a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Florida [Mr. MCCOLLUM] for yielding this time to me.

Mr. Speaker, I join in the motion to instruct conferees to remove the Local Partnership Act from the crime bill because the Local Partnership Act, whether one chooses to support it or not support it, is not and has never been a crime prevention program. The Local Partnership Act, as included in

the House passed version of the crime bill, was originally drafted as H.R. 581 by the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS]. However that bill, as introduced on January 26, 1993, states 19 findings at the beginning of the bill as to why the Congress should pass the Local Partnership Act. Not one of the 19 findings mentions crime or crime prevention. The 19 findings deal solely with economic stimulation and the disparities of income, income readjustment.

Just to give an example:

Finding No. 2 in the original Local Partnership Act states effective local governments in the services they provide contribute to national economic growth. National economic growth, of course, is a laudable goal for the Congress of the United States, but not in a crime bill.

To give another example:

Finding No. 2 states the disparities and per capita income between cities and their suburbs accelerated in the 1980's, and it goes on in finding No. 12 to state there is a growing discrepancy in the ability of the Nation's local governments to provide these public services for their residents. Hence this weighted formula on how to distribute the Federal funds.

The point is that this bill was drafted for the purpose of economic stimulation and for the purpose of readjusting income to cities. Both of these are worthwhile topics. Both of these ideas deserve their forum, but not in a crime bill, in a crime prevention section, or any other section. To simply change one part of the bill and to say the programs going to be funded are for the purpose of preventing crime does not change the basic idea that the whole purpose of this bill is just to spend money as fast as possible. In fact, finding No. 4 states local governments would spend quickly and productively any additional Federal funds they receive under this act. In other words the whole idea is just to spend money just to jump money into the economy.

Mr. Speaker, a true crime prevention program would not be this broad, would not be this shotgun. It would take the time to analyze in much more specificity what kinds of programs are we taking about, how would they actually prevent crime. This is a substitution of an economic stimulus package that has not passed the House under the name, under the guise and pretense of crime prevention.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I thank the gentleman from Florida [Mr. MCCOLLUM] for yielding this time to me.

Mr. Speaker, I rise today to speak in support of the motion to instruct con-

ferrees. The portion of the House crime bill to which this motion is addressed represents a classic example of how to throw money at a problem. The so-called Local Partnership Act does indeed throw money in the general direction of the crime problem, but unfortunately it gives the taxpayers no assurance that the money spent will produce the desired results.

The provisions of the legislation in fact add up to an elaborate revenue sharing program, Mr. Speaker, which may in the absolute discretion of local governments be used to fund a jobs program of some description. Although the funds may be used for other broadly defined purposes related to crime prevention, any recipient government may spend every single penny of the grant funds on a "job program to prevent crime." What kind of jobs programs will that be? How will such jobs programs operate? Who will receive the jobs? There are no answers to those questions in the language of the legislation. The bill simply says "a job program to prevent crime;" that is it.

Mr. Speaker, past experience shows that such an undefined jobs program will, in at least some places, in fact become a patronage program for political cronies. Now a patronage program for political cronies may be what some people want out of this bill, but it is not what the American people want, and it is certainly not something that will do anything to solve the urgent problem of crime in America.

The Members of this House need to pay close attention to this issue. I would suggest that the Members look at the CONGRESSIONAL RECORD of Monday, April 25, on page H2662, and they will see 13 lines there which describe the way these funds, the \$2 billion, will be used. There are 13 lines to describe how we will use \$2 billion.

That is ridiculous. This is a program that is out of control. The Members of the House need to focus on this. The legislative language in question here is a perfect formula for abuse and a waste of taxpayers' dollars. We need to put money into programs that have a proven record of success, not throw away money into political patronage programs.

Mr. Speaker, the House should adopt the motion to instruct and send a clear message to the conferees that we do not want to waste the public's money on this ill-conceived program.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, let us be clear what our colleagues will be voting for if they vote for this motion in this amendment. They will be voting to cut funds that will go to local DARE programs that have kept kids off the street and away from drugs. They will be voting to end Boys and Girls Clubs

that give children in high-crime and high-risk areas an alternative to a life of crime. If our colleagues vote for this motion, they will be voting to take resources out of the hands of local crime control officials in their own district, both Republicans and Democrats who have asked for help in attacking crime at the root by preventing it before it happens. Our colleagues would be voting to take resources from local communities who would use these funds to bring metal detectors into schools to make them safer so kids can learn, to keep schools open later to give children an alternative to the streets and to counsel children to keep them away from drugs and violence.

By voting for this motion today, you will be sending a clear message that Washington knows better than local communities how to fight crime, that Washington bureaucracy knows what works better than local crime officials and that there is nothing Washington can do to help needy rural and urban communities to fight crime. By voting for this motion you will be voting against local police officers, sheriffs, citizens, all of whom support the balanced prevention package that we passed in the crime bill and all of whom want us to vote against this motion.

Mr. Speaker, let us be clear what this amendment is all about. This amendment is nothing but another delaying tactic by those who do not want a crime bill. They just want crime as a political issue.

□ 1840

Now, it is easy for all of us to say we want to help police officers and have our pictures taken with the policemen on the beat. But this motion offers us one simple challenge. What are we going to do to help those police officers fight crime before it happens?

This motion is one more effort to posture on crime. They could not kill the crime bill through the front door, so now they are trying to steal it away through the back door.

Mr. Speaker, the last time I checked, the American people wanted us to do more to prevent crime, not less. They want us to do more to keep kids off the streets, not less.

The crime bill we passed recently is a tough, smart package, that contains an effective balance between punishment and prevention. It focuses on punishment, including billions for the construction of new prisons. It focuses on policing, including resources to put between 50,000 and 100,000 policemen on the beat. And it focuses on prevention, by giving local communities the assistance they need to attack crime before it happens.

It is a smart, effective, balanced bill that passed overwhelmingly, with bipartisan support. And if you vote for this motion, you break that bond of

those 3 trinity points in this bill, that are so important to get this bill through.

Now, if that has not convinced you, you ought to recognize that the money in your State for your local officials to make the local decisions to deal with crime is substantial.

To the gentlemen from Florida who have spoken this evening, they will lose \$90 million, for every city, going to every major city and local community in Florida that needs to fight crime, Miami, Tampa, Clearwater, you name it. Gone, if this passes.

So I ask my colleagues this evening, as late as it may be, to help us get a good crime package by rejecting this amendment. I do not know for the life of me why anybody on this side of the aisle would vote for it. I do not know why you would want to go back to your district and say, "I cut out crime for the DARE Program, I cut out the crime package to help kids with drug abuse program, and I am proud of it. Because I think Washington knows better than my local communities."

Mr. Speaker, I urge my colleagues to vote no on the McCollum amendment, and let us get on with the business of our country.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, what the whip just said on the other side of the aisle, I take some issue with. I respect him a great deal. But for one thing, he misrepresents what this motion does. This motion eliminates one program only, the Local Partnership Act. It has nothing to do with the DARE Program or the Byrne grants or the Community Policing Program. It leaves completely intact all the money for the new police we are going to have, and the prosecutors, and rural drug training. In fact, it leaves alone the Model Intensive Acts, the Ounce of Prevention School Programs, the violence against women money, the Yes grants, the prison treatment programs, the gang prevention, even midnight basketball and midnight sports, community youth activity money, youth gang prevention services. Boys and Girls Clubs moneys are not touched by this, police partnership moneys are not, safe low-income housing moneys are not touched, nor are the Olympic Youth Program and youth violence prevention.

All of these are separate titles in the bill. We do not touch at all the moneys for them. All we want to get out and all I am trying to get out of here tonight is a \$2 billion boondoggle in here. A lot of this, local governments would love to have us give anything we give out. They do not know what is in here. But you say give them grant money, they are going to take it.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I rise in support of this motion to instruct conferees.

The American people have demanded real action by this body on crime, and they should not be given big spending social programs as an alternative.

The LPA provides \$2 billion of scarce crime fighting resources as a "no questions asked" grant to cities.

Mr. Speaker, the American people rightly recognize that the criminals who prey on the innocent in our society must be held accountable for their actions, not rewarded.

Unfortunately, the crime bill does not reflect this priority.

Nearly \$2 billion of badly needed crime fighting funds are instead dedicated to the Local Partnership Act. Instead of taking the needed steps to stop violent crime in its tracks, the omnibus crime bill reestablishes revenue sharing.

Mr. Speaker, the \$2 billion wasted on the LPA could be used to build 80 new State prisons or to place nearly 40,000 new police officers in our cities streets. Either of these two approaches would have a real impact on crime.

Let me remind this body of the nature of the problem in this country. Every year in this country, nearly 5 million Americans are victims of violent crime. A murder is committed every 21 minutes, a rape, every 5 minutes. Someone's car is stolen every 19 seconds.

The American people expect us to take serious actions to solve this problem. This revenue sharing proposal is not even a close solution. The criminals who prey on the innocent should expect one clear message from this body.

Their violent behavior will not be tolerated.

If they continue to commit these heinous acts they should expect to get caught.

When they get sentenced, they will serve real time.

And if they are repeat offenders they will be sentenced for life.

Handing out cash to fund various State crime prevention programs will not lock up recidivists. Insuring that failed root causes solutions continue won't put more police on the beat.

The LPA is a step in the wrong direction. It is a step in favor of big spending social programs, but it's not even a little step in real crime prevention.

To my colleagues on this side of the aisle, be aware—the American people are watching. They are looking to see who is working to make their streets safer and who is not. We will not be able to get away with saying we tried. We will not be able to say we meant well. We know what works—we know what can make a difference. And we also know what doesn't. If we do not use the opportunity to hold criminals accountable I can assure that the American people will hold us accountable. The American people do not want or need smoke and mirrors, and I say

let us not be a party to ineffective pretensions.

I urge my colleagues to support this motion to instruct.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I do not doubt the sincerity of Members of this side of the aisle, my side of the aisle, who want to eliminate the Local Partnership Act, but I have to tell you I am somewhat surprised with the logic. I am surprised with the logic because for years I have been part of a party that says allow local governments to decide how to deal with crime.

I want the city of Bridgeport in my community in my district to decide how to deal with crime. I want them to have the opportunity to spend their money as they see fit.

Why would we on our side of the aisle decide it is all right to have Federal mandates? Federal mandates are all right, when it is our kind of mandate, but when it is someone else's kind of mandate, we do not want it.

Why on our side of the aisle do we oppose allowing local communities to decide how to spend money when they want to deal with crime?

I do not understand it. What I do understand about this formula is it is targeted. Now, maybe we did not care as much about Los Angeles or New York City in past years because we did not represent them. But we have Republicans who have to run these cities, who need this kind of money to deal with crime.

I think prisons are important, and I vote to spend money for prisons. But I also think it is important to allow local communities to decide how they want to spend money to fight crime.

Bridgeport, CT needs the resources to deal with it. And what I particularly find important about this amendment is, they have tried to focus the money where it is needed, where crime exists.

In the past we have provided local revenue sharing money, and we have given to communities in my district that do not need it, like the Greenwiches of this world, like the Fairfields. They are in my district and I would love my communities to have more money, but they do not need it like Bridgeport needs it.

This formula focuses on urban areas that need the money to fight crime. For the life of me, I hope Republicans and Democrats can agree that once in a while it is nice not to have a large bureaucracy that is going to take some of the money, that this money can become quickly focused to communities so they can spend the monies on programs that meet their needs to fight crime.

I hear about local jobs. As far as I am concerned, the best antidote to fighting crime is a job. The best antidote in my city of Bridgeport this summer to

fight crime is to help young people have a job. That will make a world of difference.

I have a lot of substance abuse in my district. I would like it to go to my local communities so they can use it to fight the crime of drugs.

□ 1850

I would like it to be done without a lot of administrative costs. It seems to me that this is a program that Republicans have been fighting for 4 years. Let local communities decide how to spend money to fight crime.

Mr. McCOLLUM. Mr. Speaker, I yield 7 minutes to the gentleman from Georgia [Mr. GINGRICH], our distinguished Republican whip.

Mr. GINGRICH. Mr. Speaker, I was going to ask for less time, but the gentleman from Connecticut [Mr. SHAYS] asked many good questions on top of the gentleman from Michigan [Mr. CONYERS] and the gentleman from Michigan [Mr. BONIOR] fine statements that I wanted to take a couple minutes to talk about where we are at.

Let me say, first of all, it is not a problem to mandate, if we pay for it. The Federal Government, when it is paying for something, has every right to say, since we are raising the money from the taxpayers, we have a legitimate right to say what we think ought to be done with the taxpayers' money. I do not blame local officials for calling our offices and saying, please, send me money that I do not have to raise taxes on. Please give me a gift so I can spend it locally. But we have no obligation, with a several hundred billion dollar deficit, to create a brand new port barrel patronage program.

First of all, I would just say that we do not have an obligation to go back to a program which failed, a program in which the Federal Government shipped checks to various cities.

Let me say, I am a little surprised at my good friend from Connecticut, who is usually at the cutting edge of these kind of changes, because if we go and talk to many of the best mayors of the country on both sides of the aisle, if we talk to Mayor Norquist of Milwaukee, who is a Democrat, he will tell us the problem is not money. The problem in the big cities is unionized bureaucracies, work rules that are crazy, regulations that are nuts, red tape that is destructive, waste and inefficiencies and a political system that is not responsive to small business and that kills jobs.

If we look at Guilianni, the Republican mayor of New York, he just cut spending for the first time in two decades. New York City will spend less money under Guilianni, and he worked out a bipartisan deal with the Democrats.

If we talk to King up in Rochester, NY, the county executive, he is cutting spending by applying quality to having

better government. If we talk to Ed Rendell in Philadelphia, he is reforming the system by taking on the employee unions.

If we go out and talk to Dick Riordan and say to him, how did you get the expressway built after the earthquake, years ahead of schedule, he will tell us bluntly, he broke the law. And he counted on no L.A. jury indicting and convicting him, because he was getting them to work on time despite the fact that it was illegal under local law to do what he did, because he applied common sense. And he hired a contractor, and he worked him 7 days a week because it matters.

I would say to my good friend from Connecticut, this not a mandate. This is a question of whether the taxpayers of America, with the \$200 billion deficit, should send \$2 billion to local governments measured by how much they have already raised taxes to hire a larger bureaucracy to have a bigger political machine.

If Members look at number D on page 133, a job program to prevent crime. I know what that is going to translate into. In Washington, DC, a sick city, a city whose government is a travesty, a city which wastes money and ruins the lives of people, it is going to mean more political jobs for more city councilmen to get reelected.

So when Members come to me and say, do you want to fight crime, I will give, as we voted to yesterday, \$13 billion to build prisons to lock up violent criminals, to save the women and children of this country from the kind of predatory behavior we have on our streets. That I am willing to go to my citizens and raise money for. But if they say to me, in the name of fighting crime, will I send a \$2 billion check to cities, many of which are rife with corruption, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is "no".

For this amount of money, we can build 80 prisons to house 40,000 people. I think that is a legitimate use of Federal money. I am prepared to lock up the people who beat their wives. I am prepared to lock up the people who kill others. I am prepared to lock up the drug dealer. I am prepared to pass Federal money for the local purpose of helping every local government in this country. But I am not prepared to give a blank check to the local political machines who hire more politicians. And I do not think we have an obligation to take our taxpayers' money and to take the money of our children by deficit to send it to those local machines.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I am astounded to find out how much corruption exists in the cities of the gentleman who has just spoken in the well. The League of Cities is comprised of mayors of small- and middle-sized

cities whose records of trying to bring back a productive economy, a revitalized economy, to create jobs, to bring law and order, those are the kinds of mayors in cities that have voted in their conference to support this provision. And the National Conference of Mayors, Democratic, Republican, and nonpartisan mayors, have all agreed that this modest program would be something that they could use in a very important and constructive way.

I do not think it is appropriate for us to categorize with one paint brush the corruption that exists in our local cities.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just want to say to my good friend from Michigan, when he looks at New York Times coverage of corruption in New York City, when he looks at Washington Post coverage of corruption here, he can see some of my references.

I want to make one other point. I expect every mayor in America, if asked the question, would you like the Federal Government to send you a check you can spend, to say, with enormous, warm enthusiasm, "Yes, send me the money."

I do not expect them to somehow say, "Oh, please, don't burden me with these dollars."

So I appreciate that they all want it. I am just not sure that has any reference to public policy. It has the normal reference to any politician eager to get resources from somebody else.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it should be clear to us that we cannot have it both ways. We are providing 100,000 policemen that are federally funded. I did not hear anybody, when we voted for that provision, saying that we did not want to furnish more policemen at the local level because there were Federal funds involved. We did it because it was the right thing to do.

If Members do not like the prevention package, they will not like the Local Partnership Act. But sending the money into the local communities for police is no less logical than sending in prevention programs to be determined by our local leaders.

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

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

Mr. BONIOR. Mr. Speaker, I am a little confused by the remarks of my colleague from Georgia with respect to corruption in our big cities. After he just gave an impassioned speech on the floor, in the well of the House, talking about the mayor of New York, what a great job he did, talking about the mayor of Philadelphia, talking about the mayor of Los Angeles, which way is it? Are they corrupt, or are our big cities corrupt, or are they not corrupt?

He gets up in the well, my friend from Georgia, and argues with all his might and passion for a couple of billion dollars for Russia. And when it comes to taking care of crime in our cities right here at home, drug abuse, school programs, and as the gentleman from Connecticut correctly points out, giving people a job, that is not good enough.

I urge all of my colleagues, before they vote on this, particularly on this side of the aisle, to look at what they will be denying our own local officials in our own communities, in our own cities with respect to giving them the ability to fight crime independently.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I did not mean to confuse the distinguished gentleman from Michigan. My position is very simple. The best mayors in America are working to reform their cities. They are working to shrink the size of their bureaucracies. They are trying to change their regulations and apply common sense.

Many of them will tell Members, and I quoted Mayor Norquist, who said, quite publicly, Democrat from Wisconsin, mayor of Milwaukee, "The money is not the problem."

My point is that money given by us where we raise it from our taxpayers should be for a purpose that our voters understand we have responsibility for and that I think that if we have to choose between paying for a directed purpose such as building prisons, which, as I said, this \$2 billion would build 80 prisons for 40,000 criminals, I can defend that.

□ 1900

What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it, Mr. Speaker. I think that is a fairly clear distinction.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I came to the floor because I think it is important for me to deal with one of the comments made by the gentleman from Georgia [Mr. GINGRICH] as it relates to the city of Los Angeles and Mayor Reardon. Our city is in deep trouble and falling apart. We almost had a police revolt. The mayor came to that city promising that he was going to expand the police department, that he was going to do something about crime, that he was going to put more police officers on the street. Believe me, he has worked at it. He cannot get it done because we do not have the dollars to do it.

Mr. Speaker, if we want officers on the street and in the schools, we need some support. This local partnership program will help us to fight crime.

Please do not try to describe what the mayor is doing in Los Angeles if the gentleman does not know.

Let me tell the Members, as someone who comes from that city, the mayor of that city, Mayor Reardon, needs help. He needs to be able to support his officers, expand the police force, and fight crime.

For all of the Members who have talked about wanting to fight crime, being against what is going on in the cities, they need to support this. Members will not be able to explain to their constituents why they did not support spending some of their money to do what the American people want them to do, and that is fight crime.

We need the money in Los Angeles. I would ask the Members not to instruct the conference committee to delete the local partnership program from the crime bill. It would be a big mistake.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I respect the gentleman from California [Ms. WATERS] very much. However, she does misspeak with regard to what this motion does.

First of all, Mr. Speaker, it is very clear, this motion to instruct does not affect the money for police that is in this bill, or in any conference report at all. There is \$3.45 billion for community policing in the House bill. My motion to instruct conferees has nothing to do with that. There is \$300 million for the police corps. My motion has nothing to do with that. There is \$1.15 billion for Federal law enforcement. My motion to instruct has nothing to do with that.

Mr. Speaker, there is \$33 million for rural law enforcement, and my motion to instruct has nothing to do with that. There is another \$100 million for community prosecutors, so there is roughly \$5.25 billion for community policing and police force in this bill which this does not have anything whatsoever to do with.

In fact, what we are dealing with here is a special entitlement program overlaid on a lot of other things that are in the bill, and some of these things maybe we should not have in the bill, either. As the gentleman from Georgia [Mr. GINGRICH] pointed out a moment ago, it is an entitlement program that we are dealing with here, a new one, a new grant program to the cities. We are in the process of supposedly doing an economic stimulus package with this, and maybe that is something we should do, but not as a part of the crime bill, not in addition to the monies that are already there for all these other things that I read off earlier.

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

Mr. MCCOLLUM. I am glad to yield to the gentleman from California.

Ms. WATERS. Mr. Speaker, let me ask the gentleman, does he support the DARE Program?

Mr. MCCOLLUM. Mr. Speaker, I do support the DARE Program.

Ms. WATERS. Mr. Speaker, how does the gentleman think he gets a DARE Program unless he has the resources to do it? We can put the money in the budget for the police force, but unless they have money and resources they cannot.

Mr. MCCOLLUM. Reclaiming my time, Mr. Speaker, the DARE Program is not affected by my motion to instruct. The DARE Program comes under the Byrne grant and other programs in this bill not under this particular \$2 billion.

Ms. WATERS. Mr. Speaker, that is absolutely not correct.

Mr. MCCOLLUM. Mr. Speaker, the bottom line of this is, what we do is very narrow. We take out a \$2 billion new revenue sharing program that is based on the cities and communities that have the highest tax rates that are in this country today, to go to that particular group by some formula that is really skewed. It is a crazy program, I think. We are not doing the job of what fighting crime is all about.

Mr. Speaker, our side of the aisle for the most part wants to do what is right. We are not interested in hurting the gentleness of the city any more than we are anyone else. We want to help. However, to add an entitlement program of \$2 billion is not the answer. DARE Programs are fine, more police on the streets are fine, more money for prisons is fine. We happen to be interested in helping the Boy Scouts, too, but this is a program for \$2 billion more in entitlements to the cities that goes basically for a jobs program. That is what it is, pure and simple, and it should not be a part of the crime bill.

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

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would indicate that on this side of the aisle I think we have many Members who want to participate in the debate, but the fact of the matter is we are prepared to close the debate now and go to a vote at the earliest practicable moment.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the motion to instruct.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, A, I would like to inquire how much time each side has remaining, and, B, I would ask if I do not have the right to close. I have no other speakers but myself.

The SPEAKER pro tempore (Mr. HASTINGS). The gentleman from Florida [Mr. MCCOLLUM] has 3 minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 9½ minutes remaining.

The gentleman from Florida [Mr. MCCOLLUM] has the right to close debate.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, actually I think the distinguished gentleman wanted to yield to the gentleman from New York [Mr. FLAKE].

Mr. Speaker, I rise in support of the position of the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I have sat in my office and watched this debate with great interest. As a person who is not just a Congressperson but a person who pastors a church in an urban community, it always appalls me that our arguments are reduced to trying to separate programs based on what we consider to be preventive and programs that we consider to be necessary, as it relates to trying to solve the problem of crime.

Mr. Speaker, I stand before the Members as a person who started an organization out of my church with the cooperation of two people, me and a secretary. Today I have 790 employees. We have demonstrated that in a community where resources are made available, we can actually create the kind of opportunities that remove people from the necessity of having to become a part of the increasing prison population.

Mr. Speaker, I hope the day will surely come when we understand the goods and services available in many of the communities in this land are not available in these urban communities. I would hope the day would come when we realize that if we make an investment early on in the lives of these young people, we will prevent the necessity for building jails.

Imagine what we are saying tonight. Approximately \$100,000 to build a unit, \$30,000 or \$40,000 to keep a prisoner, and here we are arguing about a small portion of the resources in this bill. If we took those monies and invested them in young people, we would soon discover that we would not have to create the jobs program on the other side of this ledger.

Mr. Speaker, I keep hearing the arguments, "This \$2.5 would be creation of a jobs program." What is more job creative than building jails, creating job opportunities for people, for persons from communities who do not live there to go and be guarded by persons who live in communities outside of

urban America? What is more job creative than creating opportunities for vendor contracts, for laundry, for meat, for bread, and for other food.

Mr. Speaker, this argument is messed up. I would hope we would all stand opposed to this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

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

Mr. Speaker, I just need to respond to the gentleman from Georgia [Mr. GINGRICH]. When I came to the Congress, let me tell the Members what my background was: Seven years on a city council with 2 years of serving as a Mayor, and then 10 years in the State Senate.

□ 1910

I have to tell Members that time that I served kept me closer to the people than I am in this body, because I served there every day, I was at home every day, and at that very same time, I taught school, 10, 12 hours of public hearings that we would bash out things in our community that were good for our community, that we needed to hear from our community.

These 13 lines about this particular issue, I say to the gentleman from Florida [Mr. CANADY], the reason there is only 13 lines is because of the fact that we want our local communities to make these decisions through public hearings. They know what is best for their communities and what is going to fight that crime and what kind of programs they need to do.

Mr. Speaker, I just ask for those Members who have never served in local government, please do not bash your local government because they really do a very fine job.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself whatever time I may consume in closing.

To close, I would just like to say a couple of words. I would like to bring us back to the focus of what this motion to instruct is so everybody understands it. It is a motion to instruct crime bill conferees that we would like to strike out the \$2 billion Local Partnership Act and like them to do that when they meet with the Senate in a few days to work out the deal on the crime bill.

Mr. Speaker, we are talking now about \$2 billion that is in addition to a lot of other things that are in this bill. I have heard a lot of debate tonight about how we need to have things besides prisons and besides some of the money for the police and so on. But a lot of confusion exists out here as to what all is involved. The fact of the matter is that even if we were to not have this \$2 billion program, there

would be at least \$5 billion or \$6 billion in programs for grants to local communities to do all kinds of things involving the youth.

Mr. Speaker, I do not happen to agree with all of those programs that we put into the legislation to begin with, but we would. Actually in the House version which is all we are instructing on, when we take the \$2 billion out, we have still got \$7 billion left. The \$5 or \$6 billion is what the Senate talks about.

Mr. Speaker, let me quote just a couple of thoughts on this. There would still remain in this bill besides the community policing monies and all the money for the police a Model Intensive Prevention Program, \$1.5 billion; an Ounce of Prevention Council Program for \$1.275 billion; a Youth Employment Program of about half a billion; Violence Against Women for about \$700 million; safe schools, about \$300 million; youth violence prevention grants of \$200 million; \$81 million for other youth prevention programs; Midnight Sports of \$50 million; community youth academics, \$50 million; police applicant recruitment, \$30 million; Police Partnerships with Children, \$10 million; Safety in Low-Income Housing, \$10 million; \$7 million for older Americans; Drug Treatment in Prisons, \$450 million; \$1.4 billion in drug courts and treatment; and \$600 million in alternatives to incarceration that are not touched.

Mr. Speaker, I do not happen to agree with all those, but even after we take this \$2 billion new entitlement out that some of those folks on the other side want tonight and have argued so much for, all of that is left in here. The bottom line is we cannot afford to do all this with \$200 billion plus in deficits every year. We need to start somewhere in setting priorities. That is what we are about here to do.

Mr. Speaker, simply put, what this motion to instruct conferees does is simply delete \$2 billion in a new entitlement program that is not needed. We need to spend the money instead on the prisons and on the law enforcement, on the other things in here. We do not need to do it on this. We do not need to have a new economic stimulus program for jobs in a crime bill of \$2 billion in nature.

Mr. Speaker, I urge my colleagues to vote for the McCollum motion to instruct conferees.

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this motion to instruct conferees on the crime bill.

The Local Partnership Act, will provide direct formula grant funding to local governments for education and substance abuse programs to prevent crime. We can stand in this Chamber and talk about how to prevent crime on our streets, but it is the local governments that know best how to prevent crime in their own communities.

Congress is committed to enacting a balanced anticrime bill, which contains three es-

sential ingredients, resources for police, punishment, and prevention. Striking the Local Partnership Act from this legislation will severely diminish the resources available for prevention programs. I urge my colleagues to defeat the motion to instruct the conferees to strike the Local Partnership Act from the Crime bill.

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

The SPEAKER pro tempore (Mr. HASTINGS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida [Mr. MCCOLLUM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 247, not voting 44, as follows:

[Roll No. 274]

AYES—143

- |              |              |               |
|--------------|--------------|---------------|
| Allard       | Gilchrist    | Meyers        |
| Archer       | Gillmor      | Mica          |
| Armey        | Gingrich     | Michel        |
| Bachus (AL)  | Goodlatte    | Miller (FL)   |
| Baker (CA)   | Goodling     | Moorhead      |
| Baker (LA)   | Goss         | Myers         |
| Ballenger    | Grams        | Nussle        |
| Barrett (NE) | Greenwood    | Oxley         |
| Bartlett     | Gunderson    | Packard       |
| Barton       | Hancock      | Paxon         |
| Bateman      | Hansen       | Petri         |
| Bereuter     | Hastert      | Porter        |
| Bilirakis    | Hefley       | Portman       |
| Bliley       | Herger       | Pryce (OH)    |
| Boehlt       | Hobson       | Quillen       |
| Boehner      | Hoekstra     | Ravenel       |
| Bonilla      | Huffington   | Regula        |
| Bunning      | Hunter       | Roberts       |
| Burton       | Hutchinson   | Rogers        |
| Callahan     | Inglis       | Rohrabacher   |
| Calvert      | Inhofe       | Roth          |
| Camp         | Istook       | Roukema       |
| Canady       | Johnson (GA) | Royce         |
| Castle       | Johnson, Sam | Santorum      |
| Coble        | Kasich       | Saxton        |
| Collins (GA) | Kim          | Schiff        |
| Combest      | King         | Sensenbrenner |
| Cox          | Kingston     | Shaw          |
| Crane        | Knollenberg  | Shuster       |
| Crapo        | Kolbe        | Skeen         |
| Cunningham   | Kyl          | Smith (MI)    |
| Deal         | Lazio        | Smith (TX)    |
| DeLay        | Levy         | Solomon       |
| Dickey       | Lewis (CA)   | Spence        |
| Doolittle    | Lewis (FL)   | Stearns       |
| Dornan       | Lewis (KY)   | Stump         |
| Dreier       | Lightfoot    | Talent        |
| Duncan       | Linder       | Taylor (NC)   |
| Dunn         | Livingston   | Thomas (CA)   |
| Ehlers       | Lucas        | Thomas (WY)   |
| Emerson      | Manzullo     | Vucanovich    |
| Everett      | McCandless   | Walker        |
| Ewing        | McCollum     | Walsh         |
| Fawell       | McCreery     | Weldon        |
| Fields (TX)  | McDade       | Wolf          |
| Fowler       | McHugh       | Young (FL)    |
| Gallo        | McKeon       | Zimmer        |
| Gekas        | McMillan     |               |

NOES—247

- |              |              |              |
|--------------|--------------|--------------|
| Abercrombie  | Bacchus (FL) | Barrett (WI) |
| Ackerman     | Baessler     | Becerra      |
| Andrews (ME) | Barca        | Bellenson    |
| Andrews (NJ) | Barcia       | Bevill       |
| Andrews (TX) | Barlow       | Bilbray      |

- |              |               |               |
|--------------|---------------|---------------|
| Bishop       | Hefner        | Pelosi        |
| Blackwell    | Hilliard      | Peterson (FL) |
| Blute        | Hinchey       | Peterson (MN) |
| Bonior       | Hoagland      | Pickett       |
| Borski       | Hochbrueckner | Pickle        |
| Boucher      | Hoke          | Pombo         |
| Brewster     | Holden        | Pomeroy       |
| Brooks       | Horn          | Poshard       |
| Browder      | Houghton      | Price (NC)    |
| Brown (CA)   | Hoyer         | Rahall        |
| Brown (FL)   | Hutto         | Ramstad       |
| Brown (OH)   | Inselee       | Rangel        |
| Bryant       | Jacobs        | Reed          |
| Buyer        | Jefferson     | Reynolds      |
| Byrne        | Johnson (CT)  | Richardson    |
| Cantwell     | Johnson (SD)  | Roemer        |
| Cardin       | Johnson, E.B. | Ros-Lehtinen  |
| Carr         | Johnston      | Rose          |
| Chapman      | Kaptur        | Rostenkowski  |
| Clayton      | Kennedy       | Rowland       |
| Clement      | Kennelly      | Roybal-Allard |
| Clinger      | Kildee        | Rush          |
| Clyburn      | Klecza        | Sabo          |
| Coleman      | Klein         | Sanders       |
| Collins (IL) | Klink         | Sangmeister   |
| Condit       | Klug          | Sarpalius     |
| Conyers      | Kopetski      | Sawyer        |
| Cooper       | Kreidler      | Schaefer      |
| Coppersmith  | Lambert       | Schenk        |
| Costello     | Lancaster     | Schroeder     |
| Coyne        | Lantos        | Scott         |
| Cramer       | LaRocco       | Serrano       |
| Danner       | Laughlin      | Sharp         |
| Darden       | Leach         | Shays         |
| De la Garza  | Lehman        | Shepherd      |
| DeFazio      | Levin         | Sisisky       |
| DeLauro      | Lewis (GA)    | Skaggs        |
| Dellums      | Lipinski      | Skilton       |
| Derrick      | Long          | Slaughter     |
| Deutsch      | Lowe          | Smith (IA)    |
| Diaz-Balart  | Mann          | Smith (NJ)    |
| Dicks        | Manton        | Smith (OR)    |
| Dingell      | Margolies-    | Snowe         |
| Dixon        | Mezvinsky     | Spratt        |
| Dooley       | Markey        | Stark         |
| Durbin       | Matsui        | Stenholm      |
| Edwards (CA) | Mazzoli       | Stokes        |
| Edwards (TX) | McCloskey     | Strickland    |
| English      | McDermott     | Stupak        |
| Eshoo        | McHale        | Swett         |
| Evans        | McInnis       | Swift         |
| Farr         | McKinney      | Synar         |
| Fazio        | McNulty       | Tanner        |
| Fields (LA)  | Meehan        | Tauzin        |
| Filner       | Meek          | Taylor (MS)   |
| Fingerhut    | Menendez      | Tejeda        |
| Flake        | Mfume         | Thompson      |
| Foglietta    | Miller (CA)   | Thornton      |
| Ford (TN)    | Mineta        | Thurman       |
| Franks (NJ)  | Minge         | Torkildsen    |
| Frost        | Mink          | Torres        |
| Furse        | Moakley       | Trafcant      |
| Gedjenson    | Mollinari     | Tucker        |
| Gephardt     | Mollohan      | Unsoeld       |
| Geren        | Montgomery    | Upton         |
| Gibbons      | Moran         | Valentine     |
| Gilman       | Morella       | Velazquez     |
| Glickman     | Neal (MA)     | Visclosky     |
| Gonzalez     | Neal (NC)     | Waters        |
| Gordon       | Obey          | Watt          |
| Grandy       | Olver         | Waxman        |
| Green        | Ortiz         | Williams      |
| Gutierrez    | Orton         | Wise          |
| Hall (OH)    | Pallone       | Woolsey       |
| Hall (TX)    | Parker        | Wyden         |
| Hamburg      | Pastor        | Wynn          |
| Hamilton     | Payne (NJ)    | Young (AK)    |
| Hastings     | Payne (VA)    |               |

NOT VOTING—44

- |              |           |            |
|--------------|-----------|------------|
| Applegate    | Kanjorski | Schumer    |
| Bentley      | LaFalce   | Slatery    |
| Berman       | Lloyd     | Studds     |
| Clay         | Machtley  | Sundquist  |
| Collins (MI) | Maloney   | Torricelli |
| Engel        | Martinez  | Towns      |
| Fish         | McCurdy   | Vento      |
| Ford (MI)    | Murphy    | Volkmer    |
| Frank (MA)   | Murtha    | Washington |
| Franks (CT)  | Nadler    | Wheat      |
| Gallegly     | Oberstar  | Whitten    |
| Harman       | Owens     | Wilson     |
| Hayes        | Penny     | Yates      |
| Hughes       | Quinn     | Zeliff     |
| Hyde         | Ridge     |            |

□ 1933

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### ELDERS: THE MOST EXPLOSIVE MINE IN THE FIELD

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

Mr. DORNAN. Mr. Speaker, a few days ago in USA Today Richard Benedetto wrote an article that was titled by his paper "Doubts Dog President's Every Move, Every Poll." In the body of the article, which I will submit for the RECORD, Mr. Benedetto says:

Clinton has little wiggle room as he maneuvers the political mine field toward reelection. Among the dangers Clinton faces over the next two-years:

The fate of his health care reform legislation; the results of the 1994 elections—

Holy Haley Barbour, I will read that one again:

the results of the 1994 elections; the long-term performance of the economy; the outcome of the sexual harassment lawsuit filed by Paula Jones, a former Arkansas State worker; hearings on his Whitewater land dealings; his ability to get a handle on foreign affairs.

Here is what he does not need as he negotiates his political minefield, Mr. Speaker. Here is today's paper, and here are dispatches from the culture war front: "Elders Taunts the Religious Right: Joycelyn Elders, Surgeon General, warming to a favorite target, yesterday rips religious conservatives."

The bottom of the front page, "Classifying homosexual couples as families was not what Virginia Governor Allen had in mind during his family values campaign."

Here is something we are going to discuss as soon as the 1-minutes are over: "NEA's Jane Alexander defends bloody performance on AIDS."

The next page, "Elders Lashes Out at the Religious Right."

Mr. Speaker, it is amazing that the President went to Georgetown, to a Jesuit university. I went to Loyola University, also a Jesuit school. Through his policies he is taking on the entire Catholic Church and every Protestant and Orthodox person in this country who focuses on religion and goes to church once a week. What the heck is going on here?

Mr. Speaker, I include for the RECORD the Wall Street Journal article and the article in USA Today written by Richard Benedetto:

[From the Wall Street Journal]

#### CATHOLIC VOTERS MAY BE PROBLEM FOR CLINTON TEAM

(By Gerald F. Seib)

When it comes to gauging the power of the Pope, the most famous commentary was offered 60 years ago by one Joseph Stalin. When somebody suggested that he encourage Roman Catholicism in the Soviet Union to please the Pope, Uncle Joe replied scornfully: "The Pope! How many divisions has he got?"

Mocking though it was, that very question is again relevant for the Clinton administration. For right now, the White House is locked in a quiet but emotional battle with the Vatican over something that normally produces only deep yawns and glazed-over eyes: a United Nations report.

By itself, this relatively obscure debate doesn't spell serious political trouble for the Clinton team. But the struggle is important, because it suggests that some deeper significant troubles with Catholic voters may be developing for the Clinton administration.

The immediate dispute is over the draft of a U.N. plan for international population control, which is to be approved at a conference in Cairo, Egypt, later this year. Pope John Paul II is deeply unhappy with the draft, which he thinks both encourages abortion and devalues the traditional family. More than that, the pontiff is clearly annoyed at the U.S. for supporting the plan as it takes shape, a point he made directly to President Clinton this month in Rome and in a series of other ways.

This argument alone isn't likely to set the political views of most American Catholics. After all, they don't move in lockstep with their church leadership on political issues.

No, the problem for Mr. Clinton is more subtle. After Mr. Clinton went some distance toward recovering the Catholic vote for Democrats in 1992, the struggle with the Vatican is just the latest addition to a series of issues—abortion, school choice, the very makeup of the administration—that threaten to undermine his bonds with Catholics.

In sheer political terms, this matters because the Catholic vote matters. Catholics—many of them urban, ethnic, working-class voters—traditionally fit most comfortably into the Democratic Party. Through the 1950s and 1960s, Democrats won the Catholic vote in one presidential election after another, sometimes overwhelmingly. That turned around with George McGovern's candidacy in 1972, which turned off many working-class Catholics. By 1984, Republican Ronald Reagan won more than six in 10 Catholic voters.

But in 1992, Bill Clinton began pulling back Reagan Democrats, and he recaptured the Catholic vote. That helped him win the crucial states such as Pennsylvania and New York.

Since then, though, the road has been bumpier. Prominent Catholics grouched that the administration found a top job for a member of every big Democratic constituency except urban, ethnic, Northeastern Catholics. Meanwhile, there was a place for Surgeon General Joycelyn Elders, who has managed to insult Catholics of every stripe with thoughtless criticisms of the Vatican.

There is also the abortion issue, of course, where there is an inescapable rift between the administration's pro-choice policies and Catholic teachings. There also are tensions over school choice, and problems growing out of the president's personal life.

The administration knows it has a problem. Undersecretary of State Timothy

Wirth, who is steering American policy toward the U.N. population conference, is holding a series of private meetings with all American cardinals to find common ground, administration aides say. Last month, Raymond Flynn, the ambassador to the Vatican, sent a letter to church leaders and prominent Catholic laymen, stressing Mr. Clinton's desire for good relations. While Mr. Clinton and the Vatican "do not always agree," he has "always been respectful of the church's position, both publicly and privately," Mr. Flynn wrote.

Certainly there is common ground between President Clinton and Catholics. The president, after all, was educated in a Catholic grade school and attended a Jesuit college, Georgetown University, and therefore knows Catholic sensibilities. And significantly, while sticking to Democratic pro-choice positions, he argues that his goal is to make abortion as rare as possible.

Mr. Clinton has good reason to tend to the Catholic front, for there is a growing political threat on the horizon if he doesn't. As the Religious Right rises in political power, some Republicans are trying to build bridges between its foot soldiers and American Catholics.

And there is one Republican who appears uniquely qualified to do the job. He is William Bennett, the former Education secretary and potential 1996 presidential candidate. He is both a practicing Catholic and a hit with the Religious Right because of his unflinching family values rhetoric. "I've been arguing that Catholics, when they look at the world of politics today and see the Clinton administration and the Christian Coalition, they'd better be clear which side they're on," Mr. Bennett says. "And it's the Christian Coalition side."

[From USA Today, June 9, 1994]

#### DOUBTS DOG PRESIDENT'S EVERY MOVE, EVERY POLL

(By Richard Benedetto)

Jobs are up, inflation's low. And, despite foreign fumbles, the USA is at peace.

By every traditional measure, President Clinton should be riding high in the polls, yet recent surveys find growing disquiet with his presidency.

A USA Today/CNN/Gallup Poll this week finds the electorate less interested in his accomplishments and more concerned about who Clinton might be.

Those doubts have helped keep Clinton's approval ratings low at a time he needs to be building beyond the 43% who elected him in 1992.

The degree to which Clinton is able to ease questions about his character will count as much as legislative achievements as he moves closer to 1996. And it could mean the difference between victory and defeat.

"Bill Clinton seems to have given people cause for specific cynicism," says Rutgers University political scientist Ross Baker: "And no president, given the sort of dispirit abroad in the country, will do well. Bill Clinton just does worse. He has to get his act together" for 1996.

Poll analysis finds many have reservations about his moral leadership, and genuine splits over whether he shares their values and is honest and trustworthy enough for the job.

More specifically: 35%, likely fueled by the continuing charges about financial dealings and extramarital affairs, say Clinton has tended to lower the stature of the presidency.

A third of the nation "strongly disapproves" of Clinton's presidency.

Only one in 10 say they'd "definitely" vote for him in 1996; 32% definitely won't.

Support is deep as well. One out of four say they like Clinton, but those numbers have not grown over the 16 months of his presidency.

About one in five make up a narrow band of undecided, swing voters who most likely will mean the difference between re-election in 1996 or a ticket back to Little Rock.

Duke University presidential scholar James David Barber says Clinton has a communications problem, that he needs to find more ways to talk directly to the American people and seriously explain to them in simple terms what he is trying to achieve, and how much he is accomplishing.

"People see a lot of him but they don't necessarily hear a lot of him," Barber says. "He needs to do weekly, 15-minute talks like Franklin Roosevelt's fireside chats."

Barber says Clinton may not be getting credit for achievements because they're being obscured by so many "troubles" in the country that continue to keep people uneasy: rising crime, rampant poverty, economic displacement, declining education and continued dissatisfaction with government itself.

Clinton has little wiggle room as he maneuvers the political minefield toward re-election. Among the dangers Clinton faces over the next two plus years:

The fate of his health-care reform legislation.

The results of the 1994 elections.

The long-term performance of the economy.

The outcome of a sexual harassment lawsuit filed by Paula Jones a former Arkansas state worker.

Hearings on his Whitewater land dealings. His ability to get a handle on foreign affairs.

"If this was 1996, and it was November, I'd say I was going to vote for him again. But with two years to go, it'll depend on what happens between now and 1996," says Gary Smith, 45, a Bristol, Ind., postal worker, a Republican who voted for Clinton in 1992.

Clinton political adviser Paul Begala insists Clinton has no character problem, just nasty political opponents who keep throwing mud and keep trying to fan the flames of discontent.

"Republicans and the radical right have made a conscious effort to undermine this president in a coordinated strategy," he says.

Everett Ladd of the Roper Center for Public Opinion Research attributes the galvanizing of Clinton detractors to two tenets: They are opposed to big government and have serious reservations about his character.

"It's a confluence of the personal and the political," he says.

White House communications director Mark Gearan generally agrees Clinton has a lot of work ahead but discounts the character issue.

"People will be looking at whether we have maintained faith with our commitment to create jobs, keep the economy going, provide health care and reduce crime," he says.

Indeed, those who support Clinton tend to be measuring him primarily on job performance. They like his willingness to tackle health care, his efforts to shake up the status quo, his hard work, his knowledge of the issues.

"I'm a registered Republican, but I voted for Clinton because I thought the country needed something different," says Smith.

But Clinton detractors appear to be judging him on a far more personal level. They

say he's indecisive, a weak leader, unable to get a grip on foreign policy, a poor example of moral authority, a person who tells people what they want to hear.

"People are kind of iffy about him because they're not sure they can trust him," says Rosio Sanchez, 20, a San Diego college student.

#### A CRISIS WITHOUT A CRISIS

By most standards, President Clinton is not facing a major crisis.

But he can't seem to muster more than 43% of re-election support, the same percentage he got in the 1992 election. And 40% of the electorate appears to be solidly opposed to him.

And when people are asked to rate him on a 10-point scale of whether they like or dislike him, numbers suggest he's in deep trouble:

25% say they like him very much; 19% say they don't like him very much.

It's almost as if he's in a crisis without a crisis.

Indeed, Clinton's like-dislike numbers fall into a range similar to those measured for other presidents facing some of the toughest times in their tenures.

He's slightly lower than Lyndon Johnson in August 1967, when antiwar protests were building, body counts were mounting in Vietnam and the country was splitting. Seven months later Johnson decided not to seek re-election.

He's slightly higher than Richard Nixon in August 1973, when Senate Watergate hearings were causing people to pause from their vacations to watch. A year later, Nixon resigned.

He's a little better than Jimmy Carter in August 1980, when U.S. hostages were being held in Iran and a rescue attempt had failed. Three months later, Carter lost his re-election effort to Ronald Reagan.

And he's about where Ronald Reagan was in June 1982, when the nation, gripped by a recession, was in a sour mood. The economy eventually recovered and Reagan went on to win a second term.

#### VACATING SPECIAL ORDER FOR TODAY

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the 5-minute special order granted for today to the gentleman from California [Mr. DORNAN] be vacated.

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

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House the following Members are recognized for 5 minutes each.

#### RUSSIA JOINS PARTNERSHIP FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, yesterday, the Western alliance realized an extraordinary achievement of international peace and partnership. Russia, our bitter adversary for more than 40 years of cold war struggle, joined the Partnership for Peace, and pledged to work with us to secure our common goals throughout the world.

Just 5 years ago, the thought that one day we would welcome Russia into the family of NATO would have been unthinkable. The thought that Russia would come to embrace democracy and freedom, and that it would come to pursue so many of our fundamental goals throughout the world, was unimaginable.

In taking this historic step, Russia and the United States are working together to heal the wounds that have divided Europe since the end of the Second World War. We are working together to bring to Eastern Europe the security and the stability that NATO has given Western Europe for nearly half a century.

In the coming weeks, Russia's relations with the West will continue to grow and to strengthen. President Yeltsin will sign an agreement with the European Union that will open European markets to Russian products. President Yeltsin will meet with the G-7 on a broad range of political and economic issues.

I believe that this is the time to reaffirm our commitment to democracy and freedom in Russia—and to reaffirm our determination to help Russia make real the promise of its political and economic reforms.

It's far too easy to take yesterday's progress for granted. But for half of this century, the fear of confrontation with Russia cast a shadow over all of our international relations, and all of our lives. Let's not turn our backs on this progress. Let's not take it for granted. Let's work to ensure that this unprecedented alliance grows even stronger, even closer, in the years and decades to come.

#### HEALTH CARE REFORM VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Appropriations Committee on June 21, and in the Ways and Means Committee on June 22, 1994:

The following vote was taken on June 21, 1994, in the Appropriations Committee during consideration of the Labor-HHS-Education Appropriations Bill for FY 1995:

An amendment offered by Mr. Porter to provide an additional \$87.1 million for the Community Health Centers program in order to increase the availability of health for people in underserved areas. Defeated 28 to 15.

#### DEMOCRATS

Mr. Beville, "nay."  
Mr. Carr, not voting.  
Mr. Chapman, not voting.  
Mr. Coleman, "nay."  
Mr. Darden, not voting.  
Ms. DeLauro, "nay."  
Mr. Dicks, "nay."  
Mr. Dixon, "nay."  
Mr. Durbin, "nay."  
Mr. Fazio, "nay."  
Mr. Foglietta, not voting.  
Mr. Hefner, "nay."

Mr. Hoyer, "nay."  
 Miss Kaptur, "nay."  
 Mrs. Lowey, "nay."  
 Mrs. Meek, "nay."  
 Mr. Mollohan, not voting.  
 Mr. Moran, "nay."  
 Mr. Murtha, "nay."  
 Mr. Obey, "nay."  
 Mr. Olver, "nay."  
 Mr. Pastor, "nay."  
 Ms. Pelosi, "nay."  
 Mr. Peterson, "nay."  
 Mr. Price, "nay."  
 Mr. Sabo, "nay."  
 Mr. Serrano, "nay."  
 Mr. Skaggs, "nay."  
 Mr. Smith (IA), "nay."  
 Mr. Stokes, "nay."  
 Mr. Thornton, not voting.  
 Mr. Torres, "nay."  
 Mr. Visclosky, "nay."  
 Mr. Whitten, not voting.  
 Mr. Wilson, not voting.  
 Mr. Yates, "nay."

## REPUBLICANS

Mrs. Bentley, not voting.  
 Mr. Bonilla, "yea."  
 Mr. Callahan, "yea."  
 Mr. DeLay, "yea."  
 Mr. Gallo, not voting.  
 Mr. Hobson, not voting.  
 Mr. Istook, not voting.  
 Mr. Kolbe, "yea."  
 Mr. Lewis (CA), "yea."  
 Mr. Lightfoot, not voting.  
 Mr. Livingston, "yea."  
 Mr. McDade, not voting.  
 Mr. Myers, "yea."  
 Mr. Packard, "yea."  
 Mr. Porter, "yea."  
 Mr. Regula, "yea."  
 Mr. Rogers, "yea."  
 Mr. Skeen, "yea."  
 Mr. Taylor, "yea."  
 Mrs. Vucanovich, not voting.  
 Mr. Walsh, "yea."  
 Mr. Wolf, "yea."  
 Mr. Young (FL), not voting.

The following recorded votes were taken on June 22, 1994, in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Santorum striking authority given to the Secretary of Health and Human Services under provisions establishing a new Medicare outpatient prescription drug benefit, to require advance approval for a covered outpatient drug if the Secretary determines the drug is subject to misuse or inappropriate use. The amendment would also strike provisions requiring the Secretary to study the advisability of mandating advanced approval in cases where a more cost-effective therapeutically equivalent drug is available, and to develop and update a list of drugs subject to misuse or inappropriate use, based on evidence of such problems. Defeated 24-14.

## DEMOCRATS

Mr. Gibbons, "nay."  
 Mr. Rostenkowski, "nay."  
 Mr. Pickle, "nay."  
 Mr. Rangel, "nay."  
 Mr. Stark, "nay."  
 Mr. Jacobs, "nay."  
 Mr. Ford (TN), "nay."  
 Mr. Matsui, "nay."  
 Mrs. Kennelly, "nay."  
 Mr. Coyne, "nay."  
 Mr. Andrews (TX), "nay."  
 Mr. Levin, "nay."  
 Mr. Cardin, "nay."

Mr. McDermott, "nay."  
 Mr. Kleczka, "nay."  
 Mr. Lewis (GA), "nay."  
 Mr. Payne (VA), "nay."  
 Mr. Neal (MA), "nay" by proxy.  
 Mr. Hoagland, "nay."  
 Mr. McNulty, "nay."  
 Mr. Kopetski, "nay."  
 Mr. Jefferson, "nay."  
 Mr. Brewster, "nay."  
 Mr. Reynolds, "nay."

## REPUBLICANS

Mr. Archer, "yea."  
 Mr. Crane, "yea."  
 Mr. Thomas (CA), "yea."  
 Mr. Shaw, "yea."  
 Mr. Sundquist, "yea."  
 Mrs. Johnson (CT), "yea."  
 Mr. Bunning, "yea."  
 Mr. Grandy, "yea."  
 Mr. Houghton, "yea."  
 Mr. Herger, "yea" by proxy.  
 Mr. McCrery, "yea."  
 Mr. Hancock, "yea."  
 Mr. Santorum, "yea."  
 Mr. Camp, "yea."

An amendment by Mr. Grandy to include coverage of hearing aids for children in the guaranteed national benefit package. Adopted 20-18.

## DEMOCRATS

Mr. Gibbons, "nay."  
 Mr. Rostenkowski, "nay."  
 Mr. Pickle, "nay."  
 Mr. Rangel, "nay."  
 Mr. Stark, "nay."  
 Mr. Jacobs, "nay" by proxy.  
 Mr. Ford (TN), "yea."  
 Mr. Matsui, "nay."  
 Mrs. Kennelly, "yea."  
 Mr. Coyne, "nay."  
 Mr. Andrews (TX), "nay."  
 Mr. Levin, "nay."  
 Mr. Cardin, "nay."  
 Mr. McDermott, "nay."  
 Mr. Kleczka, "nay."  
 Mr. Lewis (GA), "yea."  
 Mr. Payne (VA), "nay."  
 Mr. Neal (MA), "yea."  
 Mr. Hoagland, "nay."  
 Mr. McNulty, "nay."  
 Mr. Kopetski, "yea."  
 Mr. Jefferson, "nay."  
 Mr. Brewster, "nay."  
 Mr. Reynolds, "yea."

## REPUBLICANS

Mr. Archer, "yea."  
 Mr. Crane, "yea" by proxy.  
 Mr. Thomas (CA), "yea."  
 Mr. Shaw, "yea."  
 Mr. Sundquist, "yea."  
 Mrs. Johnson (CT), "yea."  
 Mr. Bunning, "yea" by proxy.  
 Mr. Grandy, "yea."  
 Mr. Houghton, "yea."  
 Mr. Herger, "yea" by proxy.  
 Mr. McCrery, "yea."  
 Mr. Hancock, "yea."  
 Mr. Santorum, "yea."  
 Mr. Camp, "yea."

An amendment by Mr. Santorum that would activate the sunset provision of the vaccine entitlement program created by the Omnibus Budget Reconciliation Act of 1993 upon enactment of the underlying bill. Defeated 23-15.

## DEMOCRATS

Mr. Gibbons, "nay."  
 Mr. Rostenkowski, "nay."  
 Mr. Pickle, "nay."  
 Mr. Rangel, "nay."  
 Mr. Stark, "nay."

Mr. Jacobs, "nay."  
 Mr. Ford (TN), "nay."  
 Mr. Matsui, "nay."  
 Mrs. Kennelly, "nay."  
 Mr. Coyne, "nay."  
 Mr. Andrews (TX), "nay."  
 Mr. Levin, "nay."  
 Mr. Cardin, "nay."  
 Mr. McDermott, "nay."  
 Mr. Kleczka, "nay."  
 Mr. Lewis (GA), "nay."  
 Mr. Payne (VA), "nay" by proxy.  
 Mr. Neal (MASS), "nay."  
 Mr. Hoagland, "nay."  
 Mr. McNulty, "nay."  
 Mr. Kopetski, "nay."  
 Mr. Jefferson, "nay."  
 Mr. Brewster, "yea."  
 Mr. Reynolds, "nay."

## REPUBLICANS

Mr. Archer, "yea."  
 Mr. Crane, "yea" by proxy.  
 Mr. Thomas (CA), "yea."  
 Mr. Shaw, "yea."  
 Mr. Sundquist, "yea."  
 Mrs. Johnson (CT), "yea."  
 Mr. Bunning, "yea."  
 Mr. Grandy, "yea" by proxy.  
 Mr. Houghton, "yea" by proxy.  
 Mr. Herger, "yea."  
 Mr. McCrery, "yea."  
 Mr. Hancock, "yea."  
 Mr. Santorum, "yea."  
 Mr. Camp, "yea."

An amendment by Mr. Kleczka providing that private health plans could exclude the coverage of services to terminate pregnancy in the guaranteed national benefit package of the underlying Chairman's mark. Defeated 33-5.

## DEMOCRATS

Mr. Gibbons, "nay."  
 Mr. Rostenkowski, "nay."  
 Mr. Pickle, "nay."  
 Mr. Rangel, "nay."  
 Mr. Stark, "nay."  
 Mr. Jacobs, "nay."  
 Mr. Ford (TN), "nay."  
 Mr. Matsui, "nay."  
 Mrs. Kennelly, "nay."  
 Mr. Coyne, "nay."  
 Mr. Andrews (TX), "nay."  
 Mr. Levin, "nay."  
 Mr. Cardin, "nay."  
 Mr. McDermott, "nay."  
 Mr. Kleczka, "yea."  
 Mr. Lewis (GA), "nay."  
 Mr. Payne (VA), "nay."  
 Mr. Neal (MASS), "yea."  
 Mr. Hoagland, "nay."  
 Mr. McNulty, "nay."  
 Mr. Kopetski, "nay."  
 Mr. Jefferson, "nay."  
 Mr. Brewster, "yea."  
 Mr. Reynolds, "nay."

## REPUBLICANS

Mr. Archer, "nay."  
 Mr. Crane, "nay" by proxy.  
 Mr. Thomas (CA), "nay."  
 Mr. Shaw, "yea."  
 Mr. Sundquist, "nay."  
 Mrs. Johnson (CT), "nay."  
 Mr. Bunning, "nay."  
 Mr. Grandy, "nay."  
 Mr. Houghton, "yea" by proxy.  
 Mr. Herger, "nay."  
 Mr. McCrery, "nay."  
 Mr. Hancock, "nay."  
 Mr. Santorum, "nay."  
 Mr. Camp, "nay."

An amendment by Mr. Bunning that would exempt abortion from coverage of pregnancy-related services in the guaranteed national benefit package, unless a woman suffers from a physical disorder or disease that

would, as certified by a physician, place her in danger of death if the fetus were carried to term; or where the pregnancy was the result of rape or incest. The amendment further provided that it was not to be construed to remove or diminish coverage of any reproductive health service, family planning service, or service for pregnant women otherwise provided for by the underlying bill, except abortion, and clarified that only an Act of Congress could expand the benefit package to include abortion, other than for the exceptions described above. Defeated 23-15.

## DEMOCRATS

Mr. Gibbons, "nay."  
Mr. Rostenkowski, "nay."  
Mr. Pickle, "nay."  
Mr. Rangel, "nay."  
Mr. Stark, "nay" by proxy.  
Mr. Jacobs, "yea."  
Mr. Ford (TN), "nay."  
Mr. Matsui, "nay."  
Mrs. Kennelly, "nay."  
Mr. Coyne, "nay."  
Mr. Andrews (TX), "nay."  
Mr. Levin, "nay."  
Mr. Cardin, "nay."  
Mr. McDermott, "nay."  
Mr. Kleczka, "nay."  
Mr. Lewis (GA), "nay."  
Mr. Payne (VA), "nay."  
Mr. Neal (MASS), "yea."  
Mr. Hoagland, "nay."  
Mr. McNulty, "yea."  
Mr. Kopetski, "nay."  
Mr. Jefferson, "nay."  
Mr. Brewster, "yea."  
Mr. Reynolds, "nay" by proxy.

## REPUBLICANS

Mr. Archer, "yea."  
Mr. Crane, "yea" by proxy.  
Mr. Thomas (CA), "nay."  
Mr. Shaw, "yea."  
Mr. Sundquist, "yea."  
Mrs. Johnson (CT), "nay."  
Mr. Bunning, "yea."  
Mr. Grandy, "yea."  
Mr. Houghton, "nay" by proxy.  
Mr. Herger, "yea."  
Mr. McCrery, "yea."  
Mr. Hancock, "yea."  
Mr. Santorum, "yea."  
Mr. Camp, "yea."

An amendment by Mr. Santorum providing that nothing in the bill shall be construed to conflict with any constitutionally permissible regulation of abortion by a state. Defeated 22-16.

## DEMOCRATS

Mr. Gibbons, "nay."  
Mr. Rostenkowski, "nay" by proxy.  
Mr. Pickle, "nay."  
Mr. Rangel, "nay."  
Mr. Stark, "nay."  
Mr. Jacobs, "yea."  
Mr. Ford (TN), "nay."  
Mr. Matsui, "nay."  
Mrs. Kennelly, "nay."  
Mr. Coyne, "nay."  
Mr. Andrews (TX), "nay."  
Mr. Levin, "nay."  
Mr. Cardin, "nay."  
Mr. McDermott, "nay" by proxy.  
Mr. Kleczka, "nay."  
Mr. Lewis (GA), "nay" by proxy.  
Mr. Payne (VA), "nay."  
Mr. Neal (MASS), "nay."  
Mr. Hoagland, "nay."  
Mr. McNulty, "yea."  
Mr. Kopetski, "nay."  
Mr. Jefferson, "nay."  
Mr. Brewster, "yea."  
Mr. Reynolds, "nay" by proxy.

## REPUBLICANS

Mr. Archer, "yea."  
Mr. Crane, "yea" by proxy.  
Mr. Thomas (CA), "yea."  
Mr. Shaw, "yea."  
Mr. Sundquist, "yea."  
Mrs. Johnson (CT), "nay."  
Mr. Bunning, "yea."  
Mr. Grandy, "yea."  
Mr. Houghton, "yea" by proxy.  
Mr. Herger, "yea."  
Mr. McCrery, "yea."  
Mr. Hancock, "yea."  
Mr. Santorum, "yea."  
Mr. Camp, "yea."

## THE REPUBLICAN PARTY: WHAT IT IS AND WHAT IT IS NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, for many years, the national media has pushed the line that the Republican Party was or is the party of the rich, the fat cats, the wealthy.

However, so many extremely wealthy people are so liberal that this propaganda is just not effective anymore.

Too many people know that it is false.

So, the new line is that the Republican Party has been taken over by extremists and hatemongers.

The new propaganda of the liberal media is that the Republican party has been taken over by the religious right.

This, too, is false—totally, completely, absolutely false.

The Republican Party has been taken over by people who are fed up by the fact that government, at all levels, takes half of the average person's income.

Our party has been taken over by people who are sickened by the fact that the Federal Government wastes such unbelievable amounts of money.

The Republican Party has been taken over by people who understand that big government helps extremely big business with all of its rules, regulations, and red tape, while it drives small businesses out of existence or forces them to merge.

Our party has been taken over by people who believe in the things that made this Nation great—free enterprise, the private ownership of property, and individual freedom.

The Republican Party is a party today that does not believe that the Federal Government should control, dictate, or dominate everything.

And yes, our party is filled with people who are very concerned about the breakdown of our families, the unsafe, even violent conditions in our inner cities, and the declining quality of our educational system.

The vast majority of Republican, like the vast majority of Americans, believe in prayer in schools. They believe that prayer helps many people and

really hurts no one, and that if the House and Senate can open each day with prayer, why not our schools.

Does this make the Republican Party religious right? Well, listen to what a very prominent woman says about prayer in schools:

... School prayer advocacy, especially in inner cities, is a symptom of people trying to figure every way they can to reinforce people's ability to work together, to live together in families, to have a sense of purpose, a sense of self respect, a sense of regard for others, and how we get along with each other.

These are the words of that well-known member of the religious right—Attorney General Janet Reno.

And as another prominent member of the religious right, says: "It is not just possible that anti-religious bias, masquerading as religious neutrality, is costing us far more than we have been willing to admit."

Those are the words of William Raspberry, the very fine and very liberal columnist for the Washington Post.

The Republican Party has been taken over by people who believe that "our government would be better if policies were more directed by moral values." Those exact words were taken from a recent poll for U.S. News and World Report, which found that 84 percent of the American people hold that exact same belief, while only 9 percent disagree.

Yet at the same time that an overwhelming majority believe that, another liberal Yale professor, Stephen Carter, says in his book, "The Culture of Disbelief." We have pressed the religiously faithful \* \* \* to act as though their faith does not matter."

The Republican Party is filled with people who believe in freedom rather than government and who know that government cannot solve all our problems.

It is filled with people who know that if our Nation is to survive, people will have to realize that they have responsibilities and not just rights.

Our party is filled with people who believe in freedom of speech, rather than political correctness, and who are being criticized simply because they have the courage of their convictions and do not need the national media to tell them how to think.

And yes, our party believes—as do an overwhelming majority—that homosexuality is not a healthy alternative lifestyle and should not be promoted as such to children in elementary school.

Those on the other side, the liberal side of the political spectrum, seem to know they are losing the arguments on the merits, so they are resorting to name calling.

They seem to think that if they say the words "hatemonger" or "religious right," that settles it—they don't need to discuss the merits, or lack thereof, of their positions.

Many people, though, are beginning to see that the real intolerance is coming, not from conservatives, but from the left.

In today's Roll Call newspaper, the very nonpartisan political commentator, Charles Cook, writes this:

\*\*\* Many of the Democratic attacks do come awfully close to religious intolerance, however. I was on a panel discussion earlier this week at a national College Democrats meeting (the next day I did one for the Republican National Committee, and both were for free), and someone on the panel made a passing reference to former Education Secretary William Bennett's recently published "Book of Virtues." I was stunned to hear at least one person in the audience hiss at the mention of the book \*\*\*

\*\*\* I wonder what offended this person about Bennett's anthology. Was it Longfellow's "The Children's Hour" or "The Village Blacksmith"? Was it Martin Luther King, Jr.'s letter from the Birmingham city jail or his famous "I Have a Dream" speech? Maybe it was Lincoln's Gettysburg Address? \*\*\*

\*\*\* I'd bet a dollar to a donut that the hisser hadn't the foggiest idea what was in the book. This is the kind of intolerance that causes many Democrats to be called cultural elitists, and it has put them out of touch with many working- and middle-class voters \*\*\*

To sum up, Mr. Speaker, the Republican Party is filled with people who know that most Government programs, no matter how wonderful their title, really help primarily the people who work for the Government and do very little for the intended beneficiaries.

Our party has been taken over by people who believe that they can spend their own money better than the bureaucrats can spend it for them, and who believe Government should have to live within its means just as individuals and families do.

Ours is a party that believes in freedom, hope, and opportunity for all people, and that Government should be of, by, and for the people, not just of, by, and for the bureaucrats.

This is a positive, optimistic message, and one that will appeal to everyone if it is presented to them without the extreme bias of the national media.

As a national advertising campaign used to say, Americans want to succeed, not merely survive. Most Americans, and certainly almost all Republicans, do not want the enforced mediocrity that comes with Government control or domination of peoples' lives.

□ 1940

#### THE FDR MEMORIAL COIN BILL

The SPEAKER pro tempore (Mr. TANNER). Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, I rise to encourage my colleagues to cosponsor H.R. 3270, the FDR commemorative coin bill. Congress mandated the FDR Memorial Commission to raise funds from private sources for construction of

a memorial for President Franklin Delano Roosevelt. The FDR commemorative coin can raise as much as \$5 million of private, non-Federal funds for the purpose.

The FDR Memorial is not a new project. Congress created the FDR Memorial Commission in 1955 to plan and construct a memorial to our only 4-term President. The American people feel a deep debt of gratitude to President Roosevelt for his leadership in America's struggle for peace, well-being and human dignity. Because of its unique design, the FDR Memorial is not only a tribute to the life and work of the man, but more importantly, it will serve as a vivid reminder of the Great Depression and our fight for freedom in World War II. As our country commemorates WW II, it is appropriate that we honor the man who was our Commander in Chief during the time Americans fought against tyranny and defended democracy throughout the world.

1995 will mark the 50th anniversary of President Roosevelt's death. The plans for the memorial, which will be located near the Tidal Basin in Washington, DC, has been approved. The ground breaking has taken place. The time is now to raise the funds necessary to continue construction. The FDR commemorative coin gives the American people a wonderful way to support what will certainly be one of our Nation's greatest, most visited memorials.

I urge my colleagues to give the American people an opportunity to personally contribute to the memorial in honor of President Roosevelt. Please support H.R. 3270.

#### RELIGION

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and because there is no designee of the majority leader, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the chance to discuss the important issues relating to the attack on people of faith being carried out by high officials in the Democrat Party. I think we need to address many of these issues, and I have with me colleagues tonight who are prepared to do that, and I would like to yield to the gentleman from North Carolina [Mr. TAYLOR] who has been a leader in addressing this issue of the EEOC guidelines on religion, and I would like to allocate such time as he may wish to share with us to him for his thoughts on that subject.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to thank the gentleman from California [Mr. DOOLITTLE] for putting together this special order and addressing this subject. I think he has done an outstanding job on many occasions with these special orders in bringing to the public's attention a number of concerns. The one that I am speaking on this evening is the EEOC regulations that were promulgated last October, and made known through a hearing period, and in

effect have been recognized by companies in this country so strongly that many of the private companies have issued regulations dealing with those proposed EEOC regulations. They issued rules for their companies.

Now what would these EEOC rules do? First of all, they would say that in the work place, under the guise of religious harassment, under title 7, that we could not have any mention of religion, either positive or negative, and that is essentially what the company that issued its regulations has said. That would include jewelry, artifacts, potential conversations of employees dealing in this area.

Now this is as much a question of first amendment protection as it is anything else. It is not the necessity to sponsor any religion under any particular name. It is not the necessity to be against any religion under a name. It is to say that the Framers of the Constitution gave us a Bill of Rights and that first amendment protected us in the area of religion. It was not that we wanted a state religion. On the contrary. The Framers of the Constitution had seen that experience before and wanted nothing to do with the state of religion, but they did want religion in the state. And over the 200 years of our history in this country we have recognized that fact.

And here comes today bureaucrats that have devised rules that say, "No, this is wrong. This is something that we cannot tolerate. It will be harassment if you mention any sort of religious activity, invite someone to Sunday school, do something else in the work place. That will be harassment."

Now this could have been stopped. The President with one phone call could have stopped this months ago. The President could have said, "This is wrong. This is something I don't want to see. It seems to be encouraging rather than discouraging, and let's see what the effect is."

Yesterday I met with a group of NASCAR drivers. They said they could have had a truckload if they had had time to put it together. But we had seven or eight come down and point out one of the things that concerns them about the EEOC regulations. They pointed out that each Sunday, since that is the day of the race at the track, they have a minister who has a special service for the drivers. Now they are about to get in about a four by four space of solid metal. It is about 140 degrees on a summer day out there, and they are going around laps between 100 and 200 miles per hour risking their life in a sport they love. If they want to have a special service conducted by a minister on Sunday morning before they start the race, who are we to say that they cannot? Who are we to tell the fans, the hundred thousands or so that are going to be watching that race, "I'm sorry. We can't have that

race because we think there might be some religious harassment going on here in the stadium before the sports race starts?"

The necessity and the reason we have the freedom of a Bill of Rights is to let everyone make up their own mind in these areas, to let everyone have the freedom to do as they please in these areas. The government in my district, people recognize, would mess up a one-car funeral, and yet we are calling on them to devise regulations and tell us how to micromanage our lives in this most sensitive of areas. It is absolutely ridiculous that we are getting to this point.

I had a marine write a letter, an officer in the Marines. He said, first of all, we are going to have to change the Marine motto if this goes on because *semper fidelis* is just part of the motto. The motto is: Always faithful to God and country. Now we will have to remove God obviously because that will not be allowed in our workplace, and the chaplain may not be able to minister either in the battlefield or in the barracks because that is the workplace of those individuals.

So, Mr. Speaker, it is a situation where with each step we get more and more ridiculous.

I served on committees with the gentleman from California [Mr. DOOLITTLE] who has put together this special order, and I maintain that the depths of dumb cannot be fathomed in Washington, DC. That does not mean there are not good people here. I served with intelligent people in the House and in the Senate, people whose character is above reproach. But somehow, as we pass legislation and it becomes promulgated into ever finer regulations on the American people, all of us who have human weaknesses and fallacies are going to make the errors, and that is passed on and put on the American people as onerous rules and regulations.

□ 1950

Somehow, that comes about, and we continue to pile these on the American people day after day. We issue between 60,000 and 100,000 pages of regulations in the Federal registry every year. Those are regulations like the EEOC regulations that have to be recognized and obeyed as the law of the land.

One last comment I would like to make, and I know the gentleman from California is a cosponsor of this, and that is we have legislation, our amendment tomorrow, that will deny the EEOC funding to enforce the religious regulations that it has, and I hope that amendment will pass. It will give us a year to go in and change those regulations, abolish those regulations, if the House sees fit, and to correct that problem.

But what about the future? The gentleman has cosponsored with me a

piece of legislation that would require whenever rules and regulations or whenever the bill is passed, and then goes to the appropriate bureaucracy for rules and regulations to be promulgated, they would have to come back to this House to be examined by this House and then approved or disapproved.

We could save the American people an enormous amount of grief and trouble if we would pass that regulation and if we pass that law and keep those regulations from being put on the public until we get a chance to assess them.

I want to tell the gentleman again how much I appreciate him and our colleagues for this program on the family and the threat to the family.

Mr. DOOLITTLE. I thank the gentleman, who has been a leader in this Congress in fighting for the rights of Americans. The bill you just mentioned is an outstanding piece of legislation that would probably, more than almost any other single piece of legislation that we might enact, do more to impact the average American. Because all of a sudden, the Congress would have to pass judgment before any of these regulations take effect. And there are thousands and thousands of pages of regulations, especially under this President, and it is just devastating.

I would like to ask the gentleman before he goes, because this is such an important issue, do you mean to say that under what the EEOC is doing, that conceivably an employer could be ruled in violation of the regulations for harassment because, for example, he might have a Bible on his bookshelf, or might wear the little pin, you know, the fish pin or maybe a cross, or might allow an employee to have one? Or maybe an employee has religious pictures at his desk, or maybe in the coffee room an employee witnesses to another about his or her faith? Are those the types of things that are conceivably prohibited under these guidelines?

Mr. TAYLOR of North Carolina. Exactly. Or offers of scripture for someone who lost a family member that could bring some relief, or invites them to a service during the week for some relief. All of that would be prohibited, and the employer could be held liable for harassment in that particular circumstance.

Mr. DOOLITTLE. So what we are really facing is every employer in this country, what do we have, 6 million small businesses, give or take, every employer in this country could be the subject of an official governmental action against him, and have the privilege of paying \$15, \$20, \$50, or \$100,000 in attorney's fees to validate his first amendment rights? Is that what we are talking about?

Mr. TAYLOR of North Carolina. That is exactly what we are talking about. I

hope in this body tomorrow we are going to be able to give 1 year's relief. It will not solve the problem. We need to follow with legislation to change or abolish the regulations. But this will say we get a year's relief from the regulations that have already been promulgated, and we will not have to live under them.

Mr. DOOLITTLE. The gentleman has done great work in this area, and we are anticipating a favorable result here in the House tomorrow. I thank the gentleman for taking the time to come down to the floor to explain this very important aspect of the attack on people of faith relative to the actions of the Clinton administration's EEOC.

Mr. TAYLOR of North Carolina. I thank the gentleman for his time.

Mr. DOOLITTLE. Well, we have a number of issues to talk about, and we have here my colleague from the East Bay in California, Mr. BILL BAKER, whom I would like to allocate some time to.

Mr. BAKER of California. Thank you very much, Mr. Speaker, and Mr. DOOLITTLE from California. It was a very big surprise to me when I came here to Washington and discovered that the problem was that the religious right was taking over. And here all the time my constituents and I thought that a weak national defense, a \$4 trillion national debt, an arts program that has gone absolutely haywire, goals for education that have no relationship to the future or to science and math and hard subjects, and I learned it is not those things that are a problem, but we are on a witch hunt trying to find whether the religious right has taken over Washington.

Russia has recently undergone real change, and their leaders, JOHN, have said that we need more faith in our country. And they are passing out Bibles in their schools and are teaching their children to respect God, to respect themselves, and to have faith.

Now, this is in a country that formerly was highly alcoholic, people were bored to tears. There was no productivity increase because everyone was working for that nameless, faceless state.

Now that they are individuals again, and now that they have become free, they are talking about how to rebuild their country. And the way to rebuild their country is to rebuild their people. And the way to rebuild the people is to restore faith.

So they have gone back to the Bible and gone back to faith, at the same time the Clinton administration here in Washington is telling people, don't have a show of religious faith. Don't have any religious symbols in the workplace. Don't wear a crucifix or a Star of David. Don't show that you care about anything but the state.

We are repeating the mistakes of the last 70 years. The EEOC now is promulgating regulations for the workplace. I

This is reminiscent of taking over health care. We are having a health care fiasco here where the health care providers are not being asked what can we do to provide increased health care. What we are asking is how can we provide more bureaucracy and government control over health care. So you know whatever comes out of Washington is not going to say how can you get through your doctor's office faster, how can you have a procedure at a hospital cheaper and better.

What they are saying is how can a regional health alliance control what kind of insurance you can have. How can a national health board control how much money is spent on health care. How can we fix pharmaceutical rates and hospital rates so no money will be invested in new plant and equipment and future wonder drugs.

The question here in Washington is over political control. It is not over faith, it is not over producing better quality medical care for the people, it is not even over the citizens themselves and how they can live better by keeping more of their income in their pockets. It is about government control.

So this whole battle is about whether they are going to control your life, JOHN, and your faith.

Mr. DOOLITTLE. So if I understand the gentleman, the gospel of bureaucracy, governmental control, spending by the government, and taxes, is favored under this administration, it would appear. But for people to profess faith or live by the values of the family is apparently disfavored, at least so far as we can tell by the actions of the Clinton Justice Department in supporting the EEOC regulations referenced by Mr. TAYLOR, which pose a threat to every employee in the country, and certainly to every employer, and other examples that we no doubt will cite later on here.

But the gentleman mentioned the health care plan. You know, it is interesting to me, we talk about the attack on people of faith. We have been branded the religious right. You know, it seems to me basically it is just whatever the ultra liberals who run this country don't like, they want to put an ugly name on it. To their way of thinking, what could be uglier than the religious right? What is so bizarre is, of course, look how many good people in this country, Democrats and Republicans, are people of faith. Are they all to be branded by the Democrat leadership religious right, and therefore cast aside?

Mr. POMBO. If the gentleman will yield, you mention the religious right and it has been mentioned in the previous statement by Mr. BAKER about the attack being on our religion. And I think it goes much deeper than that. The attack is not just on religious freedom and the fact that conservative re-

ligious people have decided to become involved politically because they see our country going down the drain. It also stretches out into many other areas. Some of the groups which have been attached to the radical right are groups such as National Taxpayers Union, a taxpayers watchdog group which oversees how every taxpayer's dollars are spent in this Federal bureaucracy.

It also reaches out to groups like Citizens Against Government Waste, who is a watchdog group who watches over wasteful government programs.

□ 2000

Those groups are being called radical right. You know what else is also called radical right? Term limits, U.S. term limits group, which has decided to get involved in educating people across this country about who is in favor of term limits and who is not. That is called radical right.

If you look at the American people, and I have looked at polls, public opinion polls across this country, and you ask them about taxpayers and you ask them about the tax rates that our Federal Government imposes upon its citizens, they are not happy. If you ask them about wasteful government spending, they are not happy. But does that mean that every person who agrees with the National Taxpayers Union or Citizens Against Government Waste is somehow castigated as radical right?

Mr. BAKER of California. They are just trying to paint any group that opposes the Great Society here in Washington as religious right. Imagine, we have two million employees we cannot even figure out when we steal 40 percent of a person's income that we are putting pressure on the family. And what are we spending that money on? Art that is obscene and of questionable value, a military that is now being demoralized because we have changed the standards of who gets in the military and what they can do when they are in the military. We are trying to destroy America from within, and we cannot even find out that overtaxation and overregulation are the cause for most of the people's lack of faith in their government. So is it strange that they turn their faith to a real God and to the Bible.

Mr. DOOLITTLE. I consider it to be one of the greatest moral issues in this country today, the destruction of the American family by government through overspending, overregulation and overtaxation which is forcing both parents out into the workplace so they can earn enough money to pay their taxes. And because I believe that and because millions of Americans across the country believe that, we are branded as the dangerous radical right.

Well, I just think people need to understand, we are not talking about a

situation where someone is trying to impose their narrow religious views on everyone in this country. We are talking about fundamental notions in fairness, of what is appropriate for the relationship between the government and the people whom the government is supposed to serve. I think the gentleman from Tracy, from the 11th Congressional District, the gentleman from California [Mr. POMBO] and the gentleman from California [Mr. BAKER] have both made excellent points that we need to just stand up and say, wait a minute, folks, do not put some label on us so that you can dismiss the work that we are trying to do.

I think the American people need to understand what we are talking about. This is not an attack that is being waged in order to divert attention. Even in today's Roll Call, a Democrat author named Charles Cook wrote a very interesting article, if I might just presume upon my colleagues to quote this, because Roll Call is a little house liberal democrat newspaper that circulates up on Capitol Hill. And it serves as a vehicle for the Democratic congressional committee and others to use to put out their views.

But even this paper thought they had gone overboard. Let me just quote them. "Clearly, it is an expedient tactic for Democrats to employ," referring to this branding of the religious right or using that term, "particularly as the prospects for health care reform look increasingly grim, as foreign policy developments suggest ineptitude on the part of the Administration"—can you imagine that, with Bill Clinton in the White House and Jimmy Carter helping him out in Korea? This country is in deep trouble. And they do not want you to focus too much on that. I am diverting from the quote. Let us go back.

Ineptitude on the part of the Administration and as the battle ranges with Republicans over Whitewater. In politics, you always need a devil to beat on, and by reminding everyone of the horror show of the 1992 GOP convention in Houston, Democrats can conjure up a very convenient demon.

I thought this thing about the demon was interesting, because I also read in People magazine, June 27, 1994, excerpts from this new book on the chaotic Clinton administration by Bob Woodward, very interesting book. I think it is called "The Agenda." And in this, there is a little reference to this idea of demonization. It is talking about Mrs. Clinton and how she operates. It says, "In an extraordinary White House meeting, she," meaning Mrs. Clinton, "told Clinton's advisors, 'we need to tell a story to sell our plan that has heroes and villains. You need to demonize things to sell something to people.'"

Mr. BAKER of California. Pretty hard to make your doctor a demon.

Could I just interject, after the Senate took one look at the EEOC guidelines, trying to overregulate the workplace and the people who work there, the Senate voted 94 to nothing to throw out the religious harassment guidelines. This is on June 17, 1994. So just very recently, after this was proposed, the Senate said, thank you, but no thank you. I am hoping that this House, Congressman DOOLITTLE, will take the same well-reasoned approach to the overregulation of the workplace by a greedy Congress.

Mr. DOOLITTLE. That is 94 to nothing. I do not know if TED KENNEDY even voted for that, but I presume a lot of established liberal Democrats did.

The SPEAKER pro tempore (Mr. TANNER). Members should refrain from referring to individuals of the other body.

Mr. DOOLITTLE. Mr. Speaker, I stand corrected. I will just refer to the liberal Senators who no doubt voted for this.

Still, though, the Clinton Administration has yet to direct its own bureaucrats in the EEOC to withdraw those, even after a 94 to nothing vote. We will have a vote offered by Mr. TAYLOR tomorrow on that and, hopefully, these people in the White House who say we are extreme, maybe they will get the message and will withdraw what I think to everyone but to them clearly is extreme.

Mr. BAKER of California. Let me quote the author of the 94 to nothing amendment, a Democrat named HOWELL HEFLIN who said, "It is a consensus on all sides of the political and religious spectrum that these guidelines as currently worded are seriously flawed at best."

Mr. DOOLITTLE. I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I am a little late joining your special order, as I promised I would, because I was watching Crossfire. I would not mention a show in competition with us right here except that it is off the air now, but the guests were Haley Barbour, chairman of the Republican Party, and the distinguished Member from the other side of the aisle who is head of their Congressional Election Campaign Committee, VIC FAZIO. And I was watching VIC, who is a good-natured person, smiling throughout the whole thing, trying to figure out if he really understands the Pandora's box that he has opened here.

Now, you are a Mormon in the time that I have known you. I have known you as a family man, a man of faith who loves his Mormon faith. Some of us on the floor are Catholic. I do not even know the religious affiliation of second, brandnew, shiniest Member.

I usually do not know anybody's religious affiliation until years and years after I have served with them. But I can pick out very quickly, after 6 months of floor voting and debate,

those who are concerned, as you just expressed it, about the destruction of the American family.

I have here the transcript of our friend, VIC FAZIO, at the National Press Club yesterday morning. And it is very revealing.

The press, I am happy to say, really put him up against it with a long Q and A period to try and figure out where he was headed with all this. I think he is going to crash into a stone wall and take his party with him, if they do not follow the advice I gave Vice President AL GORE at the back of the Chamber yesterday, to back off this divisiveness and what I think is clear and simple Christian bashing, much broader than the narrow focus that VIC FAZIO tried to give it on the Crossfire Show tonight.

The Catholic article in yesterday's Wall Street Journal, by Gerald Seed, who is not an ideologue in any way, I was told on the show by Bob Novak, he wrote an article, "Catholic Voters May Be a Problem for the Clinton Team." And I put this article in the RECORD yesterday. It is in the RECORD under all of our chairs today.

I think one of the things that I discussed with Speaker FOLEY yesterday, with DICK GEPHARDT and with Vice President AL GORE is they better understand how broad reaching this attack is.

I said, "Are you going to make a case to me that Pope John Paul the 2d is part of the religious left?"

□ 2010

Or is he even some centrist moderate compromising group when he spoke in very forceful terms with the magisterian, the teaching authority of the Catholic Church behind him on homosexuality, on taking innocent human life in the womb and crushing it, killing it, flatlining it, stopping a heartbeat?

Here is one of the things VIC said, VIC FAZIO said in response to a question, that I think is revealing. The moderator for one questioning period said, "So you would say that in their agenda," the Christian right, "I mean, what would you classify as being radical?"

Mr. FAZIO responds, "Well, I guess I fear the intolerance, as I said earlier, the intolerance of people."

"Specifically," the moderator said, and Mr. FAZIO, "Well, as it comes down to books in the library, magazines and newspapers," and get the next line, "things that relate to people's sexual preference," ah ha, "places in which it is appropriate to express your faith," oh, you mean like praying here in the morning, praying at the Supreme Court, our brothers and sisters in the U.S. Senate opening every one of their days with a prayer?

Then he says, "The ways in which you might do it, express your faith. I certainly think these are kinds of

things that trouble people who believe in the Constitution." You mean like the 56 men who signed the Declaration of Independence and they all lost their fortunes, that wrote their lives, their fortunes, and their sacred honor, and "with a firm reliance in Divine Providence" went right before that?

Then he says, "And those that believe in the separation of church and state, that is a true protection for those of religious faith as well as for those in the country who choose to practice theirs in another way."

Let me just read six titles of articles and then we will discuss.

Bob Novak today, a dynamite column: "Doctor Elders Is Safe," safe from being fired, but Bob Novak writes a great column that this country is not safe from her attacks on Christianity.

Joycelyn Elders, the sex guru general, "Condoms to Nine-Years-Olds," and here is where she is discussing, "We had a girl in Arkansas who at eight gave birth to twins." I wonder if this is really true. I will take her at her word. "We must teach them responsibility and make sure they have the availability of a condom," and that is an uninterrupted sentence.

"Condoms For Eight-Year-Olds," and that column is by my friend, Susan Fields, an excellent column.

Here is from today's newspaper. "Fazio Says Religious Right Is Pushing GOPs To Extreme." Of course, one of the things that everybody is questioning VIC about is, since when are we going to get all this free advice from VIC on how to save our Republican Party? He even talks in this Press Club Q and A period that he things if we are ever going to take the White House back, we have got to follow his advice. I know VIC wants us to take the White House back.

Mr. BAKER of California. Will the gentleman yield? Who won seven of the last seven special elections in 30 percent Republican districts, the last two?

Mr. DORNAN. And they were not always people who were pro-life. The Senator from Georgia got Christian Coalition help. He is pro-choice. So did the very talented Senator from Texas that won.

Mr. BAKER of California. If the gentleman will continue to yield, who won seven of the last seven elections?

Mr. DORNAN. The Republican Party, and not every candidate was alike, and the Christian Coalition weighed in to help people that they did not agree with across the board.

Mr. BAKER of California. Mr. Speaker, I would ask the gentleman, is the Republican Party the only party where you can have an open discussion on issues like homosexuality and abortion, where both sides are represented?

Mr. DORNAN. A darn good question, I would say to the gentleman, because when you try to get a discussion going like that in some Democrat groups

across this country, you are shot down. There is only one viewpoint that is tolerated, and that viewpoint is pro-sodomy, and 95 percent of the Democratic clubs across this country are aware of this in the debate. You are screamed down. You could not even talk on the Democratic Convention platform, if you were the Governor of one of the biggest States in this Union, and I am talking about a Democratic pro-life hero, Bob Casey, but seven Republicans were put up on the platform at the Democratic Convention who had never done anything to walk a Democratic precinct in their life. They were given a platform and the Governor of Pennsylvania was told, "Get lost."

Mr. POMBO. Will the gentleman yield?

Mr. BAKER of California. I wonder if we could introduce our second newest Member?

Mr. POMBO. Before we do that, Mr. Speaker, I would like to ask the gentleman from California [Mr. DORNAN] a question. He says that not all the candidates were alike, that they had different viewpoints. What was it that tied all the candidates together? What was the central theme behind all seven of those?

Mr. DORNAN. To use Lee Atwater's big tent frame, one thing that brought all seven of these candidates together, and we have one of them right here with us, so we are going to give him the floor in a second, was the moral issue of passing massive debt on to our children and grandchildren and their children, massive debt. We have got into a bankruptcy type spending in this country that is so bad it is a moral issue. There is one.

Crime was an issue that brought everybody together. The health care issue was discussed in most of these races, because I think every one of them but one, maybe all seven, came after the Hilary task force had weighed in with its 1,364 page report.

Let us ask the gentleman from Oklahoma [Mr. LUCAS] what are the key issue in his campaign and how broad was his support?

Mr. DOOLITTLE. I yield to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Speaker, I appreciate my colleague from California yielding to me.

Mr. Speaker, I believe if we actually take into consideration both of the House races, are we not nine for nine in major contests since election day in this country?

Mr. DORNAN. We were talking about big State races; nine for nine.

Mr. LUCAS. If the gentleman will continue to yield, I think quite clearly, and I suppose I should apologize to my colleagues, because from what I am able to gather and determine, a lot of this, whether you want to call it hysteria or this angle of attack that is now being used, really did not start to

boil up to the top until after my election victory in the Sixth District of Oklahoma, and that of our new colleague, the gentleman from Kentucky [Mr. LEWIS]. So obviously we have gotten someone's attention.

Pounding up and down the trail in the Sixth District of Oklahoma, a district that was and is 65 percent Democrat in registration, a district full of very conservative Christian Democrats in both an urban and rural environment, it was a joy for me to run as a candidate who opposed massive tax increases, who supported term limitations, a candidate who did not want to nationalize health care, a candidate who was opposed to further intrusions in our private lives, be it gun control or other things of that nature; a candidate who said up and down the trail that things like our agricultural industry and our energy industry were being ignored by the present administration in favor of short-term social goals.

It was a pleasure campaigning out there because the people of western Oklahoma, of central Oklahoma, responded to me. Certainly I shared those conservative moral values and was never ashamed to say so, but they responded to me.

Mr. Speaker, if there is such a thing as a radical right in western Oklahoma in the Sixth District of Oklahoma, then those are just the common folks who earn a living, who send their children to school, who care about the issues. So what if they happen to go to church on Sunday, happen to be God-fearing people? I am proud of them. I am a pleased person to serve them, to be one of them.

This statement that they are the radical whatever that sent FRANK LUCAS to Congress is just so unbelievable, so totally unbelievable, as to be laughable. I know out there that they know this.

Mr. Speaker, I apologize to my colleagues for creating this mass hysteria among the other side in their efforts to lash out and try to put a different spin on things. Quite simply, my constituents, the salt of the earth, good, solid people who are still registered in the other party, are so because they are not ready to admit that they have been gone off and left in the political stream of life.

Mr. DOOLITTLE. Mr. Speaker, I would like to ask the gentleman a question. He was elected in a district, I believe, that has not had a Republican elected for over 20 years, is that correct?

Mr. LUCAS. That is correct, 19 years.

Mr. DOOLITTLE. OK, 19 years. What is the Democrat registration in your district, I would ask the gentleman?

Mr. LUCAS. Sixty-five percent Democratic. In fact, my home county, until a number of good people reregistered to help me in my primary, it was about 91 percent, 92 percent.

Mr. DOOLITTLE. When the gentleman from California [Mr. FAZIO], head of the Democratic Congressional Campaign Committee, and Mrs. Clinton, the First Lady, are out to "demonize," as the evidence shows that that is what they are out to do, they are basically saying to all the good Democrats, not just the Republicans, to all the Democrats in the gentleman's district in Oklahoma, "You are the religious right and we don't respect you." Is that what your impression is?

Mr. LUCAS. The very people we are speaking of are the folks who are the backbone of my district, and I believe the backbone of this country.

□ 2020

Mr. DOOLITTLE. The overwhelming majority of the people in this country are God-fearing people. I think the statistics are that over half have prayer every week, go to church every week. So imagine the God-fearing people of this country, Republicans and Democrats, independents, all being labeled by the Democratic Party leadership as somehow less than worthy of full dignity because they are "religious right." Shocking, really.

Mr. DORNAN. Let me tell you again, looking at our colleague, VIC FAZIO, in his long appearance at the National Press Club, and let me see if I can try and figure out what he is saying. He is saying, and he said it again on Cross Fire tonight, he would say to the people in the Sixth District of Oklahoma, "Go ahead and practice your faith, go ahead and let your faith give you certain beliefs. But don't bring those beliefs or worries about values to the public marketplace in a voting situation and attempt to influence other people's opinions. If your value system is based on religion, keep your mouth shut. If your value system is just based on the simple law of the jungle that you do not want to be beaten up, so you want brutes put away in prison, well you can base it on that."

I think what is happening here, I said in my 1-minute today, read an article from the USA Today by Richard Benedetto, I am not that familiar with him, but I am starting to read a little of these news coverage stories just in the past month on other things other than religion. He says Clinton faces over the next 2 years, if he has any thoughts of a second term, he says he has "very little wiggle room," as he says it, the fate of his health legislation, the results of the 1994 elections, I guess the long-term performance of the economy, the outcome of a sexual harassment lawsuit filed by Paula Jones, a former Arkansas State worker, hearings in this Chamber and the U.S. Senate on the Whitewater land dealings and his ability to get a credible handle on foreign affairs. I added the word credible. He said get a handle on foreign affairs. Now if he has all of these

worries, what can they come up with to divert, to stop this nine for nine onslaught against them of losing all of these elections? I think somebody without understanding at all, because they are not part of it, they are not part of the fear about the cultural meltdown and the worry about family values in this country, they thought that they could attack a segment of those who encourage voters to get out and vote, and attacked on a TV show Rev. Jerry Falwell, and former Rev. Pat Robertson. He wants to narrow it down to a few, and he does not understand, frankly. Two of my daughters, and I have three, but the two oldest ones who were married first have three kids each. They told me, "Dad, as plain, run-of-the-mill Roman Catholics who go to church every Sunday, we consider ourselves part of the religious right. We are part of that Christian coalition. We think government is making it hard for us to raise our children. We don't want condoms passed out in schools. We do not want value-free courses teaching sex such as straight old biology as though you are talking about animal husbandry." They said, "Don't these people understand they are insulting us?"

I know that there are Reagan Democrats, as they were called by the political pundits all across this country who rejected Bush for economic reasons and are now analyzing the common wheel, what is going on out there in the marketplace, and they are disgusted with the continual assaults upon the family. And they sit back and they say now let me see, was it the conservative philosophy that has caused this, the conservative judges, the conservative lawyers, the conservative district attorneys, the conservative movie producers or financiers, the conservative actors or actresses, the conservative show hosts, the conservative priests, the conservative rabbis, the conservative ministers, was it the conservative politicians who defended pornography down the line the last 30 years until they have turned our Nation into an open sewer in some cities? Who has defended abortion for all 9 months for any reason and told young teenage girls, 13, 14, 15 that they could have an abortion behind their mother's back, and that we as a party will fight to get them Federal money, and tell those who think it is murdering innocent life to just take a walk, we are going to get you Federal funding for this? Who has said the Boy Scouts should take in homosexuals? Who other than Joycelyn Elders?

And there is a column by Novak where he quotes the cardinal of Washington DC's archdiocese, Cardinal Hickey, who says we must now accept that everything that Elders says is Bill Clinton speaking. He now must come forward and admit this is everything that he stands for, or he would not tell a cardinal twice in two letters to back off, that he is going to support Elders.

Mr. BAKER of California. Mr. Speaker, if the gentleman will yield, the Attorney General has determined that we should not have multidistrict prosecution of child pornography. As the gentleman recognizes, child pornography is not a mom and pop industry. It is a large section of the organized crime, and in order to get rid of the Reagan administration attack where it had attacked in several districts at once in district courts, the Attorney General determined that we would not do that any longer.

Also, instead of having standards that disallow children to be involved at all in child pornography, they said the child had to be nude and performing a sex act. It was not just enough that they were in it.

This weakening of the child pornography laws was tossed out of court by a well-reasoned judge as she tried to get a conviction overturned so they could establish these new weaker standards.

My question is do you not believe that the first year and a half of the Clinton administration, with the ridiculous appointments and the weakening of our laws toward the family is reestablishing the Reagan revolution, and these nine victories were because people do have character, they respect family failures, and they are going to get that, they are going to elect Frank Lewis in a 30 percent Republican seat?

Mr. DORNAN. In direct answer to your question I would give names in the White House. When Christians and people of orthodox faith, and I have plenty of orthodox rabbis calling me, writing me, stopping me in the hall. I tell them, "Don't whisper. We're in the majority around here. You wouldn't know it from the news media."

But when you look at appointments like Donna Shalala, Roberta Actenberg, Christine Gibby, Joycelyn Elders, Patsy Thomason, when you look at the trooper 4, the Rosegate law firm 4, money changers in the Arkansas temple 4, that is my name for them, the condom 4, the pro-Hanoi 4, Strobe Talbot, Derek Shear, Sam Brown, and Morton Halperin, when you look at the Fab 4, James Carville, Paul Begala, Mandy Grunwald, and Stan Greenberg, and battered wife Stephanopoulos Christians who are worried about their children, and worried about what's happening in the schools look at this and they say, "Where is our support?"

Novak in his column says where is there one traditional, upstanding Catholic who identifies with Mother Teresa, who agrees with every single bishop in America on life issues, even the liberal and moderate bishops, where are these people?

I want to get the exact words of Cardinal Hickey's spokesman, Monsignor William Lori. And he says, "I'm speaking for Cardinal Hickey.

"One can only really conclude from both Clinton's letters, May 6 and June 3 this month, that Dr. Elders is truly speaking for the administration."

When I got back from Normandy, one of my sons said to me, "Dad, is the press going to have the guts to question the President about what Elders said while he was gone?" and I asked what that was. I did not hear it over there in Europe. Elders told the press that Clinton stopped her somewhere during the month of May and said, "Joycelyn, I'm all for you. I'm backing you up. I love what you're doing. I'm with you all the way."

Then she says yesterday, "I taught your President," she should have at least said hers, ours, she said, "I taught your President an awful lot," and got a standing ovation from about 300 lesbians.

I mean, what is going on here? As I said this morning, why does my pal, VIC FAZIO, who has a nice personality, think he can back up people who are insulting every Christian denomination in this country worthy of the name? I wish we had Ron Lewis here to join with Frank. The way he had been demonized, to use Hillary's word, in the press, I mean I was really looking forward to meeting a Christian bookstore owner from the great State of Kentucky. And here is just another good, hardworking Member who is worried about the country, worried about the massive accumulating debt, worried about the family, worried about his kids and whoever God has put in his care, and you would think by reading some of these columns that Frank here and Ron Lewis was the beginning of some sort of Middle Ages, Dark Ages takeover and crushing of the liberty of this country.

□ 2030

Mr. DORNAN. The crushing and the oppression has been against the American family, not the other way around.

Mr. DOOLITTLE. I would like to inquire of the Chair, Mr. Speaker, how many minutes we have left.

The SPEAKER pro tempore (Mr. TANNER). The gentleman has 13 minutes remaining.

Mr. DOOLITTLE. Thirteen minutes. I thank the gentleman.

Mr. DORNAN. If the gentleman will yield, do not rush. Because I follow that with 60 minutes. But I want to let the Speaker pro tem make it down to the chowder crabfest down at the White House. I may go down there myself and tell them about our special order, give them an autographed transcript of the RECORD tomorrow. But we have got plenty of time. Let us not rush this.

Mr. BAKER of California. I think it is important to remember that when the gentleman from Oklahoma [Mr. LUCAS] was sworn in, the first thing he did was sign, not the scriptures, but

the A to Z withdrawal petition to cut government and to balance this budget.

Mr. DORNAN. He did it before he spoke. He started to speak, went around and signed it, very dramatic moment, then came back and then made his introductory, very pleasant, remarks, to this Chamber.

Mr. BAKER of California. Very radical; very radical.

Mr. DORNAN. Let me get the reaction from everybody. My friend, the gentleman from California [Mr. FAZIO], was beating up on my friend Pat Buchanan, and they took a simple verbal slip of Pat Buchanan at the Republican Convention, and VIC used this again, said should we have a religious war in this country, and he starts beating up on one line of Pat Buchanan's at the Republican Convention. Here was Pat's line. Pat said, incorrectly, "We have a religious war in this country." He meant, and he has corrected it and said it ever since, "We have a spiritual war, a cultural war, in this country."

But Clinton went up to Notre Dame, very carefully had priests behind him with the good-looking Roman collars on, and he says, "We do not need a war, one religion against another," and got a standing ovation from the Notre Dame student body that was there. Pat was not calling for Mormon against Presbyterian against Methodist against Catholic against our Jewish brothers. That is not what he was saying at all.

What he was saying is we have a war of values, and do we. So here is Pat today, and let us everybody grab a piece of this.

Buchanan's column starts off by saying, "Bellicose barrage of Christian-bashing." Excuse me, this was last week. You would think that VIC FAZIO's staff would have put this in front of his face and tipped him off he is heading in the wrong direction. Pat starts off: "Are you now or have you ever been a Christian? The way things are going, congressional committees are likely to be asking that question in a few years. What is the Christian-bashing all about? Simple. A struggle for the soul of America is under way, a struggle to determine whose views, whose values, beliefs, and standards will serve as the basis of law, who will determine what is right and wrong in America, and the intensifying assault on the Christian right should be taken as a sign that these folks, the Christians, are gaining ground and winning hearts."

Jump forward to his closing two paragraphs: "If one would sit with these Christian folks and ask what they want for America, one would find that the answer is they simply want America to become again the good country she once was." Now, I think still is. "They want the right to life of unborn, preborn children protected. They want the popular culture to re-

flect the values of patriotism, loyalty, bravery, decency," and it sounds like the Boy Scout oath, does it not? "They want magazines, movies, and TV shows depolluted of raw sex, violence, and filthy language," and I know that Pat wants the marketplace to do that, not us in this Congress, "just as they want rivers and beaches detoxified of raw sewage. They want the schools for which they pay taxes to teach the values in which they believe," the values, by the way, that Alexis de Tocqueville saw in this country in the 1830's. Pat continues, "They want kids to have the same right to pray that they had, not a school-ordained prayer, kids' voluntary prayer from within the student body, and, yes, they do want chastity taught as morally right and traditional marriage taught as the God-ordained and natural norm. Is that so wicked and sinister an agenda?"

And, my colleagues, this very day, the Governor of Hawaii, because he thought his tourism was being threatened, had the guts to sign a law that bans same-sex homosexual lesbian marriage. He signed it. Now, it is probably going to go all the way to the Supreme Court.

Whose values will be reflected in those decisions, the values of the majority of Americans or the values of something that 10, 20, 30 years ago would have been considered bizarre and radical to the extreme, unworthy of public discourse?

Mr. DOOLITTLE. That was the Governor of Hawaii? Is that what the gentleman said?

Mr. DORNAN. That is right.

Mr. DOOLITTLE. He is a Democrat, is he not?

Mr. DORNAN. He is a Democrat.

Mr. DOOLITTLE. So the Governor of Hawaii, which has to be one of the Nation's most liberal States if not the most liberal State—

Mr. DORNAN. PATSY MINK told me, by way of helpful help, she said you had better rebuild your party in the State. There is no Republican Party in Hawaii. None.

Mr. DOOLITTLE. So he has just been branded by the Democrat leadership in the White House, basically, as religious right because he has signed something into law that does not agree with their values? Now that is exactly the point we are making, that to brand people religious right simply to "demonize" them, and I believe that was Mrs. Clinton's term in People magazine or, as Mr. Cook explained, that the gentleman from California [Mr. FAZIO] and the Democrat leadership is doing.

That is smearing them. That is basically using a personal attack in order to divert attention from the issues.

Let me tell you if supporting the line-item veto like I do, if supporting the balanced-budget amendment to the U.S. Constitution like I do, if supporting

private-property rights like I do, if supporting smaller government, less regulation, tax cuts for families, capital-gains cuts for jobs, strong family values, if supporting love of country and of God like I do, if that is to be deemed religious right, I plead guilty, and so do the vast majority of the people of this country, and it just goes to show you how vastly out of touch the Democrat leadership and the Clinton administration are to think they can get away with this kind of a smear campaign being waged across the national media and think that we are just going to sit back like little puppy dogs and take it and not strike back, because, Mr. Speaker, there are too many good people in this country who care deeply about these things, and they know that this is no kookie, far-right fringe set of values that we are talking about. This is mainstream America. Sadly, mainstream America is not represented very strongly in the United States House of Representatives.

Mr. BAKER of California. If the gentleman will yield, may I conclude by suggesting that the Democrat Party has brought us this majority coalition back together again that George Bush let slip through his fingers, and I would like to thank VIC FAZIO and wife of the President for focusing the public's attention on just what is wrong here in Washington, and that majority brought us FRANK LUCAS from Oklahoma, in an overwhelming vote in a special election. FRANK, it is great to have you with us.

Mr. LUCAS. My colleagues have summed up. You are entirely right.

In my district where I, too, read in all the publications in the Washington area about how it was such a great religious right-wing whatever, it flabbergasts me, but those are the same issues I campaigned up and down the trail, balanced-budget amendment, line-item veto, and my opposition to nationalized health care, my opposition to further tax increases, and the people responded, and they responded because they are not the radical Christian right. They are not the radical anything. They are just the average citizens out there who work for a living, who care about this country, who care about the Lord, who want to be able to prosper and to do well and to have Uncle Sam, in whatever guise that it might be, stay out of their life, stay out of their church, stay out of their pocket.

And when I spread that message across the Sixth District of Oklahoma, people responded, no matter what their skin color was or their economic background or which particular church they attended or whatever they did, because it is the views that reflect the good folks of the Sixth District of Oklahoma.

I think obviously in the other eight races they are the views that reflect

this country, and the people who do not share those views had probably better spend more time focusing on why they are out of sync than just simply calling names as a way to cover their deficiencies.

Otherwise what has started with those nine races will continue through the summer and the fall, and we will see a different process here next year, because the people will speak just as they have already spoken nine times.

I thank my colleagues for the opportunity to participate in this discussion before this esteemed group this evening.

Mr. DORNAN. I say to the gentleman from California [Mr. DOOLITTLE], before you yield back your time, can I get in one line here from the Washington Post? I keep referring to yesterday. Actually the gentleman from California [Mr. FAZIO] made this speech Tuesday morning, on June 21. Here is the Washington Post, the liberal paper of record, one of America's three largest newspapers, here in the District of Columbia, a reporter whose political beliefs are unknown to me, which is the sign of a good reporter, Don Balz, and sometimes I like what I am reading when he reports, other times I do not. But he seems like a fair reporter. Here is what he says.

□ 2040

Here is what he says, and he quotes VIC FAZIO directly. "The Republicans accept the religious right and their tactics at their own peril," again here is VIC helping us "For these activists are demanding their rightful seat at the table." Did he mean to say it that way? Why not?, "And that is what the American people fear most." That is what FAZIO said. VIC FAZIO is telling us that the greatest fear Americans have is that religious people are demanding their rightful seat at the table. Then Don Balz goes on to write, "Democrats are worried about major losses in the fall elections and FAZIO's speech indicated that he and other Democrats hope to shift the focus away from public dissatisfaction with incumbents in Congress by raising questions instead about what kind of candidates the Republicans will be offering." Outstanding candidates like FRANK here.

"Although FAZIO lumped a number of groups into what he called the radical right," and by the way that is what he has been saying for 2 days, the radical right, not any religious right. Then he slipped over and over and keeps saying the religious right. The article goes on, "His principal target was the role of religious conservatives in the Republican Party." That is me, that is including my five grown children. It is that entire section of the Catholic faithful that you can call "loyal."

Mr. DOOLITTLE. Nothing wrong with being religious, basically.

Mr. Speaker, let me yield to the gentleman from California in the few minutes we have left.

Mr. POMBO. I thank the gentleman for yielding. I appreciate the gentleman taking out the time tonight for this special order to talk about what is going on in this country today and what the agenda should be for this country and this government today.

I, like every other Member of this body represent about 575,000 people. In my district my constituents, the people that I live with, my neighbors, my friends, they all have a lot of fears. They have a lot of fears about this country and what is going on today. Their fears are not about the radical right or the religious leaders who have spoken in this country. Their fears are about the runaway deficit, their fears are that taxes seem to increase every year, and they have to work harder, longer hours just to continue on for the standard of living that they have.

The fears that they have are that their children are not going to have the same opportunities that they had; that they are not going to be able to hand their children and grandchildren a better world. That is what they are afraid of. But if we want to work together as a Congress, we need to look at what the real fears are and stop this fearmongering and finger-pointing that is going on right now. I thank the gentleman.

#### DR. ELDERS IS SAFE

The SPEAKER pro tempore. (Mr. TANNER). Under the Speakers's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. DORNAN] for 60 minutes.

Mr. DORNAN. I thank the Speaker.

Mr. Speaker, before the last crab is gone down there, let me try to be fair to you because you enjoyed this inspirational trip to Normandy with me and we got to be good friends. But let me just reemphasize some of the points on Dr. Elders, who seems to have a lock on her job partly, I guess, because of the dumping of Lani Guanier, another lady of African-American descent who had been appointed to something, and then Clinton, her friend from law school at Yale, suddenly discovered her writings, he said, and jerked her appointment.

I did a 1-minute speech today that I titled "In the Minefield, the Electoral Minefield" that Clinton has to go through the next year and a half," that the most explosive mine under the ground is Dr. Elders. She is the one who can blow his lights out.

I have before me again this Bob Novak column from today, and I want to underscore some of the things we missed during the four-way discussion.

Bob Novak writes—and he was terrific on Crossfire tonight, I might add—"President Clinton has rejected requests from the Catholic Archbishop of Washington to disavow Surgeon Gen-

eral Joycelyn Elders' comments about sexuality, signalling that she must be treated with kid gloves no matter how embarrassing her statements." The reason I want to do this, Mr. Speaker, is on the show our distinguished colleague, VIC FAZIO, said he never heard of these letters, this correspondence between the Catholic Cardinal, the Archbishop of Washington, DC, and all the surrounding environs that make up a better-than-your-average diocese and archdiocese. He said he never heard of it. So he is going to hear about it tomorrow with all the dates, because I am going to give him this article tomorrow. We are friends. I will give him the transcript of this colloquy tonight for some speed readings. "Senior Clinton officials," and I continue Novak, "have to follow suit; finessing options that Dr. Elders is apt to offer whenever she testifies before Congress. When she recently said that more Federal funds should be spent on AIDS than on cancer is that the victims are younger. Her superiors rolled their eyes but could not reprimand her."

To quote a high-ranking official "The President feels very strongly about Joycelyn Elders." Hence the reason he has not disowned what she said while he was gone but he backs everything she is saying.

"That's a clue to what's wrong with the Clinton presidency," Novak goes on. "He named as Surgeon General of the United States somebody her own colleagues admit is unqualified and undisciplined. But as an African American woman up from poverty and out of Arkansas, Elders need not worry about her job. Cardinal James Hickey of Washington found that out in a correspondence with Clinton. It began when Hickey learned that the Surgeon General, interviewed by a gay publication," the Advocate, "endorsed homosexual adoptions and called homosexual sex normal and healthy." Novak left out that she said "Particularly for young people."

"On March 21 the Cardinal wrote to the President to take strong exception to Elders' criticism of how religious leaders view human sexuality. Hickey accused the Surgeon General of 'encouraging life style which puts so-called homosexual unions on a partisan with marriage and family and condones homosexual behavior among young people.' He then asked the President 'publicly to disavow' Elders' remarks." He goes on, "That was not an easy letter for Clinton to answer. How to balance gays," homosexuals, "and blacks against traditional Catholics? On May 6, six weeks later," I find that insulting as a run-of-the-mill Catholic, "he replied that he is committed to building a society that promotes tolerance and acceptance of diversity." I guess he still wants to shove homosexuals who are active into places in the military."

Now this is Clinton's words. "Issues such as homosexual marriage 'are left

to the individual states and are not under the jurisdiction of the Federal Government."

"The Cardinal responded May 16," within a few days that "Contrary to the Clinton formulation 'Dr. Elders, as a Federal official, continues to advocate a redefinition of the family.'"

Clinton is a little faster this time, 18 days later he responds with Clinton's June 3 reply. He "recited all his administration had done for the family starting with the Family Leave Act but left the Cardinal unsatisfied. Monsignor William Lori, speaking for Hickey, told this column 'One can only really conclude from both letters' from Mr. Clinton 'that Dr. Elders is truly speaking for the administration.'" I have a feeling that she is speaking for Hillary Rodham Clinton, but I guess it appears she is also speaking for her friend from Arkansas, Bill Clinton.

"In the midst of this correspondence, Elders before the Senate committee May 11 to be asked why the government plans to spend more against the number 9 killer, AIDS, than against number 1 cancer and number 2 heart disease. Her answer was stunning," and I think it is distasteful when talk show hosts kind of mock her accent.

□ 2050

So I will just kind of read this straight. She says:

"We know that AIDS is a ravishing disease in our country that is destroying our bright young people. I feel that if we do not find a vaccine, if we do not find a good drug \* \* \*." By the way, thank God she is not saying "cure." There never will be a cure, not when that little, infinitesimal HIV virus is locked inside those helper T cells. No way are we ever going to get that out. That is beyond science for millions of years. But she wants that vaccine or to find a good drug. How that is going to help Africa, which has no pharmacies, I do not know.

She says, "If we don't, we are going to lose our entire society."

So, there is threat again of heterosexual AIDS transmission whipping through the whole of society, and all of that has been disproven.

Elders continues:

"Most of the people who die with heart disease and cancer are our elderly population, you know, and we will all probably die with something sooner or later."

What? Probably? It is an inevitability, Mr. Speaker. What is she saying? Sometimes her mind just wonders off. How did she get through medical school?

Now what does the Assistant Secretary, her boss, Assistant Secretary for Health, the respected, Bob Novak says, Dr. Philip Lee say? He quotes:

"A lot of things that Joycelyn says I don't agree with, but I still respect her right to say them," blah, blah, blah,

blah. "I don't look at whether this will affect older people or younger people." I myself. "I look at whether this is an area where we can make progress in dealing with disease," unquote Dr. Philip Lee.

Novak continues:

"Elders' high-sounding job is low in the chain of command, subordinate to both Health and Human Services Secretary Donna Shalala and subordinate to Dr. Philip Lee. But they had no part in selecting the Surgeon General and cannot discipline her now. For all of her failings Joycelyn Elders is an appealing, compassionate person whom administration officials, the President included, would prefer to have had concentrate on antismoking and antiteenage pregnancy campaigns. The reality is that Dr. Elders is out of control, and nothing will be done about it, and this tells us much about the presidency."

Mr. Speaker, 50 years ago today our colleague, BOB MICHEL of Illinois, the Republican leader, was with his 9th Division fighting on the Cotentine Peninsula, the Cherbourg Peninsula. Up on the outskirts of Cherbourg the German defenders were digging in. The U.S. loss of life was tremendous. The British still had not gotten into Caen which we drove through, Mr. Speaker, several times from Deauville going to and from the very moving and thought provoking 50th anniversary commemorations along the beach of Utah, Normandy, Gold, Juneau, Seward. The British took St. Honorine; I wonder if that means St. Honore, the beautiful little city on the coast where Henry V landed.

Meanwhile in the Pacific, which I talked about last night, I put in some material on Saipan in the RECORD last night. It is in today's RECORD. The United States Marines, Japanese troops fought viciously on the slopes of Saipan's Mt. Tapotchau, T-a-p-o-t-c-h-a-u. We all know Omaha Beach, and we all know about Iwo Jima, but a lot of Americans died on Mt. Tapotchau.

Meanwhile, in the Biat caves, an island that most Americans do not know about, let alone young people; in the Biat caves the fighting went on. We had the upper hand, but meanwhile the Japanese troops on the mainland of New Guinea inflicted serious and heavy losses on American forces fighting in the Sarmi, S-a-r-m-i, area 50 years ago, and that is why, Mr. Speaker, I would like to close by asking to put in the RECORD a column from last Sunday's New York Times, June 19, by Maureen Dowd. I never met this reporter. She has called me a couple of times for a brief quote.

She has a column, I guess it is every week, called Dowd, D-o-w-d, Maureen Dowd on Washington. This one she simply calls "Beached," and it brings back some memories of our trip, Mr. Speaker, to Normandy.

It was cold and rainy as the Normandy invasion started, and nothing was going as planned.

As we hit the beaches, Helen Thomas was in the lead, charging off the aircraft carrier George Washington with toothbrush and tape recorder. Sam Donaldson provided air cover in a Chinook helicopter hovering over the English Channel. "General Hillary," as a British paper dubbed her, arrived on the field of battle with her hairdresser, Sylvan, one word.

Never mind destiny. President Clinton has a rendezvous with Wolf Blitzer.

The boys of Point du Hoc scaled their cliff under German fire in bad weather on June 6, 1994, but the boys on the bus never made it to Pointe du Hoc at all on June 6, 1994. The White House press corps missed the President's speech because their helicopters turned back because of bad weather and the backup buses did not leave in time to get to the coast from the landing at Le Havre.

The reporters, stranded at Colleville-sur-Mer, were in a panic. The Clinton lieutenants, who pride themselves on their high-tech virtuosity, said calmly that they would play a tape of the Pointe du Hoc speech. But when they put the tape in and Clinton began to speak, no words came out. "The sound," a White House official explained helpfully, "is coming later by bus."

The fog of war had given way to the fog of White House amateurism. As yuppies retraced the steps of heroes, one thing was certain: Midway into the first term, the Clinton White House has not yet gotten the knack of smoothly moving around hundreds of grouchy journalists, who pay handsomely to be ferried by the Government.

With comic timing worthy of Evelyn Waugh, the White House kept losing people. Tom Brokaw said he was 2 hours late for an interview with the President because Army helicopter pilots delivering him, Sam Donaldson and Harry Smith and CBS to the aircraft carrier, where Clinton was spending the night, got lost and could not find the largest ship in the world. After flying aimlessly over the English channel for 45 minutes, the pilots got low on gas and had to return to the airstrip in Deauville, call the ship for coordinates and start again. (The Navy was vastly amused.)

Another day, the White House marooned 24 reporters and staffers in the misty British countryside for 12 hours, unable to figure out a way to get our group 100 miles from Cambridge to Portsmouth, the next stop on the President's schedule.

I drove it the day before along with my wife and walked in Eisenhower's steps. It is funny that I did not have this problem.

A furious A.P. radio reporter was filing reports on a President he could only see on the telly in the Churchill pub, where the press had been dumped. White House aides paced the Tarmac, scanning the skies for a missing helicopter, and screamed into cellular phones with dying batteries.

I tried to call my boss in Portsmouth to warn him I would miss my deadline, but the instructions on the pay phone were in British. Sipping the Champagne ordered by the Paris March reporter, I fantasized about replacing the corner dart board with the head of one of Clinton's prepubescent press-minders.

Things were no better in Paris. After the state dinner at the Elysee Palace, the photographers were told that there would be a photo opportunity by a bridge, where the

First Couple would stroll "hand in hand" and gaze at the Eiffel Tower at midnight. (Take that, Paula Jones.) \* \* \*

But when the Clintons got out of their limousine near the Pont des Arts, the Bridge of Arts, it was not exactly an intimate moment. They were surrounded by about 40 people—Bill staffers, Hillary staffers, the Secret Service and the French police. Security did not allow the American photographers off the bus, thus stymieing the scheme of the White House advance team to bathe the Clintons' bruised partnership in a little Paris moonlight. After a few confused seconds, the Clintons climbed back into the car and motored off for a tour of the Louvre.

With the exception of the First Lady, a tidy traveler, the Presidential operation has the smell of a dormitory about it, with everyone crashing for exams. Each White House reflects the personality of its leader, and this President, immune to punctuality and discipline, will always have a Pigpen cloud of chaos around him.

What you see traveling with the Clintons is what you already know: He is learning. She is searching. He is learning to be Commander in Chief. She is searching for a personal style, and for a way to blend old rituals with new power.

At the end of the day in Normandy, Bill Clinton walked down to the beach with the veterans of Omaha Beach—Joe Dawson, Walt Ehlers and Robert Slaughter. The tableau was appealing: the young President enjoying the company of the aging heroes. But suddenly the President's aides began tugging the veterans away, mid-conversation, so that Clinton could walk off at sunset down the beach in his dress shoes and have a preplanned meditative moment with the bluffs on one side and the sea dotted with warships on the other.

□ 2100

Mr. Speaker, what Maureen Dowd could not know is that major ship in the background, the U.S.S. *San Jacinto*, an Aegis cruiser, was named after George Bush's carrier, the U.S.S. *San Jacinto*, which 50 years ago tonight was launching George Bush, in the morning, Pacific time, against the Mariana Islands. We have the 50th anniversary of Bush's second loss of his airplane, and he lost all of his crew, his other two crew members, coming up, the 50th anniversary, on September 2, a few months from now.

Maureen closes:

"Originally, the White House told photographers they were considering a 'Where have all the flowers gone?' moment, where Clinton and children would throw flowers into the sea." I may barf, Mr. Speaker.

"But they settled on a moment of solitude. The President knew he was supposed to look reflective," as he had done at the Nettuno Cemetery, the Sicily-Italy cemetery south of Anzio.

"He knew he was supposed to look reflective for the three cameras and dozen photographers who joined him," this soulful moment.

"But after looking soulfully out at the ocean for a moment, he seemed at a loss for what to do next, according to a photographer on the scene, who was scared that Clinton was about to

mouth the words, 'What do I do now?' Then spying the stones at his feet left by his advance staff to show him where his camera marks were, the President crouched down and began to arrange the stones into a cross. He gathered more stones to finish the cross, and then bent his head as though in silent prayer."

"The White House aides were ecstatic." These are the prepubescent young aides bumping into one another. "Wasn't it great?" they asked reporters.

Mr. Speaker, I will bet one of them said, "Awesome, dude."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALCOMAVAEGA (at the request of Mr. GEPHARDT), for today and tomorrow, June 24, on account of official business.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today after 3:45 p.m., and tomorrow, June 24, on account of illness.

Mr. QUINN (at the request of Mr. MICHEL), after 2:30 today, on account of his addressing the West Seneca High School Graduation Ceremony in his congressional district.

Mr. FRANKS of Connecticut (at the request of Mr. MICHEL), for today after 6:00 p.m., and for June 24, on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders therefore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes today.

Mr. FISH, for 5 minutes today.

(The following Member (at the request of Mr. HINCHEY) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MILLER of California and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$2,222.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. WALSH.

Ms. SNOWE.

Mr. MICHEL.

Mr. BALLENGER.

Mr. TALENT.

Mr. SHUSTER.

Mrs. ROUKEMA.

Mr. STUMP.

Mr. LIGHTFOOT.

Mr. SUNDQUIST.

Mr. SOLOMON in six instances.

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. LANTOS.

Mr. STOKES.

Mr. KLEIN in two instances.

Mr. LAFALCE.

Mr. EDWARDS of Texas in two instances.

Mr. MANN in four instances.

Mr. JOHNSON of Georgia.

Mr. MURTHA.

Mr. JACOBS.

Mr. MINETA.

Mr. PASTOR.

Mr. DE LA GARZA.

Ms. HARMAN.

Mr. OLIVER.

Mr. CHAPMAN.

Mrs. MALONEY in two instances.

Mr. MATSUI.

Mr. SERRANO.

Mr. STUDDS.

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mr. BARRETT of Nebraska.

Mr. TANNER.

Mr. POMEROY.

Mr. DINGELL.

Mr. WAXMAN.

#### SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes; to the Committee on Natural Resources.

S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture.

S.J. Res. 202. Joint resolution commemorating June 22, 1994, as the 50th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on Post Office and Civil Service.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 24. An act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 24, 1994, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3417. A communication from the President of the United States, transmitting his request to make available appropriations totaling \$45,550,000 in budget authority for the Departments of Commerce, Health and Human Services, Housing and Urban Development, and the Interior, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-276); to the Committee on Appropriations and ordered to be printed.

3418. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94-32), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

#### 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. MOAKLEY: Committee on Rules. H.R. 4600. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority (Rept. 103-557, 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. MINGE:

H.R. 4634. 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, to provide for a technical correction regarding indexation of the threshold applicable to the luxury automobile excise tax, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 4635. A bill to extend the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. EDWARDS of California, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BECERRA, Mr. BEILEN-SON, Mr. BERMAN, Mr. BLACKWELL,

Mr. BONIOR, Ms. CANTWELL, Mr. CARDIN, Mr. CLAY, Mrs. CLAYTON, Miss COLLINS of Michigan, Mr. CONYERS, Mr. COPPERSMITH, Mr. DEFAZIO, Ms. DELAUNO, Mr. DELLUMS, Mr. DERRICK, Mr. DEUTSCH, Mr. DIXON, Mr. ENGEL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FAZIO, Mr. FILNER, Mr. FLAKE, Mr. FOGLETTA, Mr. FORD of Michigan, Ms. FURSE, Mr. GEJDE-SON, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HAMBURG, Ms. HARMAN, Mr. HASTINGS, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUFFINGTON, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mr. KOPETSKI, Mr. KREIDLER, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MACHTLEY, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Ms. SCHENK, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mr. TORRICELLI, Mr. TOWNS, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, and Mr. YATES):

H.R. 4636. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and Labor.

By Mr. BONILLA:

H.R. 4637. A bill to assure compliance with the guarantees of the 5th, 14th, and 15th amendments to the Constitution by prohibiting the intentional creation of legislative districts which favor or discriminate against individuals based on the race, color, national origin, or language of voters within such districts; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 4638. A bill to consolidate the administration of defense economic conversion activities in the Executive Office of the President; to the Committee on Government Operations.

H.R. 4639. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Ways and Means.

By Mr. ANDREWS of Maine (for himself and Mr. STUDDS):

H.R. 4640. A bill to establish a Gulf of Maine Council to promote the economic development and ensure the environmental quality of the Gulf of Maine, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, and Public Works and Transportation.

By Mr. SUNDQUIST:

H.R. 4641. A bill to restore the previous tariff treatment accorded to hand-cast string-drawn fishing nets; to the Committee on Ways and Means.

By Mr. FOGLETTA:

H.R. 4642. A bill to provide for the restoration of Washington Square in Philadelphia

and for its inclusion within Independence National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. RICHARDSON (for himself, Mr. FIELDS of Texas, Mr. BRYANT, and Mr. GRAMS):

H.R. 4643. A bill to amend the Solid Waste Disposal Act to provide and clarify the authority for certain municipal solid waste flow control arrangements; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 4644. A bill to amend the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 to give priority in the provision of community economic adjustment assistance to those communities most seriously affected by reductions in defense spending, the completion, cancellation, or termination of defense contracts, or the closure or realignment of military installations; jointly, to the Committees on Banking, Finance and Urban Affairs, Public Works and Transportation, Education and Labor, Armed Services, and Small Business.

By Mr. HILLIARD:

H. Con. Res. 258. Concurrent resolution expressing the sense of the U.S. Congress that the Citizen's Stamp Advisory Committee of the U.S. Postal Service would recommend to the Postmaster General that a postage stamp be issued honoring America's first African-American professional nurse, Mary Eliza Mahoney; to the Committee on Post Office and Civil Service.

By Mr. HILLIARD (for himself, Mr. BACHUS of Alabama, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. CRAMER, and Mr. EVERETT):

H. Con. Res. 259. Concurrent resolution expressing the sense of the U.S. Congress that the Citizen's Stamp Advisory Committee of the U.S. Postal Service should recommend to the Postmaster General that a postage stamp be issued honoring coach Paul "Bear" Bryant; to the Committee on Post Office and Civil Service.

By Mr. ZIMMER (for himself, Mr. EHLERS, Mr. HORN, Mr. BOUCHER, Mr. SANDERS, Ms. FURSE, Mr. SAM JOHNSON of Texas and Mr. CONYERS):

H. Res. 463. Resolution requiring that LEGIS and TLS information be made available to the public on the Internet; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MOORHEAD, and Mr. BLILEY):

H. Res. 464. Resolution designating July 12, 1994, as "Public Health Awareness Day"; to the Committee on Post Office and Civil Service.

#### ADDITIONAL SPONSORS

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

H.R. 84: Mr. BROWDER.

H.R. 417: Mr. DUNCAN and Mr. JACOBS.

H.R. 647: Mr. NADLER.

H.R. 672: Mr. DIAZ-BALART.

H.R. 795: Mr. SANDERS, Mr. BALLENGER, Mr. COOPER, Mr. TRAFICANT, Mr. RANGEL, Mr. AP-LEGATE, Mr. DERRICK, Mr. VENTO, Mr. SPRATT, Mrs. THURMAN, and Mr. SANTORUM.

H.R. 1080: Mr. FROST.

H.R. 1737: Ms. MARGOLIES-MEZVINSKY.

H.R. 1801: Mr. EHLERS.

H.R. 1955: Mr. SHAYS.

H.R. 2019: Mr. YATES.

H.R. 2418: Mr. SAWYER and Mr. BISHOP.  
 H.R. 2586: Mr. SKEEN.  
 H.R. 3039: Mr. FIELDS of Louisiana, Mr. SOLOMON, Mr. JACOBS, Mr. MURPHY, Mr. FRANKS of Connecticut, and Mr. PAXON.  
 H.R. 3407: Mr. UPTON and Mrs. MEEK.  
 H.R. 3486: Mr. TORKILDSEN, Mr. KOLBE, and Mr. EMERSON.  
 H.R. 3492: Mr. BOEHLERT, Mr. LAFALCE, Mr. LIVINGSTON, Mr. WILSON, Mr. FLAKE, Mr. BAESLER, Mr. KASICH, Mr. CLEMENT, Mr. McNULTY, Mrs. BENTLEY, Mr. DE LUGO, Mr. FAZIO, Mr. FOGLIETTA, Mrs. FOWLER, Mr. GINGRICH, Mr. STUMP, Mr. JOHNSON of South Dakota, Mr. HOUGHTON, Ms. VELÁZQUEZ, Mrs. LOWEY, Mr. CANADY, Mrs. LLOYD, Mr. EMERSON, Mr. HASTINGS, Mr. MCCLOSKEY, Mr. MAZZOLI, Mr. OBERSTAR, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. DEFazio, Mr. QUINN, Mr. BORSKI, Mr. BEVILL, Mr. HEFNER, Mr. DORNAN, Mr. HALL of Texas, Mrs. MORELLA, Mr. RAVENEL, Mr. RICHARDSON, Mr. JOHNSON of Georgia, Mr. HUTCHINSON, Mr. KLEIN, Ms. BROWN of Florida, Mr. BEREUER, Mr. SAM JOHNSON of Texas, Mr. ENGEL, Mr. INHOFE, Mr. TORRICELLI, Mrs. MALONEY, Mr. HANSEN, Mr. PETERSON of Florida, Mr. YOUNG of Alaska, and Mr. JEFFERSON.  
 H.R. 3546: Mr. COLEMAN.

H.R. 3634: Ms. SLAUGHTER.  
 H.R. 3694: Mr. KYL, Mr. DIXON, Mr. HAYES, Mr. STENHOLM, Ms. SNOWE, Mr. OBERSTAR, Mrs. UNSOELD, Ms. SCHENK, Mrs. THURMAN, and Ms. FURSE.  
 H.R. 3731: Mr. FROST, Mr. RANGEL, Mr. JEFFERSON, Mr. WALSH, Mr. YOUNG of Alaska, Mr. MINETA, and Mr. SANDERS.  
 H.R. 3875: Mr. LEHMAN, Mr. LEWIS of Kentucky, and Mr. LUCAS.  
 H.R. 3978: Mr. CALVERT.  
 H.R. 4028: Mr. FINGERHUT and Mr. ROWLAND.  
 H.R. 4056: Mr. COMBET, Mr. KYL, Mr. DUNCAN, Mr. BAKER of Louisiana, Mr. WELDON, Mr. MANZULLO, Mr. MCCURDY, and Ms. FURSE.  
 H.R. 4251: Mr. FISH and Mr. ROSE.  
 H.R. 4257: Mr. FISH.  
 H.R. 4271: Mr. SMITH of New Jersey.  
 H.R. 4353: Mr. BARRETT of Wisconsin.  
 H.R. 4354: Mr. HUGHES and Mr. PARKER.  
 H.R. 4371: Ms. SNOWE and Mr. KASICH.  
 H.R. 4386: Mr. NEAL of North Carolina, Mr. DIAZ-BALART, Mr. BARRETT of Wisconsin, and Mr. LEVY.  
 H.R. 4400: Mr. FISH.  
 H.R. 4402: Mr. FALCOMA, Mr. LIPINSKI, Mr. EDWARDS of California, Ms. PELOSI, and Ms. SHEPHERD.

H.R. 4413: Mr. ABERCROMBIE.  
 H.R. 4478: Mr. VENTO, Mr. TORRES, and Mr. KOLBE.  
 H.R. 4479: Mr. VENTO, Mr. TORRES, and Mr. KOLBE.  
 H.R. 4514: Mr. NEAL of Massachusetts and Mr. BLACKWELL.  
 H.R. 4517: Mr. FARR and Mr. FROST.  
 H.R. 4519: Mr. LEVY.  
 H.R. 4527: Mr. MONTGOMERY.  
 H.R. 4589: Mr. SMITH of New Jersey.  
 H.R. 4623: Mr. BROWN of Ohio.  
 H.J. Res. 44: Mr. BALLENGER.  
 H.J. Res. 311: Mr. ANDREWS of New Jersey, Mr. COOPER, Mrs. KENNELLY, Mr. MCCANDLESS, Mr. SHAW, and Mrs. UNSOELD.  
 H.J. Res. 343: Ms. FURSE and Mr. HUTCHINSON.  
 H.J. Res. 378: Mr. KILDEE, Mr. FROST, Mr. YOUNG of Florida, Mr. DELLUMS, Mr. MYERS of Indiana, Mr. DINGELL, and Mr. TOWNS.  
 H. Con. Res. 5: Mr. TORRICELLI.  
 H. Con. Res. 15: Mr. ORTON.  
 H. Con. Res. 150: Mrs. VUCANOVICH.  
 H. Con. Res. 255: Mr. YATES, Mr. MCHALE, and Mr. RICHARDSON.  
 H. Res. 446: Mr. ALLARD and Ms. MOLINARI.  
 H. Res. 460: Mr. BROWN of Ohio.

## EXTENSIONS OF REMARKS

DEFENSE CONVERSION AND THE  
RESPONSIBILITY OF THE FED-  
ERAL GOVERNMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Ms. SNOWE. Mr. Speaker, the challenges of defense conversion are enormous. But today, I am introducing legislation that will help the Federal Government face those challenges and continue to live up to its duty to assist industries, communities, and individuals adversely impacted by base closures and drastic cuts in defense spending.

Over 2 years ago, I introduced comprehensive legislation to assist the people of communities faced with the severe economic hardships caused by the closure of a major military installation. A year later, I was pleased to note that some of the ideas and provisions of my base closure recovery bill were later incorporated into the President's own base closure revitalization plan. I was also successful in getting two other provisions from my bill in the fiscal year 1994 Defense Authorization Act.

One provision would provide preference to qualified local and small businesses competing for contracts in connection with work at closing bases, particularly environmental cleanup work. The other provision would convey free-of-charge to the Loring Development Authority all title to Loring Air Force after it is closed. This last provision would ensure that the local communities will retain control of the redevelopment effort at Loring.

The dominant government agency involved in defense conversion has always been the Department of Defense. But virtually every one of its defense conversion programs were imposed upon it by either the Congress or the President.

Today I am introducing legislation that consolidates almost all of the Federal Government's defense conversion activities within the Executive Office of the President. In effect, this legislation creates a defense conversion czar who is directly responsible to the President for the coordination and implementation of this crucial national effort.

The point is that of all the agencies in the Federal Government, the Defense Department is the one most institutionally unsuited to oversee such an important government effort. The fundamental purpose of the Defense Department is to provide the military forces needed to ensure the security of the nation, to deter war, and to fight and win wars if deterrence fails. The institutional goals of the Defense Department run counter to the basic philosophy of defense conversion—and that is to help people, communities and industries become less dependent on defense spending.

The Pentagon's fundamental unsuitability to be responsible for the bulk of this Nation's de-

fense conversion programs was reinforced by a recent General Accounting Office report. In that report, the GAO cited an evaluation of the Defense Department's defense conversion programs done by the Pentagon's own Inspector General. The IG had evaluated one of the Department's defense conversion programs and concluded that "ineffective planning and oversight had resulted in implementation problems."

In the fall of 1992, I, and other Members of Congress who have a strong interest in this important issue and whose districts and States have a big stake in the success of defense conversion, testified before the Defense Conversion Commission. In its final report, "Adjusting to the Drawdown," the Commission made an even stronger case for decreasing the influence of the Pentagon in defense conversion. The Commission noted that . . .

While the Department of Defense has a large role to play, overall direction for defense conversion and transition actions must come from the Executive Office of the President.

I could not agree more with that statement.

The purpose of my legislation is to do what should have been done long ago—consolidate this country's defense conversion efforts within the Executive Office of the President. One individual directly under the President should be responsible for the effective coordination and implementation of this Nation's defense conversion strategy. This legislation would be a significant step in that direction.

The Economic Development Administration [EDA] of the Department of Commerce is actively involved in defense conversion efforts throughout the country. One of the bills I am introducing today slightly amends the Fiscal Year 1991 Defense Authorization Act which has provided the guidance for the EDA's defense conversion responsibilities dealing with funds authorized under defense bills.

Under this act, the EDA does not give any special preference to defense conversion projects. This legislation specifically directs EDA to "ensure that funds are reserved for communities identified as the most substantially and seriously affected by the closure or realignment of a military installation or the curtailment, completion, elimination, or realignment of a major defense contract or subcontract."

I have long believed that tax credits should be provided to help employers who hire displaced defense workers, and my comprehensive base closure legislation provides such tax credits for employers who hire workers laid off due to the closing of a military base. The legislation I am introducing today improves upon that measure by including those employees who have lost their jobs as a result of reductions-in-force at military installations.

Mr. Speaker, the State of Maine is the fourth highest recipient of defense spending per capita in the Nation, and defense is the

State's third largest industry. But Maine has lost approximately 10,000 defense-related jobs since 1989, and there is a deep concern that thousands of more jobs are threatened by continued reductions in defense spending. Defense-related jobs in Maine reach into every county in the State, and include workers at defense industries and bases both large and small. Thousands more work for businesses that serve both military and civilian markets. Defense conversion is absolutely critical for the long-term health of Maine's economy.

I believe that the Federal Government has the responsibility to provide the economic policies, tools, and incentives that are needed to stimulate both the economy and defense conversion initiatives. Legislation that I have offered in the past and that I offer today will help the Federal Government live up to those responsibilities. As I said on the floor of the House in 1991, our responsibilities are not ending with the base closure process, they are only beginning.

THE FIRST BAPTIST CHURCH OF  
PATERSON'S 170TH ANNIVERSARY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor the First Baptist Church of Paterson, NJ on the distinguished occasion of its 170th anniversary celebration. A celebration mass, led by Dr. Paul Sandon, will be held on June 26, 1994.

The First Baptist Church was officially established on January 1, 1824 by a group of 17 people. The early meetings of the group were held in the homes of members and the temporary "Yellow House," a former tavern. The church's first official home was erected at the corner of Main Street and Broadway in Paterson in 1825.

Despite difficult times brought on by the Civil War, the church continued to surge in membership. In 1860, the second church building was created at Washington and Van Houten Streets, which seated over 800 people. Although the church was devastated by the Great Fire of 1902, the spirits of the congregation were not destroyed as they continued to meet at temporary locations. On February 12, 1905, the current church building on Washington Street was completed.

The First Baptist Church has been a leader for many community projects. The church members recognized the need beyond the limits of their building, and helped to organize new churches in the area. The Park Avenue Baptist Church and the Union Avenue Baptist Church are just two of the many successful products of these efforts. Through the years,

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the church has placed an emphasis on education, preparing several members for the ministry.

The First Baptist Church has prospered through a diverse 170 year history. This perseverance is a testament to the determination and selflessness of the congregation. It is with great pleasure that I ask my colleagues to join me in paying tribute to the First Baptist Church.

#### ANOTHER EXAMPLE OF UNFAIR COMPETITION

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MURTHA. Mr. Speaker, recent news articles carried the story of yet another example of unfair competition by a foreign-controlled corporation doing business in this country.

On May 31, five top managers of USX Corp.'s Gary Works plant in Gary, IN, suddenly and without any advance warning, submitted their notices of resignation to USX. Within 24 hours, all five managers showed up for work at their new positions with the National Steel Corporation, a subsidiary of the Japanese NKK Corp.

This corporate raid apparently resulted from a well planned strategy by NKK to persuade top managers of the U.S. Steel Group of USX to jump ship, and in the process, to bring highly confidential business information with them. NKK of Japan has now gained access to the most sensitive kinds of trade secrets of its steelmaking competitor—marketing strategies, pricing information, profit margins, and even supplier and commercial lists. NKK is now in a position to do great harm to USX's commercial and strategic position. As NKK is only too well aware, USX ranks as NKK's most important competitor in the worldwide steel production marketplace.

NKK's actions represents a last ditch effort to prop up a failing company. Over the past few years, while USX and Gary Works have enjoyed a resurgence, NKK/National Steel has consistently reported operating losses. The USX managers were targeted by NKK because they had received industry-wide recognition for their innovation management strategies of USX's Gary Works. NKK's actions seems to be a systematic effort by NKK to replace its own executives by persuading senior USX managers to desert USX and to bring with them a wealth of confidential information and trade secrets.

Mr. Speaker, as long as we allow this type of hostile and anticompetitive attack to occur, American companies will be sitting ducks for well financed and aggressive foreign corporations. In the post-cold-war era, the American people demand that our Government protect its workers and their innovations. Unfortunately, there is evidence that this is not an isolated instance of anticompetitive activities against a U.S. firm. This month's actions mirrors a similar raid of several key General Motors personnel undertaken last year by Volkswagen A.G. That case is still pending in Germany, but a preliminary finding has found merit to General Motors' complaint.

I have no doubt that American firms can compete in the global marketplace. The resurgence of the domestic steel industry is strong evidence that the spirit of teamwork and innovation which has let America through the twentieth century, continues to thrive today.

With the likely liberalization of the world trading system later this year, international trade is entering a new phase of heightened competition. If a fail to step forward now to prevent incipient commercial espionage, we will be abandoning a critical domestic industry at a pivotal point in our economic history.

A recent article in the Pittsburgh Post-Gazette entitled "National Steel Rolls USX" describes the details of this unprecedented raid by NKK. I ask unanimous consent that the article be included in the RECORD at the conclusion of my remarks.

[From the Pittsburgh Post-Gazette, June 2, 1994]

#### NATIONAL STEEL ROLLS USX

(By Kerry Johnson)

In what USX Corp. termed an "insidious raid," troubled National Steel Corp. yesterday hired away the top six executives of USX's largest steel mill.

The move was unprecedented in the normally staid and clubby steel business. It also suggests that the Japanese, whose steel industry has been held up as a model of manufacturing efficiency, now think they could use a little Yankee ingenuity to fix their own troubles.

National Steel, headquartered in Pittsburgh until two years ago and owned by Japan's NKK Corp., fired president Ronald Doerr and chief financial officer Richard Newsted, replacing them, respectively, with V. John Goodwin, general manager of USX's Gary Works, and Robert Greer, controller of the Indiana facility and a 33-year veteran of USX.

Goodwin's 27-year career with USX included service as general manager of its Mon Valley Works from 1984 to 1987.

National Steel would not confirm the names of the executives who were also recruited along with Goodwin and Greer. However, industry sources identified them as metallurgist George Lukes, who was chief of quality control at Gary; Bob Pheanis, who run Gary's finishing operations; Dave Peterson, who oversaw raw steelmaking; and Dave Pryzbylski, Goodwin's chief of human resources.

U.S. Steel replaced Goodwin with the general manager of its Mon Valley Works, John H. Goodish, 45. Goodish has been with U.S. Steel since 1970.

The exodus from USX, which lost in one fell swoop the manager of its largest and most profitable steel making operation as well as his five top aides, was unlike any event even the industry's oldest veterans could recall.

A similar employment raid occurred just one year ago in the auto industry. In that instance, Volkswagen A.G. recruited Jose Ignacio Lopez de Arriortua, a tough, results oriented executive, and several key aides from General Motors Corp. GM subsequently sued Lopez, alleging in German court that he had stolen trade secrets. German law enforcement officials are still investigating the charges.

Although USX yesterday made no such accusations against NKK, the company said it is weighing its legal options.

Industry observers played down the impact the defections will have on USX. "It's not

the end of the world for USX. They have lots of talent, but it sure came as a cold shock," said one steel executive.

It surely was. While several of the executives who left were known to be unhappy, and had shopped resumes privately, their mass departure was totally unexpected, and could give USX ammunition for a lawsuit if it decides to pursue one.

What kind of case USX might be able to mount is unclear. But mass recruitments have in some cases been enjoined by the court.

"The general law is that individual employees can move from one company to another, but in situation where there's been a mass hiring, courts will enjoin \* \* \* if they believe it involved unfair competition or the hiring is occurring to obtain confidential information," said Arthur Schwab, who as chair of litigation for Buchanan Ingersoll PC a Downtown law firm, has tried such cases. National's bold grab for a talented team of managers who have the operating skills the company desperately needs marks a radical departure from the normally polite conduct of Japanese companies. "This is very un-Japanese," said one steel executive.

But industry sources said NKK, which has been trying to fix National ever since it bought a 50 percent stake in 1984, had simply lost all patience. Directors finally moved swiftly after tolerating years of indecision and missteps. Doerr the departing National chief executive who Goodwin replaces, had a back-ground in accounting, and had recently jettisoned several lieutenants in an effort to fix chronic operating difficulties.

"The board's decision was that it wanted to focus attention on operations and obviously John Goodwin is a good operations man," said National Steel spokesman Robert Toothman.

The raid came at a time when the U.S. steel industry, having shrunk its work force and investment heavily in new technology, is rebounding with a vengeance. That National is not capitalizing on the best industry conditions in more than 20 years is galling to NKK.

Analysts give Goodwin, 51, high marks for making Gary the premier U.S. steel mill. The plant can produce 7 million tons of steel a year, slightly more than National's entire capacity, and accounts for as much as two-thirds of USX's operating profits from steel. Goodwin's prospects for advancement at U.S. Steel were limited because he is the same age as his boss, U.S. Steel President Thomas J. Usher.

National's problems have been many. They began the day NKK bought into it. Although know as a savvy steelmaker in Japan, NKK early on was reluctant to assert its control.

In recent years, however, its problems have been more fundamental. National's strategy is to sell high-profit steels to the automotive, container and building industries. To be successful, National must meet tougher standards for quality, on-time delivery and customer service. Despite NKK's considerable investments, the company can't consistently produce the quality of steel its customers want. As a result, National has been forced to sell rejected metal to less demanding, lower paying buyers.

The problems have been most acute at National's flagship steel operation, the Great Lakes division near Detroit that serves the auto industry. In the fourth quarter of last year National cut back shipments by 100,000 tons to compensate for its problems.

"I think they (NKK) have been a little bit embarrassed by how bad National's done. National's clearly been a loser," said Charles Bradford, a steel analyst for UBS Securities.

The nation's fourth-largest steel producer, National had operating losses of \$215 million in 1993, \$13 million in 1992 and \$131 million in 1991, according to Salomon Bros. steel analyst Michelle Galanter Applebaum.

Another problem has been a 1986 labor pact National struck with the United Steelworkers that gave its union employees lifetime job security, a hallmark of Japan's own industry. Competitor's scoffed at the deal, saying it would come back to haunt the company.

While National's operating difficulties are complex, "It's safe to say [overmanning] is one of their problems," Plummer said.

Strife between National's Japanese owners and its U.S. managers has also plagued the company, industry observers say.

Doerr, in mid-1991, said National might be forced into bankruptcy without major and immediate cost reductions. Its losses were staunchly by the end of that year.

In 1992, National moved its headquarters from Pittsburgh to Mishawaka, Ind., which would cut corporate overhead and put the company closer to its Midwest customer base.

Christopher Plummer, an industry analyst with Resource Strategies Inc., said the drastic overhaul at National reflects heightened urgency for the unit to perform at a time when its Japanese parent and other Japanese steel producers are still struggling with a recession.

Goodwin has his work cut out for him as the new president and chief operating officer, but industry observers say he will have an advantage his predecessor didn't enjoy: A clear mandate for change.

A TRIBUTE TO DR. JAMES L. BROCK

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. PASTOR. Mr. Speaker, today I pay tribute to the memory of Dr. James L. Brock, a man who dedicated his life to coaching the sport of baseball. Although he is no longer with us, his dedication has earned him top billing as one of the greatest collegiate coaches to ever grace the field. His peers consider him one of college baseball's coaching elite.

Winning, baseball, and Jim Brock go hand in hand. In 1970 and 1971 he led his junior college clubs to national titles. In addition, he earned coach-of-the-year honors for both of those championship seasons. The winning tradition continued at Arizona State University, where Brock led his team straight to the top. In 23 years Coach Brock led the Arizona State University Sun Devil's baseball squads to 11 conference championships and 2 national titles. Twenty-two of his twelfth-three years with Arizona State were winning seasons. Thirteen times he led his team to appearances in the College World Series. With 1,100 wins at Arizona State, Jim is the seventh winningest coach in NCAA Division I baseball history. Coach Brock has the second-best win average in NCAA history with 47.8 wins per season. These grand accomplishments did not go unnoticed, for Coach Brock was named National Coach of the Year in 1977, 1981, 1984, and 1988. He was the only coach ever to win na-

tional titles at three major levels: The NCAA, junior college, and American Legion.

Jim Brock was not only a winner in baseball, but a winner in the game of life. He held the highest of principles and values and he passed these attributes on to his players and colleagues. Dr. Brock's most important coaching job was assuring that his players achieved success in the classroom as well as on the field. This was a role he took upon himself as the baseball program's academic liaison. Coach Brock was filled with an enthusiasm for education. He believed there was nothing more important than education. This is evident in the fact that he earned a bachelor's and master's degrees, as well as a doctorate in educational administration, all from Arizona State University.

On the field, Coach Brock was always a force. He lived by the credos "Commitment to Excellence" and "Just win, baby." This attitude personified him and the entire Sun Devil baseball program. He proved to be a source of tremendous motivation, continuously reminding his team to seek the smell of roses. He was a great mentor to players, assistant coaches, and staff. His knowledge and invaluable advice was constantly sought after. Coach Brock always stood by his team; coaching, cheering, and sharing his love of the game with them. Over 63 of his players reached baseball's major leagues. Some of his more well-known players are Barry Bonds, Oddibe McDowell, Bob Horner, Hubie Brooks, Floyd Bannister, Ken Landreaux, Alvin Davis, and Pat Listach. Baseball is what made Coach Jim Brock happy.

Baseball will miss Dr. James L. Brock. A man filled with a never-ending dedication and love of a game—baseball. He has left his mark on our national pastime and it gives me great pleasure to highlight the accomplishments of this great man to my colleagues. All of us from Arizona and college baseball share in the loss of the Brock family. Dr. Brock made Arizona State baseball a dynasty, and we will be forever in his debt.

TRIBUTE TO CAPT. JAMES J. WOODHEAD, AMERICAN AVIATOR

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MINETA. Mr. Speaker, throughout my 20 years in Congress, which includes service throughout on the Public Works and Transportation Committee, I have come to admire and respect the intricacies of our aviation system here in the United States.

But more than admire a system, with its essential importance to our national economy and transportation network, I have now an unyielding admiration for the professionals who make that system the best in the world.

One such professional, Mr. Speaker, is Capt. James J. Woodhead, a leader in American aviation, who is to be congratulated for his hard work and dedication during his 27 years as an airline captain and 37 years as a pilot.

I was saddened to head recently of Captain Woodhead's forthcoming retirement from US

Air and his concurrent departure from the Air Traffic Procedures Advisory Committee as a representative of the Air Line Pilots Association. Captain Woodhead's thoughtful, reasoned approach to problem solving has made him one of the most widely respected members of the committee since 1979.

In all that time, ATPAC has benefited in particular from his expertise in cockpit management and air operations, perhaps most especially when he chaired ATPAC from 1987 to 1992. Very simply, Captain Woodhead has helped to make our system safer over the years, and the loss of his guidance will be felt by ATPAC, by ALPA, and by all those who may not know him by name but who work in and rely upon our airports and airways every day.

Captain Woodhead's aviation history is a very proud one indeed. After his graduation from Stanford University in 1956, Captain Woodhead joined the U.S. Air Force and flew a total of 4,500 hours around the world as an aircraft commander and flight examiner until he left the service in 1965.

From 1967 through this year, Captain Woodhead has piloted a variety of aircraft for USAir and Pacific Southwest Airlines. He has logged 22,000 accident-free hours, an invaluable experience which has reinforced his stature in ATPAC and helped the practical side of the Pacific Southwest-Piedmont-USAir merger in the late 1980's. Captain Woodhead certainly merited the Associate Administrator Air Traffic Service Award in 1992, as well as the Air Traffic Control Association's Special Medallion Award that same year.

Mr. Speaker, individuals like Captain Woodhead are the key to a successful aviation system here in the United States. His retirement notwithstanding, I trust that we will be able to continue to draw upon his knowledge, expertise, and friendship in the years ahead. I ask that my colleagues join me in wishing him the very best in whatever endeavor he undertakes to make that possible, as I'm sure he will.

THE HOLOCAUST JOURNEY OF RACHEL GOTTSTEIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. LANTOS. Mr. Speaker, we frequently deal with the horror of the Holocaust and the brutal Nazi atrocities of half a century ago in very broad terms—the death of 6 million men, women, and children, the mechanical mass-production efficiency of the extermination camps, and the scope of the monstrous atrocities committed by Nazi officials at all levels. Too seldom, however, do we confront the Holocaust in personal terms. We do not examine those horrors at an individual level.

Mr. Speaker, I would like to call to the attention of my colleagues a very personal account of the horror of the Holocaust—excerpts from the article, "The Nightmare and the Dream: The Holocaust Journey of Rachel Gottstein," which appeared in the April 17, 1994 issue of the journal "We Alaskans". The article tells the

story of Rachel Landau—born in Krakow, Poland, in 1936. As a 5-year-old child, her parents were captured and murdered and managed to survive for an additional 4 years—from a life of hiding out to escape German troops, being shifted from the labor camp at Plaszow, which was dramatized in the movie "Schindler's List," to camps in Ravensbrueck and Bergen-Belsen where she was finally liberated in 1945.

I ask that this excellent article about the Holocaust experiences of Rachel Landau Gottstein be placed in the RECORD, and I urge my colleagues to read it carefully.

[From We Alaskans, Apr. 17, 1994]

THE NIGHTMARE AND THE DREAM: THE HOLOCAUST JOURNEY OF RACHEL GOTTSSTEIN  
(By George Bryson)

Rachel Gottstein had a dream. She was sitting in a house with her husband, Barney, and all their children. Somehow they'd learned the Nazis were coming to get them, to take them away to kill them. There was nothing they could do about it, so they sat and talked and waited.

In reality, the children born through previous marriages to Anchorage's Barney and Rachel Gottstein weren't even alive during World War II when the Nazis murdered nearly 6 million European Jews. Barney was only a teenager then and Rachel was hardly a schoolgirl. Barney grew up in Alaska, where he would later develop the Carr-Gottstein grocery store empire. He never experienced the Holocaust directly.

But Rachel grew up in Poland. And Rachel remembers.

Rachel Landau was born in Krakow in 1936. She was 3 when Hitler's armed forces invaded Poland. She was 5 when her Jewish parents suddenly hid her in a basement with neighbors and said goodbye. She remembers crying and screaming after them as they left. She remembers hiding in another home with her aunt and uncle and cousin and being captured by the Gestapo and taken to her first concentration camp.

She witnessed murders in the camps from the very beginning. At first she wondered about it: Why did the Nazis want to kill Jewish people—all the Jewish people, even little girls like herself. But she could see clearly that they did. She saw parents murdered in front of their children. She saw children deliberately murdered in front of their parents.

"I saw people begging and crying for mercy. . . . It felt embarrassing, but anybody will do anything to live. And we tried to survive, even me as a 5-year-old. I would do things that you would think were impossible. . . ."

Over the next three years, Rachel clung tightly to the hands of her aunt and cousin as she survived three concentration camps: from Plaszow, to Ravensbrueck, to the infamous Bergen-Belsen where the British discovered 10,000 unburied corpses the day the camp was liberated in 1945.

They also found 8½-year-old Rachel, emaciated by typhus—just as a typhus-ravaged teenager named Anne Frank had died at Bergen-Belsen one month earlier. But Rachel survived the Holocaust, a witness. A half-century later, it haunts her still.

"I still live in this trauma of the concentration camps," Rachel Gottstein said recently, speaking carefully, deliberately. "I have all kinds of dreams about this even now. . . . Things you can never forget."

So much that was horrible happened at night, she recalls. Maybe that explains the dreams. The lights would go out and they

would fall asleep on the straw mattresses on the long, wooden bunk beds. Then it would begin.

"They would drag people out. They would beat people up. They would torture them. They would kill them. They would take people for experiments."

"They would do this in the night thinking that more people would be sleeping and there would be less screaming and crying and people going insane."

Now she hates to sleep at all, Rachel says. "I sit to fall asleep so I won't realize I'm going to. Because I still think that . . . maybe, maybe this nightmare is still going on. And if I fall asleep, this will happen."

Just as she fell asleep one night recently and dreamed that the Nazis were on their way to get her husband and children . . .

In the dream Barney seemed supportive and calm, but Rachel feared for their lives.

"And I dreamt that my husband said he was going to give us a drink. That we should have a wonderful time, a wonderful day, a wonderful evening—and he was going to give us a drink . . ."

She knew then that the drink would be poison. They would kill themselves before the Nazis got the chance to do it first. But she remembers saying no—they should try and live . . .

"I said, 'I think there's hope. There's always hope. And maybe we will survive. . . .'"

But that was just a dream. The reality for Rachel was a nightmare.

When Germany invaded Poland on Sept. 1, 1939—setting the torch to World War II—Jewish families all over Eastern Europe awoke to find their lives in sudden peril. How had this happened?

Throughout the 1930s, the Nazis had enacted a long list of punitive laws discriminating against German Jews. Among them: laws prohibiting Jewish children from attending schools, laws confiscating Jewish property, laws boycotting Jewish businesses, laws stripping Jewish doctors and lawyers and teachers of their jobs, laws prohibiting marriage between Jews and "Aryans."

Anti-Semitic rallies were another signature of the Nazi regime. By the end of the decade, the gatherings had grown increasingly violent. In November 1938, the "Kristallnacht" rally—so-named for the thousands of windows shattered at night in synagogues and Jewish owned shops across Germany—culminated not with the arrest of the vandals but the victims. Thirty thousand Jewish men and boys were seized and deported to Buchenwald, Dachau and Sachsenhausen concentration camps.

After that, many Jews decided it was time to get out. Hitler had been forcefully deporting them (after seizing their property) for several years. Now Jewish men and women fled voluntarily, leaving as soon as they could. By 1939, Jews were only half a percent of the German population.

Then war broke out, and the relationship between Hitler and the Jews changed. First, the borders closed, making it harder to leave the country. Second, the Jewish population of Germany skyrocketed as the Third Reich systematically conquered and occupied Poland, Denmark, Norway, Belgium, Holland, France, Greece, Yugoslavia, Lithuania, Latvia and the western Soviet Union. There were 9 million Jews in Europe, and now nearly all of them fell under the cloak of Germany. Some 3½ million Jews were in Poland alone—15 times as many as existed in prewar

Germany. To Hitler, this represented a problem.

Rachel's parents took the advice of her grandfather. They bought a home in Skavina and moved there with their only child. They lived there two years, the beginning of Rachel's memory.

Mostly she remembers her parents' faith. "I don't know if they knew what was about to happen, but they always used to teach me a prayer in Hebrew—just one sentence of this prayer: 'Shema Yisrael Adoshem, Eloheinu Adoshem Echad.' And that means, 'Hear O Israel, the Lord is our God, the Lord is One.' And that's what the Jewish religion is based on—that we have one God, and we should have faith in this God, and that's how we will get strength: In this faith."

The words of the prayer were so familiar to Rachel they almost sounded like her mother's voice. *Shema Yisrael Adoshem Eloheinu Adoshem Echad.* The prayer reassured her whenever she got scared.

Rachel also remembers what her mother and father told her about Palestine—though she didn't really understand what they were saying. "They said . . . there is a land called Palestine, and this is our homeland. And this is where I should go."

Just as she couldn't understand why now her parents were saying goodbye . . .

There'd been rumors in Skavina that the Germans were coming to take the Jews away. Rachel's parents were afraid for their daughter's life. They took her to the house of a friend, a non-Jewish neighbor. Maybe there she would be spared.

"And all I remember is my parents were saying to me, 'Goodbye. . . .' And I couldn't understand why they were saying goodbye and why they were leaving me."

"And the neighbor took me into her basement where it was very dark. And I was crying and screaming. And the neighbors were scared that the Germans were coming . . . and that they couldn't keep me quiet."

Hitler's "solution" didn't begin with the gas chambers. It began by rounding up Jews all across Europe and consolidating them in ghettos and work camps in Poland.

In Western Europe, the specter of hundreds of Jewish citizens suddenly boarding freight trains headed east almost looked too orderly to be murderous. But the calm was calculated. The Nazis knew they had to operate more subtly in countries like France, Holland, Denmark and Norway. The non-Jewish public might turn sympathetic to the plight of the Jews if the Gestapo began murdering them in the streets.

But Eastern Europe was a different proposition. It was far more impoverished, more historically anti-Semitic, more shielded from the world view. Murderous pogroms against Jews were staged in Russia and Eastern Europe long before the Germans arrived. The precedent there was set. When the Gestapo showed up, they could literally get away with murder—and did. As the German soldiers invaded Poland, they were followed closely by the Gestapo's "Einsatzgruppen," special police units that systematically roused the Jews from their homes, then shot them in the streets or along some country road. In all, 600,000 Polish Jews died that way.

Two of them were Rachel's parents. A third was her grandfather.

Rachel wouldn't hear whether her parents died until after the war. Then her uncle told her after hearing the account from an eyewitness.

"They had taken the people from Skavina to this very large area. It wasn't yet a concentration camp," Rachel says. "There was a very big hole dug in this camp. All the Jewish people had to get undressed. All their valuables were taken from them, their clothes. And they were told to stand around that hole."

The Gestapo put something like gasoline into the ditch, Rachel says. And then they shot everybody. Only there were so many people to shoot, they ran out of bullets. Either that, or they just didn't want to use any more ammunition.

"And that's why the gasoline—so they burned whoever didn't die by bullet. And that's how I was told my parents died."

Later, even that wasn't efficient enough for Hitler or Goering or Adolph Eichmann. It took too long to dig the holes. So about two years into the war—not long after Rachel's parents were executed—the Nazi commanders initiated their "final solution" with the advent of the extermination camps. Then the Holocaust began in earnest.

\* \* \* \* \*

#### THE CAMPS

Scenes from the prison compound in the Krakow ghetto, as seen through a little girl's eyes:

"It had barbed wires around," Rachel recalls, "and it had a lot of big rooms with bunk beds where all the women stayed. And there were some men there, too."

"And every day they would have us all come out of these big rooms. And they had us stand in line, and they would call out, at random, different names. And those names had to go to a truck—big trucks."

The significance of the roll call wasn't immediately clear to her, Rachel says, until—right in front of her—an elderly woman started screaming when her name was called. I don't want to die! she cried. I want to live!

"And they said to her, 'If you don't come voluntarily, then we'll kill a hundred people instead of you!' And a lot of people were saying, 'Go! Please go! Please go!' And she didn't want to go. And then they started hitting her, and they took her into the truck. . . . And of course they took many other people, too."

Rachel was only 5 then. But just having been torn away from her mother and father, her eyes were wide open:

"There was hardly any food. And a lot of people were getting beaten. And there was always screaming, and there was always crying. People were sick and there were no doctors."

She didn't like this place, even if it was the city where she was born. The only comfort was the remaining small circle of her family and friends—Aunt Gittel, Yossi's mother, the three other children. They still clung together.

"Then one day, in the morning again, everyone stood in these long lines—and they called my aunt's name, and (Yossi's mother's) name. . . . And so they took us to a place call Plaszow."

\* \* \* \* \*

Even as they survived, children of the Holocaust didn't stay children long. Neither did Rachel. The murders and the torture she witnessed began to etch her young memory.

There was a big building at Plaszow, she says, called the Gray House. The upstairs served as headquarters for the Gestapo, the Nazi police. The basement was an interrogation room for camp laborers. And the Jewish people who went in that room seldom came out alive.

Rachel lived in a large barracks with the children and the two older women. "There were a lot of people in this one room. . . . There was no toilet, but a pail where people went (to) the bathroom. There was just one pail with water (for washing hands). And people were crying, and people were hungry."

"Every day in the morning some Nazi would open the door to this area and they would bring in bread. And sometimes some water and sometimes some kind of a soup. And every day they would take out some people. And we could hear after they were taken out, screams. . . . And you could hear hitting, you know, blows. And we knew they were being hit and tortured."

"There was a blond lady there with a little girl. And she claimed that she was a Christian. And every day she would cross herself and tell the little girl to cross herself. And she would pray to Jesus. And the Nazis would every day come in and say, 'Tell us you are a Jew.' And she would say, 'I am not a Jew, I'm a Christian.' And they would hit her, and she would say, 'I'm not a Jew!' And they said, 'Even if your great-grandmother was a Jew, then you are a Jew, and you are going to die for it. . . .' Then one day they just took her and she never came back."

\* \* \* \* \*

"It was a train that had no windows. There were no steps to go up. People were just pushed up. Children were just handed up by the adults. They pushed in as many people as they could push in—more than that. They squeezed people in, and there was no food and no light and just total chaos."

Worst of all, says Rachel, you knew that you were going to come out of this train "not to some happy reception with friends, but you were either going to be shot or put into another camp."

\* \* \* \* \*

As suffocating as the westbound train ride was, it may well have saved Rachel's life. Children were among the first to perish on the long marches. Few prisoners had the strength to carry their children for long.

After Rachel's train passed the pre-World War II border between Germany and Poland, it stopped at the town of Breslau. There everyone was ordered off the train and directed into a staging area full of prisoners.

"We say a lot of people," Rachel recalls. "And you could see from the way it was—you saw everybody crying, and everybody hugging and kissing—and I imagined that they had just been told they were going to be separated and sent to different camps."

"And I imagine that these people knew from the names they were told that these were terrible places to go. Because it was just very traumatic. People were giving each other their necklaces if they had any. And they said, 'For good luck.'"

There was a moment's joy. Out of the crowd, Aunt Gittel spotted her husband, Max, and ran to join him. They hadn't seen each other for years—not since that day they were captured in their own hometown. But the joy collapsed when they learned that their orders would soon send them in different directions.

\* \* \* \* \*

Yossi's mother was strongly religious, and she had grown increasingly anxious about eating food that wasn't kosher. She also suffered deeply the shame of being forced to undress and walk naked in front of the Nazis.

"She was always crying," Rachel recalls. "And she started to really carry on. And (Aunt Gittel) was always saying, 'Don't be afraid, she'll be all right.'"

"And I didn't understand what was not all right about her. But now looking back, I can see that she was starting to go crazy."

"Then one day they took all of us in another kind of truck, a big truck. And they took us to another kind of place: Ravensbruck."

There were a lot of dogs. She noticed that right away.

And the Nazi guards were yelling things as their convoy rolled into the barbed-wired compound at Ravensbruck, north of Berlin. The trucks stopped and the prisoners stepped out—to more curses from the Nazis.

"You dirty Jews! . . . Hitler is going to finish you all off! . . . We're going to have a world clean of all the Jews! . . ."

Even after all she'd been through, Rachel says, she still found all the verbal hate amazing and utterly inexplicable.

"And I just couldn't . . . I couldn't grasp it. I couldn't understand. What did we do? Why? What happened that would make people dislike us so much that they would want to destroy us like this?"

Other images from Ravensbruck: A woman tries to climb the barbed-wire fence and escape camp. But the barbed wire is electric—and it stops her in an instant, killing her. Then another woman tries to escape by climbing the same fence—and she dies, too.

The question then becomes, were these serious efforts to escape? Or prisoners gone mad? Or even calm, reasoned decisions to end all the misery in a quick, uncompromising act of suicide?

Sometimes the dogs—German shepherds—would pull them down before they ever reached the fence, Rachel says. "And they would bite people and there would be screaming . . ."

Eight years old now, Rachel was beginning to comprehend the nightmare more and more. The staggering cruelty of it. Instead of becoming enameled to the cruelty, she seemed to be growing even more sensitive to it, finding cruelties within the cruelties.

Like the way the Gestapo not only showed no reticence about shooting a Jewish child, but would deliberately shoot the child in front of his mother. Or how they enjoyed breaking up families during "selections" for new camp assignments. Mother to the right, daughter to the left . . .

"And in other buildings, you would always hear screams of children and screams of people, we were scared, scared, scared all the time. All the time."

\* \* \* \* \*

"Anybody who wasn't completely perfect was taken away," Rachel says. "If somebody would limp, they were killed. If somebody would call out (in pain), they were killed. If somebody would have a little bit of a hunch, stooped over, they were killed. Everybody who had anything the matter with them was killed."

So Aunt Gittel "treated" her niece by taking a piece of straw from a mattress in the barracks, wadding it into a tiny lump, and lodging it as gently as she could inside Rachel's ear canal to staunch the flow of pus.

It wasn't so much a health-care measure as a survival measure. But it worked, Rachel says. Her ear didn't leak, the Gestapo didn't notice her, and eventually she got better.

\* \* \* \* \*

"And from there they took us to a camp called Bergen-Belsen. And in the camp it was really bad. There was no food. And you could always see a lot of people dead, lying in front of the barracks."

"I remember the worst thing was the hunger." We were always so, so hungry. . . . I

imagine it was coming toward the end of the war, because it was getting more and more desperate. . . ."

\* \* \* \* \*

The war was ending, and it was a desperate time all around. The allied forces were marching on Germany from the coast, approaching Belsen. The Soviet forces were advancing from the east.

By now most of the death camps in Poland had been emptied, one way or another. The rate of killing rose sharply in the end. Some Nazi commanders believed they could avoid prosecution if no witnesses were left alive.

In Germany, the greatest killer in the camps at the end was starvation and disease. By some accounts, the most desperate case of all was Bergen-Belsen.

\* \* \* \* \*

Aunt Gittel was sick. She'd mothered the children through all the camps so far and kept them alive, but now she was the one dying. And there was nothing that could be done. Everyone at Belsen was dying.

"She was lying there and they came and they took her away," Rachel says. "And so we were left, just the four children."

Rachel took care of them as best she could, but there was hardly any food at all.

I would always try when it came time for the slice of bread—I would take the slice of bread and let everyone eat a crumb at a time," Rachel says. "And they would hold it . . . and suck on it."

Then even that single slice of bread shared once a day between four children disappeared. According to the official British military report, Bergen-Belsen ran out of food and water five days before it was liberated.

"When, finally, British troops did enter Belsen in force," Gilbert writes, citing the report, "the evidence of mass murder on a vast scale became immediately apparent to them. Of 10,000 unburied bodies, most were victims of starvation. Even after liberation 300 inmates died each day during the ensuing week from typhus and starvation."

Rachel had come down with typhus, too. Two of the children had tuberculosis. Lying in her bunk when the first preliminary British convoys passed through—April 15, 1945—Rachel was frightened. She feared the Germans were coming to get her and the others because they were all sick.

She remembers going outside and hiding under the barracks. "I don't know if I fell asleep or what, but the next thing it's pitch dark. And I came out from under the barracks, and I went back in. It was half empty. I saw the three children lying there, and I was so happy. I went and I laid with them."

The next day, Rachel says, she noticed there weren't any Nazis around. "And the next thing I remember is that, we all looked at those doors that led into the barracks, and we saw a lot of soldiers. And these were the British soldiers that liberated Bergen-Belsen. And you could see they were all very, very shocked at what they saw. Because none of them were coming into the barracks. They were all standing by this door, just looking . . ."

#### FROM HERE TO THE HOLOCAUST

In the days that followed, many more people died. But Rachel and the children survived. They stayed at the camp for several weeks recovering.

The Red Cross had circulated a list of concentration-camp survivors all over Europe. At Buchenwald, Max Katz saw a copy of the Bergen-Belsen list and celebrated. There on the list of survivors were the names of all

four children, including his 6-year-old daughter, Bilha—as well as his wife, Gittel. He hurried to Belsen to find them.

He found Bilha and hugged her, then hugged the others.

"Where is my wife?" he asked the children. As the oldest, Rachel answered first, "Aunt is dead," she said.

Max was stunned. He slapped Rachel on the face. "That's not true," he said. "You're lying."

Rachel gathered herself. "It's true," she said.

Not long after that, the children split for the first time in more than three years.

Seven-year-old Hanka, the rabbi's child, and 4-year-old Yossi were bound for Sweden. Both had lost both parents during the Holocaust, and now they had come down with tuberculosis. The Swedish government was offering treatment.

Rachel followed her Uncle Max and cousin Bilha to their new home in Czechoslovakia. After a few weeks, she approached her uncle with a question of her own: She wondered if he's heard any news about her mother or father. All through the concentration camps, there'd been no word about what became of them.

Now it was Max's turn to deliver bad news. He's spoken to someone who had witnessed their execution. As gently as he could, he explained this to Rachel.

The words shocked her, Rachel says. "I didn't believe him."

From Krakow to Plaszow, to Ravensbruck, to Bergen-Belsen—she always kept thinking that her parents would turn up. That they would run into each other's arms and hug.

"It just didn't penetrate . . . And to tell you the truth, to this day it still doesn't penetrate. Even though I'm a grown woman, in many ways I feel like I'm not a grown woman. I feel like I am a child. Because I don't understand these things, and I can't believe them."

"I just feel, 'Where are my parents' graves? Where can I go to see that it's really so? And why? Why did they die? I cannot understand why they died, I cannot understand why 6 million Jewish people were killed for no reason and the whole world stood by."

"And until this day, I don't believe this horrible nightmare really is possible. That it really happened."

#### A TRIBUTE TO PAUL DUKE

#### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. JACOBS. Mr. Speaker, as our friend, David Broder, says, Paul Duke is a very special person.

Paul Duke is a man of uncommon talent and uncommon modesty, the quintessential scholar and gentleman.

[From the Indianapolis News, Jan. 19, 1994]

RETIRING JOURNALIST EARNED RESPECT

(By David S. Broder)

WASHINGTON.—Every Friday evening at 8 p.m., Eastern time, millions of Americans interested in politics and public affairs tune their television sets to "Washington Week in Review" and watch some of this city's best journalists summarize and discuss what is happening in the U.S. government.

For the past 20 years, the moderator of this Public Broadcasting System program has

been a mellow Virginian, Paul Duke, who is the embodiment of an endangered tone of civility and professionalism in the news business. Duke is retiring from the program at the end of February, and last Wednesday his colleagues hailed his work at the National Press Club. An out-of-town assignment kept me from attending, but—like last year's retirement of John Chancellor, a journalist of similar quality—this is not an occasion which should go unremarked.

There is never a surplus of sensible, non-strident reporting and analysis, and "Washington Week" increasingly has stood out as a monument to that tradition in a landscape littered with "infotainment" and other forms of junk journalism.

As a very occasional participant in the show, I have enjoyed the gentle makeup room needling and obvious camaraderie of the regulars like Gloria Borger, Hedrick Smith, Jack Nelson, Haynes Johnson, Charles McDowell, Howard Fineman and Steve Roberts.

Far more often, when on the road, tuning in to "Washington Week" has been the closet thing to the "fix" I get when shooting the breeze in The Washington Post newsroom with the reporters covering the White House, Capitol Hill, the State Department, the Pentagon or the big investigative story of the week. In both cases, there is a minimum of bunk and a maximum of good-humored, skeptical but earnest effort to figure out exactly what the hell is going on.

The tradition was already established when Duke slid into the moderator's seat at "Washington Week" seven years after the program went on the air. He has done a huge amount to strengthen it. He came to the job as a first-rate reporter. When I met him, he was part of a trio of political/congressional reporters at the Wall Street Journal, with Alan L. Otten and Robert D. Nowak, that may have been as strong a team as any news organization has ever had on that beat.

He did the same kind of non-flamboyant but aggressive reporting for NBC News before shifting to public television. And he sought out the same kind of reporters for "Washington Week." Oddly, in opting for workhorses, rather than show horses, "Washington Week," found people like the late Peter Lisagor of the old Chicago Daily News, who became beloved figures to the weekly audience of 4.5 million people.

Duke spoke at the press club of the extraordinary bond that exists between the viewers and the regulars. Those viewers worry about the reporters' colds, criticize their clothes, name their children for their favorites. The trust that our colleagues on "Washington Week" engender benefits all of us in the journalist community. It's an offset to the cynicism and distrust bred by the sarcastic, smart-aleck shouters who dominate so many of the other Washington-based talk shows.

Duke spoke for many of us when he said: "It is our business, the press' business, to chronicle all the deeds and misdeeds (of public officials). And clearly the press is no more perfect than the politicians or the policy-makers. There is too much careless reporting today, too much cynicism, too much reliance on unnamed sources, and too much instant analysis which all too often turns out to be instant baloney."

And in specific reference to television, he added: "The notion that news is entertainment has spawned a flashy and slurpy brand of programming that leans heavily on sob stories or celebrity interviews, shows that are little more than video versions of the old

Hollywood movie magazines and the Police Gazette. What we've seen is the news business becoming more like show business."

Happily, the executives at WETA-TV, which produces "Washington Week," have chosen a successor to Duke who embodies the same values and virtues. Ken Bode is a political scientist by training, who left teaching to write politics very well for The New Republic magazine, then moved on to do a first-class job as NBC's political reporter. He always has eschewed the "glamour-puss" approach to television news in favor of dogged reporting. His crammed, looseleaf source book testified to his cultivation of grassroots political activists of all stripes.

A few years ago, Bode returned to academic life at DePaul University, while keeping his hand in journalism with special reports and documentaries for CNN. He is going to keep his home in Greencastle, Ind., while commuting to Washington several days each week. That's smart.

I've visited him there and joined him and his wild buddies at their regular after-breakfast cribbage game near the potbellied stove in an auto repair shop. If Bode or his "Washington Week" panelists ever threaten to become stuffy, the "boys" at the garage will razz him unmercifully.

Paul Duke's fine legacy will be in good hands.

#### GI BILL 50TH ANNIVERSARY

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. DE LA GARZA. Mr. Speaker, today marks the 50th anniversary of the signing of the Servicemen's Readjustment Act or as its known to most of us, the GI bill. It is hard to think five decades have passed since this became law, but the intervening years reflect what a resounding success this legislation has been.

Its purpose was threefold—to avoid high levels of veteran unemployment, as had occurred following World War I; to help alleviate shortages of trained manpower due to the postponement of education or large numbers of service persons; and to provide assistance in adjusting to civilian life for returning veterans. This measure provided the necessary stepping stones to realize these goals.

Our country and specifically higher education as we know it today would not be the same were it not for this legislation, and that is what makes the GI bill so special. This program raised the intellectual level of an entire generation thereby stimulating an unprecedented economic expansion in America. The first GI bill veterans turned out to be the best educated and best trained in the history of America.

This was a major investment, but what we have seen over the years is that the Nation has earned back its investment many times over. During the lifetime of the average veteran the U.S. Treasury receives from two to eight times as much in income taxes as paid out in GI bill education benefits. But the even greater benefit was the pool of talent that was nurtured and tapped and who eventually became the leaders of our Nation.

Since its inception, more than 20 million veterans and dependents have participated in GI

bill education and training programs. This fact alone reflects the importance of this legislation. But even more importantly, and why I feel it is that the GI bill is so notable, is what it did to provide countless Americans with paths of opportunities.

To say that the founders of this program were very farsighted in their vision would be an understatement. Not only did they realize the great debt we as a nation owed our veterans and that this was one way to express our gratitude, but they first and foremost recognized that there is no greater gift than knowledge—that this above all else is the primary resource for individuals to achieve their aspirations and dreams.

As the years go by, I think we all recognize and more fully appreciate the contributions of the GI bill to our country. I know I do. I am a product of the GI bill, and along with thousands of veterans who I know share my sentiments I want to say our Nation could not be what it is had it not been for all who served and the GI bill.

#### OUTSTANDING ATHLETE OF THE YEAR

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to join the John F. Kennedy High School students and faculty in honoring Nicole Carmichael as the recipient of the Outstanding Athlete of the Year Award.

Nicole Carmichael has just completed her junior year at Kennedy High School. She has demonstrated remarkable athletic achievement in the sport of track and field.

This winter during indoor track season, Nicole won several meets. She is the county and State champ in the 55 meters race and placed sixth in the 55 meters State Meet of Champions.

Nicole is not only a great indoor track athlete, but also an exemplary spring track athlete. She is undefeated in the dual meet competition and has been awarded the Girls Track Most Valuable Participant for the 190 half points she scored for her team this past season. Furthermore, Nicole placed first in the 100 and 200 meters NNJIL Meet and, in doing so, she broke the meet record set in 1986. She also won first place in the County Meet of Champions for the 100 and 200 meters race and helped her team take another first place by being the anchor leg in the mile relay.

In addition to those numerous awards, Nicole is the first girl from her high school to win first place in the State Track Meet of Champions in not one, but two events. She also possesses the school, county and league record and tied the sectional meet record for the 100 and 200 meter races. Moreover, Nicole is the first place 100 and 200 meter winner in the Girls Eastern States Track Championship.

It is with great pleasure that I ask my colleagues to join me in honoring this prestigious athlete on her extraordinary achievements.

#### TRIBUTE TO REV. NINH VAN NGUYEN

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Reverend Ninh Van Nguyen, a man who has dedicated his entire adult life to the service of God and his fellow man. On the evening of June 17 his family, his friends, and his colleagues will gather to recognize Reverend Nguyen's many contributions to the Presbyterian Church and the community at large.

The life of a refugee is a difficult one. Many make their way to this country after having their lives jeopardized by circumstances beyond their control. No one knows the uncertainty of a refugee's life like Reverend Nguyen does. He was a refugee not once, but twice. Uprooted from his homeland, Reverend Nguyen knows all too well that for a refugee to survive, he must find something to believe in, something that can never be taken away. Ninh Van Nguyen believed that he could make a difference in the lives of his fellow refugees.

After fleeing Communist forces in North Vietnam, Ninh Van Nguyen, settled in South Vietnam in 1954 and soon went to work for Vietnam Christian Service. Their mission was to alleviate the suffering of war victims—the orphans, the widows, the refugees, the sick, the wounded, the amputees. He did this work from 1955 to 1975, and as you can imagine, in Vietnam there was much work to do. He continued at this most difficult of jobs until, once again, he was uprooted by the forces of communism.

In his new country, America, Ninh Van Nguyen set out to continue assisting his fellow refugees. As a consultant to Lutheran Immigration and Refugee Services based in New York, he developed resettlement programs supervising orientation and crisis intervention services for Southeast Asian refugees.

Eventually, his work landed him in Sacramento, CA, where he founded the Southeast Asian Assistance Center, earned a degree in social welfare, a masters in social work, a master of divinity, and a doctor of ministry. Since 1983, he has served as pastor/director for Southeast Asian Ministries. In 1986 he became the first, and only, Vietnamese refugee to become an ordained minister in the Presbyterian Church.

Throughout his life's experiences, Reverend Nguyen has developed a genuine understanding of the many issues affecting the quality of people's lives. He has embraced leadership positions in numerous community organizations, including the YMCA, Interfaith Service Bureau, the Sacramento County Health Council, and numerous others dedicated to improving the quality of life for immigrants. It appears as through Reverend Nguyen has dedicated every waking hour to his life's work of service to man and service to God. In so doing he has become a well-rounded and highly educated individual with a wealth of real world experience. Sacramento is fortunate to be the home of such an outstanding spiritual and community leader.

Mr. Speaker, it is with great pleasure that I rise today to recognize Rev. Ninh Van Nguyen, who serves as a living definition of the word "dedication."

#### DEMOCRATIC RUSSIA JOINS THE PARTNERSHIP FOR PEACE WITH NATO

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. LANTOS. Mr. Speaker, yesterday marked an historic milestone in the post-cold-war partnership between the United States and Russia and an historic milestone for Europe and the world. On the 53d anniversary of Germany's invasion of Russia on June 22, 1941, the Foreign Minister of Russia signed documents making Russia a participant of NATO's Partnership for Peace.

While the United States-Russian relationship over the last 50 years has been dominated by friction, it is framed on both ends by beacons of cooperation and partnership. I am optimistic and confident that the future of United States-Russian cooperation will be peaceful, prosperous, and successful.

It is significant, Mr. Speaker, that the Government of Russia has signed the Partnership for Peace documents on June 22, because that day marks the 53d anniversary of Germany's invasion of the Soviet Union, a historic turning point of World War II which led to the establishment of the grand alliance of the United States, Britain, the Soviet Union, and other countries which ultimately led to the final and unconditional defeat of the Nazi invaders. Russia's contribution to the Allied effort was critical to the ultimate success, and was vital in bringing about the end of the domination of the Fascist regimes.

The signing of the Partnership for Peace documents brings to mind another key event of the World War II era of cooperation with the Soviet Union. On April 25, 1945, troops of the American and Soviet Armies met on the Elbe River in Germany. That meeting was an important symbol of our united cooperation in the final successful assault on Nazi Germany. Within a few weeks of the historic meeting of American and Soviet troops at Turgau on the Elbe River, Hitler and most of his lieutenants were dead, Nazi Germany was defeated, Europe was liberated, and the Allies were victorious.

Mr. Speaker, today, we have come full circle, and once again the United States and Russia, along with our European allies, have agreed to work together for the goal of maintaining peace in Europe and in the world. It is incumbent upon all of us to recognize the great opportunity which Russia's participation in NATO's Partnership for Peace now provides us—a better opportunity for contributing to peace and fostering democracy in Europe and around the world.

It brings me great pleasure—and relief—to see the world backing away from the threat of global war and nuclear conflict that we have faced during most of the past half century. It is reassuring to see our two nations moving

toward cooperative solutions to the pressing problems that we both face. The implications of Russian participation in NATO's Partnership for Peace are enormous. If this leads to eventual NATO membership by Russia and the other members of the former Warsaw Pact, it will mark the true end of the barriers which have divided Europe since the end of World War II.

The security alliance stretching east from Vancouver to Vladivostok does not ensure that there will be no more Bosnias or no more Nagorno-Karabakhs, but it does a great deal to eliminate the risk that such tragic local conflicts will lead to large-scale conventional warfare, and it assures that there will be greater possibility for nuclear cooperation. Moreover, it enhances the international community's ability to deal with low-scale, localized conflict. Just as important, it means that resources previously devoted to military preparedness can now be allocated to more productive domestic uses which will contribute improved quality of life for the citizens of all countries.

Mr. Speaker, the Russian people and the Russian Government of President Boris Yeltsin are to be congratulated for their decision to join the Partnership for Peace. It required statesmanship and farsightedness for Russia now to cooperate closely with its former enemies—not a policy lightly undertaken by any nation, and certainly not one enduring the political and economic upheaval wracking Russia. I commend President Yeltsin, Prime Minister Viktor Chernomyrdin, and Foreign Minister Andrey Kozyrev for their enlightened action today.

Mr. Speaker, I also wish to commend our own administration for their critical and constructive contribution to the historic event that we marked yesterday starting with President Clinton and including Secretary of State Warren Christopher, Deputy Secretary of State Strobe Talbott, and the rest of the President's foreign policy team. These men and women are to be commended for their successful conclusion of painstaking negotiations for Russia's entry into the Partnership for Peace.

This long process has demanded vision, patience, perseverance, and diplomatic skills of the highest level as the administration sought to allay Russian fears about NATO expansion and alliance worries over possible Russian obstructionism once inside the partnership. Moreover, we're not out of the woods yet; rather, the signing ceremony initiated the start of another critical phase in the process of creating a peaceful, prosperous, and stable post-cold-war Europe. Disagreements and setbacks are to be expected along the way as the East European countries and Russia are integrated more thoroughly into the Atlantic Alliance, but the promise of closer consultation and coordination clearly argues well for the ultimate success of this undertaking.

Mr. Speaker, I would like to acknowledge this administration's contribution to establishing lasting peace and real security on the European continent, the very same cause that so many Americans and Russians fought and died for during World War II. The best way we can honor their sacrifice and achievement is to make the resort to arms unnecessary in Europe. This agreement brought us closer to that goal.

#### BROOKE BOTTUM ESSAY AMONG WINNERS IN SCHOOL-DAR FLAG ESSAY CONTEST

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, for more than 20 years, Nancy Vonic, English teacher at Oliver Winch Junior High School in South Glens Falls, NY, and with the help of the Jane McCrea Chapter of the Daughters of the American Revolution, has assigned her seventh-graders to write essays about the American flag.

I am proud to place the winning essays in today's RECORD, including the honorable mention essay submitted by Brooke Bottum, daughter of Diane Bottum, of 11 Lincoln Avenue East, in South Glens Falls. Congratulations go out to Brooke, and our grateful appreciation to Nancy Vonic and the Jane McCrea Chapter of the the DAR.

HONORABLE MENTION

THE AMERICAN FLAG

(By Brooke Bottum)

This essay is about what the United States flag means to me.

The United States flag is a symbol which stands for our country's land, people, government, and ideas. When I say the Pledge of Alligiance, I feel that I am honoring the men and women who died to protect our flag from dishonor and disgrace.

The flag was made in 1777. It has 13 stripes, which stand for the original 13 colonies. There are 50 stars inside a blue square that represent the 50 states. The first flag was made by Betsy Ross. A description of the flag is in the Journals of the Constitution.

I am very grateful to my grandfather. He fought for our country's rights during World War II. He was willing to die for our country. I like to listen to stories about when he was in the war. I can learn a lot from him.

Also a close elderly friend of mine was a woman who helped out during the Korean War. She died a couple of months ago. At her burial, there was a flag over her casket. Men shot off guns and there was a person playing slow trumpet music. The flag was folded a certain way and presented to her son. When they put up her headstone, there was a flag put next to it. She is buried in Our Lady of Angels Church (cemetery) in Whitehall.

As we learn more about the wars in Social Studies class, it makes me feel honored to be part of the United States and to be able to stand and honor our flag every day in school. It makes me realize how lucky I am to be in a country with so much freedom.

#### SALUTE TO EAGLE SCOUT DAVID HARVEY

**HON. DAVID MANN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MANN. Mr. Speaker, I rise today to congratulate David Harvey for earning the Boy Scouts of America Eagle Scout rank. David will be recognized for his achievement at a special court of honor ceremony on June 26, 1994, at Pleasant Ridge Presbyterian Church.

David joined Troop 6 after being a Cub Scout in Pack 33. He has held several positions of responsibility, including senior patrol leader. David has been inducted into the Scouts' honor campers group—the Order of the Arrow, and has completed junior leader training.

David, like all other Eagle Scout candidates, was required to complete a community service project. He worked with the Caring Place to raise money for Christmas toys for disadvantaged children. He then helped staff a special Christmas party thrown for the children.

David Harvey also has been persevering to perform to the best of his abilities outside of scouting. He is a student at Kings High School, and enjoys playing baseball.

I salute David on his accomplishment, as well as his parents and his scout leaders whose support helped make it possible.

#### TRIBUTE TO KRISTEN GOEHRING

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. TANNER. Mr. Speaker, I want to take this opportunity to congratulate Kristen Goehring for being honored with Kristen Goehring Day in Jackson/Madison County, TN. It is certainly appropriate that someone as talented and skilled as Kristen be honored in such a manner so that children throughout the area can recognize the type of role model she is.

In today's competitive world, to excel in either athletics or academics is a terrific achievement. However, to excel in both is a truly remarkable feat. To take those achievements and apply them to a career that will bring pride and honor to one's home and family, and fulfill a vital need to the public is perhaps the greatest gift one can give back to society.

From an early age, Kristen was recognized as one of the best players in athletic competitions. As a teenager, she participated on AAU basketball teams and won numerous awards from school, camps, and athletic organizations. During her high school years, Kristen led Northside High School to its only undefeated season in school history and a ranking in the USA Today top 25 girls teams. Among her honors were All District, Most Valuable Player, TACA Player of the Year, Regional Tournament MVP, the All-West Tennessee and All State and All Mid-South teams, Street & Smith/USA Today All American, AAU All American on the 15 and under national championship team. Equally impressive was being named an Academic All-American by the National Secondary Education Council.

At the University of Mississippi, Kristen was named to the All SEC Freshmen Team, "Newcomer of the Year", All SEC, All SEC Academic Team, Chevrolet Player of the Game. She was also the 13th all time leading scorer in school history and team captain. Every year while at Ole Miss, Kristen was named a Scholar/Athlete and was on the Dean's List and the Chancellor's Honor Roll.

Kristen has now been named as the 1993-94 NCAA Women of the Year at Ole Miss.

She has a 3.67 grade point average in pharmacy while entering pharmacy school as a sophomore. She has also been selected to serve as a member of Rho Chi, the highest honor society in pharmacy.

Kristen turned down an offer to play professional basketball in Europe, and numerous other work opportunities, to utilize her pharmacy degree in order to receive her doctorate and serve others by teaching. She is proof that academics, athletics, competitiveness, and success are intertwined. I think it is appropriate that we all recognize the achievements of Kristen Goehring and promote her as a role model for the youth of our Nation.

#### GLENS FALLS, NY, MOURNS LOSS OF OTTO WAHL, SR., FORMER YMCA HEAD

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, I'd like to say a few words about a man whose recent loss is mourned by everyone who knew him, Otto F. Wahl, Sr., of Glens Falls, NY.

Mr. Wahl was for many years executive director of the Glens Falls YMCA and held several posts in city government. But when I think of Otto Wahl, I think of a man who, without fanfare or recognition, made a difference in his community by being unfailingly generous with his time.

Mr. Wahl was an outstanding high school athlete who went on to serve as an Air Force cryptographer in World War II and earn a bachelor's degree from Syracuse University. He became associated with the Glens Falls YMCA in 1956, serving in such capacities as physical director, program director, assistant director, and finally executive director from 1970 to 1973.

He was instrumental in building the new Glens Falls YMCA in 1969. He also organized and coached YMCA Northeast District championship swim teams. His learn-to-swim campaigns ultimately involved thousands of local youngsters. Mr. Wahl also organized summer camping programs for underprivileged children.

The Glens Falls Optimist Club singled him out for his devotion to area youth, especially with the Optimist-sponsored Youth Appreciation Day and the Optimist Youth Basketball League. Older Americans were also beneficiaries of his civic spirit when he served as an active member of the Glens Falls Senior Citizen Center.

Mr. Wahl worked for the city as special-projects assistant from 1978 to 1982 and personnel officer from 1983 to 1987.

When he retired in 1973, the YMCA board of directors, in expressing their appreciation, noted that Wahl, "labored long and faithfully, many times far beyond the call of duty."

That's why, Mr. Speaker, I'm taking this opportunity to see that this man receives his due recognition. I ask everyone to join me in expressing our sympathies to his wife, Jane, and to the rest of the family, and in paying our last respects to a great friend and a great American, Otto Wahl, Sr., of Glens Falls, NY.

#### SALUTE TO EAGLE SCOUT REID SCHNEEMAN

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MANN. Mr. Speaker, I rise today to congratulate Reid Schneeman for earning the Boy Scouts of America Eagle Scout rank. Reid will be recognized for his achievement at a special court of honor ceremony on June 26, 1994, at Pleasant Ridge Presbyterian Church.

Reid joined Troop 6 after receiving the Arrow of Light in the Cub Scouts. Since then, he has held several positions of responsibility. Reid has been inducted into the Scouts' honor campers group—the Order of the Arrow, and has helped staff the Brownsea Junior Leadership Training Camp.

Reid, like all other Eagle Scout candidates, was required to complete a community service project. He worked with the Pleasant Ridge Elementary School to renovate the World War I monument on the school grounds. The project involved new landscaping work and an effort to protect the monument from deterioration by the weather.

Reid also has been persevering to perform to the best of his abilities outside of scouting. He is a student at Walnut Hills High School, and enjoys soccer and baseball.

I salute Reid on his accomplishment, as well as his parents and his scout leaders whose support helped make it possible.

#### SURGICAL PROCEDURE: REMOVE DR. ELDERS

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. STUMP. Mr. Speaker, as one of the many Members who has signed Mr. STEARNS' letter to President Clinton calling for the resignation of the Surgeon General, I am hopeful that he will give our request his most serious consideration.

Dr. Elders has repeatedly crossed ethical boundaries and made statements many Americans find extremely offensive and indefensible. In fact, just yesterday while speaking at the Lesbian and Gay Health Conference, she lashed out at the un-Christian religious right.

Although, I find her latest attack unsettling to say the least, I must admit that it is not the most damaging statement she has made. I find it particularly worrisome that the Surgeon General, who is in a position to guide this Nation's youth and give them a sense of what is right and what is wrong, has made controversial and flippant remarks on issues involving drug abuse and sexuality.

We are all aware of the horrors of drug abuse and the terrible and destructive impact it has on our society. Yet, in the midst of this Nation's war on drugs, the Surgeon General has advocated a study of the possible legalization of illicit drugs. Equally as disturbing are her comments on sexuality. Her idea of responsibility is for "every young girl when she

goes out on a date—put a condom in her purse."

Mr. Speaker, the Surgeon General of the United States should be dedicated to promoting public health and welfare. I believe that Dr. Elders has a much different agenda. Quite frankly, I am convinced that if she is not removed from her position, her actions will only get worse. I am hopeful that the President will heed our request and replace Dr. Elders with a Surgeon General who is dedicated to our common values and interests.

#### EXPLANATION OF VOTE ON INTERIOR APPROPRIATIONS

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. POMEROY. Mr. Speaker, although I voted for the fiscal year 1995 Interior appropriation bill because of the many programs important to my State, I have strong objections to the funding included for the National Biological Survey [NBS]. I voted for the Allard amendment which would have eliminated funding for activities for the NBS.

Mr. Speaker, when the authorization bill for the National Biological Survey was considered by the House, I supported a number of amendments to improve the bill—including those offered by Representatives TAYLOR and DOOLEY. Although these modifications were added, I felt compelled to vote against it on final passage. I believe the potential for infringing on private property rights was too great.

Further, this measure is not authorized. The Senate has yet to consider the measure and I believe our dollars can be better spent on the other worthwhile programs already underway at the Department of Interior.

#### TRIBUTE TO NOPI BARNARD

### HON. DON JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to honor the memory of a great citizen of the 10th District of Georgia, the late Nopi Barnard. As you recall, Mrs. Barnard was the wife of Representative Doug Barnard, who served this district well for 16 years.

Mrs. Barnard was a fine poet. In remembrance of her, Mrs. Elinor Petree Schadek, whom Mrs. Barnard befriended when she moved to Augusta, GA, has written a poem entitled "To Nopi." I would like for this poem to be entered into the RECORD.

To NOPI

I was a stranger and she took me in.  
She opened doors,  
Gently led me by the hand,  
And showed me how to live again.  
I heard a knock upon my door  
And went to find  
Baskets of flowers, a note,  
A book, a friendly face.

Earth Mother with a southern grace,  
She melted all the northern ice  
Around my frozen heart.

Some day, in green Elysian fields,  
On a flower-strewn slope  
In Paradise

I know I will find her.

Dear Nopi, of the soft brown eyes,  
Patiently, lovingly standing by  
Adjusting new halos, smoothing new wings  
Helping new angels learn to fly.

#### NO. 1 ELKS LODGE IN NEW YORK STATE IS KINDERHOOK LODGE NO. 2530

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, I am very proud to be a member of the Benevolent and Protective Order of Elks, and on July 3, Kinderhook Lodge No. 2530, Benevolent and Protective Order of Elks, will participate in the national ritual contest at the grand lodge convention in Chicago.

To get to this point, Kinderhook Lodge No. 2530 had to earn the designation as "No. 1" lodge in New York State after competition with 7 other lodges in the north Hudson district and 12 other lodges in New York State. It is no small feat, indeed.

Elks lodges have been known for their fraternal spirit and civic-mindedness from the very beginning. Also unique are the distinctive Elk observances, headed by the elaborate initiation ceremony designed to impress and inspire the new initiate.

Charity, justice, brotherly love, and fidelity, those are the principles of the Benevolent and Protective Order of Elks, and those are the lessons imparted during the initiation ceremony. That is why the ceremony is conducted with such reverence, and why each lodge strives to be the best in its rendition of the rite.

The ritual contests test the skills of lodge officers to memorize and act out the role they assume in the ritual. Each officer individually and the team as a whole are judged for impressiveness, word accuracy, pronunciation, and deportment.

Mr. Speaker, after the district and State competition, Kinderhook Lodge No. 2530 emerged as the best in New York State. I am extremely proud of them, and I would ask all Members to join me, both in congratulating them and to wish them good luck at the grand lodge convention.

#### SALUTE TO EAGLE SCOUT RYAN SCHNEEMAN

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MANN. Mr. Speaker, I rise today to congratulate Ryan Schneeman for earning the Boy Scouts of America Eagle Scout rank. Ryan will be recognized for his achievement at a special Court of Honor ceremony on June

26, 1994, at Pleasant Ridge Presbyterian Church.

Ryan joined Troop 6 in 1988, after his introduction to scouting as a Cub Scout. Since then, he has held several positions of leadership.

Ryan, like all other Eagle Scout candidates, was required to complete a community service project. He constructed a new swing set at Pleasant Ridge Methodist Church for the children's playground.

Ryan also has been persevering to perform to the best of his abilities outside of scouting. He is a new graduate of Purcell Marian High School, where he was a valued member of the soccer team and an honor student.

I salute Ryan on his accomplishment, as well as his parents and his scout leaders whose support helped make it possible.

#### DR. LARRY DECOOK ELECTED AOA PRESIDENT

### HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. LIGHTFOOT. Mr. Speaker, I would like to take a moment to commend a native Iowan, Dr. Larry DeCook, of Newton.

On June 28, Dr. DeCook will have the honor of being inducted as the 73d president of the American Optometric Association before his peers at AOA's 97th Annual Congress in Minneapolis, MN. Dr. DeCook's accomplishments are quite impressive and extend past his field of optometry. He was first elected to the 30,000 member organization's board of trustees in 1988. Dr. DeCook, a graduate of Pacific College of Optometry in Forest Grove, OR, is a past president of the Iowa Optometric Association and former chairman of the Iowa Board of Optometry.

In Newton, IA, he has served on the city council, the park commission, and the chamber of commerce board. He also is a past president of the Jasper County Tuberculosis and Health Association.

I am pleased to join Dr. DeCook's many friends and colleagues in congratulating him and am quite confident he will serve AOA well.

#### FATHER JAMES DEMSKE

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. LaFALCE. Mr. Speaker, Father James Demske of Buffalo died last week. Tributes of all sorts have been paid to him and his legacy. But few have been as heartfelt or as moving as the one written by my good friend Anthony Masiello, the mayor of Buffalo.

At this point I insert Mayor Masiello's comments.

Mayor Masiello's tribute to Father Demske follows:

I guess we should begin tonight by noting that if Father James Demske were alive, he wouldn't be very pleased about all the fuss

he was generating. For all his passion, for his intellect, for all his dynamism, in serving his God, his country, and his college.

Father Demske was not someone who sought or was comfortable in the spotlight, except maybe when he had a trombone in his hands.

I recall the first time I saw him. I was heading into my first varsity basketball season when he came into the gym at the Villa. We had heard so much about the new president and his imposing academic credentials, but when I first met him, I was struck by his humanity, his caring, and his concern.

We all knew he would be at home in the classroom, but he surprised us by being equally at home in the community, in the locker room, and in the student union.

Father Demske was the rarest of scholars—one of those who was as secure in the gyms as he was in the ivory towers of academia, a man of both intellectual brilliance and such common decency that the force of his personality brought Canisius off the campus and into the community where it enjoys such primacy today.

I was a little surprised when I learned he had entered the priesthood after leading a combat company in Europe during World War II, but those of us who knew shouldn't have been. It certainly would have been just like him to take one of the most destructive human experiences and turn it into a life and a legacy of such dedication and devotion to God and Canisius College.

Last year, when I aspired to become the 57th mayor of Buffalo, I was credited with creating a campaign of consensus and inclusion—of practicing coalition politics that had not been seen in Buffalo in nearly two decades.

But truly, my campaign was little more than what Father James Demske had practiced throughout his tenure as our leader.

Therefore, in a very real sense, what I have become and what I able to do for this city will be a result of the example I learned from this truly gifted and giving man.

Father Demske, more than any other role model I've had, typifies the advice of the sages who tell us not to seek lives of comfort, but to seek, instead, lives of quality.

Father Demske was a scholar of exceptional brilliance. He was a priest of unsurpassed reverence. And he was a man committed to quality; quality in himself, quality for those he touched, and quality for Canisius College.

Since his death, I have recognized in his life many of the attributes that would have guaranteed him success in the field of politics. But longer reflection reveals to me that Father Demske wouldn't have been a very good politician because, unless it was a trombone, he was never very comfortable blowing his own horn.

I'm very pleased, proud, and privileged to have a chance to blow it for him a little bit tonight.

Rest in Peace, Father.

#### TRIBUTE TO JAMES D. HENRY

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. TALENT. Mr. Speaker, I rise today to honor Mr. James D. Henry from Missouri's Second District. Mr. Henry was recently awarded the 1994 Small Business Person of

the Year by the St. Charles Chamber of Commerce. This award recognizes small business owners and operators for their personal achievements and contributions to the community.

Mr. Henry is the owner of R.C. Wilson Co. He purchased the company in 1985, and under his leadership it has grown from 25 employees to 82 employees.

Mr. Henry's community contributions include serving on the Boards of Duchesne Bank and Four County Medical Health. He provides an annual scholarship to a deserving high school junior or senior for Missouri Business Week. His extensive list of personal awards includes "Leadership St. Louis" from the St. Charles Chamber of Commerce in 1988; president, Missouri Collectors Association in 1991; and the Beacon Award from the American Collectors Association for his work on legislation with the U.S. Congress.

Mr. Speaker, I commend Mr. Henry on his achievements and I am grateful for his service. I wish him luck in future endeavors. It is an honor to represent such a distinguished person.

#### RUSSIA AS NEW "PARTNER FOR PEACE"

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MICHEL. Mr. Speaker, yesterday, June 22, 1994, Russia became the 21st country to join NATO's Partnership for Peace Program.

On a formal basis, this means Russia and NATO will cooperate in joint military exercises and peacekeeping operations.

But it has great symbolic importance as a new stage on the journey from cold war tensions to post-cold-war cooperation.

Russia is currently plagued by many difficulties, economic, social, and political. Becoming a member of the Partnership for Peace will not directly solve any of these problems.

And, of course, we have the question of Russian possession of nuclear arms, a legacy of the breakdown of the former Soviet Union.

Yes, Russia has problems.

But Russia's decision to enter into the Partnership for Peace is symbolic of what I believe to be widespread and genuine desire of the Russian people to enter into friendly and mutually beneficial relationships with the NATO countries.

This spirit of cooperation can transcend military matters and begin to invigorate and strengthen the cause of democracy and progress in Russia.

Who would have predicted years ago that in 1994, NATO and Russia would extend the hand of friendship to each other? It would have seemed impossible, but it has happened and we are glad it did.

#### JAMES WELLS WRITES FIRST PLACE ESSAY IN OLIVER WINCH DAR FLAG CONTEST

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, for more than 20 years, Nancy Vonic, English teacher at Oliver Winch Junior High School in South Glens Falls, NY, and with the help of the Jane McCrea Chapter of the Daughters of the American Revolution, has assigned her seventh-graders to write essays about the American flag.

I am proud to place the winning essays in today's RECORD, starting with the first place essay of James Wells, son of David Shearer of 56 Saratoga Road in Gansevoort. Congratulations go out to James, and our grateful appreciation to Nancy Vonic and the Jane McCrea Chapter of the DAR.

THE AMERICAN FLAG

(By James Wells)

Everyone in America has a memory of the American Flag. Some remember the Pledge of Allegiance. Others remember how their ancestors came to America. But most of them think of what the flag means to them.

To me, the American flag stands for freedom, liberty, and the country that I am proud to be a part of. I am proud of the way the flag was made, showing both what we are, with a star for each state, and what we were, with a stripe for each of the original 13 colonies.

I fill with pride when I see the colors of the flag, red, white, and blue and what they stand for: courage, honor, and high moral goals. Together, they stand for patriotism and national pride.

From the first animal skins strapped to poles, to the Union Jack, flags have stood for not only a rallying point for soldiers, but what the country stands for as well.

Every time I see the flag, I am reminded of the Revolutionary War, when we had to fight for our freedom. I am also reminded of a statue of another war, when our troops dropped their weapons to keep our flag from falling, for if it did, then all of the men would have lost all hope because that is what our flag meant to them.

Flag Day is a day to celebrate the history of flag and salute the morals and high goals it stands for. It should be a celebration that the American flag has become what it is. But most of all, it should be a reminder that we are all lucky to live in a nation that is democracy, has freedom, and gives you the right to be free, always.

#### SALUTE TO EAGLE SCOUT CHRIS QUALLEN

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MANN. Mr. Speaker, I rise today to congratulate Chris Quallen for earning the Boy Scouts of America Eagle Scout rank. Chris will be recognized for his achievement at a special Court of Honor ceremony on June 26, 1994, at Pleasant Ridge Presbyterian Church.

Chris joined Troop 6 in 1988. Since then, he has held several leadership positions. Chris has completed the Brownsea Junior Leadership Training Program.

Chris, like all other Eagle Scout candidates, was required to complete a community service project. He worked with the Pleasant Ridge Community Council and Cincinnati Highway Maintenance Division to renovate and replant a perennial flower bed at a highly traveled interstate exit in his neighborhood.

Chris also has been persevering to perform to the best of his abilities outside of scouting. He is an honor student at Purcell Marian High School, where he is a valued member of the wrestling team, which won the Greater Cincinnati League this year.

I salute Chris on his accomplishment, as well as his parents and his scout leaders whose support helped make it possible.

#### WHO IS CRITICIZING THE NEA?

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mrs. MALONEY. Mr. Speaker, I rise this afternoon to discuss an exchange that took place earlier today on the House floor.

During debate on the Stearns amendment to cut funding for the National Endowment for the Arts, I expressed my anger over the hypocritical stance taken by many NEA critics.

While so many Members of this House are quick to thunder their outrage over NEA funding of programs they perceive to be obscene, these same people are deafeningly silent when lewd, sexist comments are made about women.

During my floor statement, I sought to ask a question of the author of the amendment about what he had said in the wake of the comments of a colleague who publicly remarked upon the size of a female television producer's breasts.

Unfortunately, my question was misunderstood and in the interest of comity, I agreed to the withdrawal of the controversial sentences.

The NEA has done a superb job for many years of fostering and expanding the arts in America. Those who seek to become self-styled guardians of public morality should be reminded of the Biblical admonition, "Judge not, lest ye be judged."

#### TRIBUTE FOR AILEEN ADAMS

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Ms. HARMAN. Mr. Speaker, tomorrow, a very special organization the Rape Treatment Center, will honor its legal counsel and founding board member, Aileen Adams, who has been nominated to serve as Director of the new Office for Victims of Crime in the U.S. Department of Justice.

A better appointment and a more able woman are hard to come by.

In 1962, Aileen and I set off from Los Angeles for Smith College. Though we came from different backgrounds, we became fast friends, and I've watched with admiration Aileen's accomplishments as mother and wife, her service on public boards, and her career as probation officer, police reserve officer, prosecutor, fire commissioner, protector of consumer and patent rights, and advocate for victims of rape and other violence against women.

Aileen helped build the Rape Treatment Center into a formidable institution. As the Nation has been riveted on the tragedy of Nicole Simpson and her family, the need for the center is all the more apparent. I was able to help the center in one instance involving a young rape victim who became stateless following the civil war in her native Yugoslavia. Aileen made clear to me that unless this young woman were permitted to return to Los Angeles to continue counseling, her emotional scars might never heal. The Clinton administration responded and, hopefully, the news is good.

Aileen makes good things happen, and the administration is fortunate to be getting the Adams/Cowan team.

Mr. Speaker, I salute this very dedicated woman and the organization she has served so well.

#### PARTNERS FOR RECYCLING PRAISED

### HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SUNDQUIST. Mr. Speaker, As one with a longstanding interest in recycling as a way of reducing the amount of waste we need to landfill or burn, I am proud to share with my colleagues an innovative project undertaken in my State of Tennessee.

Partners For Recycling a mobile exhibit on integrated solid waste management, recycling and the 21st century landfill was part of the Second National Tribal Conference on Environmental Management, May 23-26, 1994, Cherokee, NC. Partners For Recycling is a public-private partnership developed by the State of Tennessee, the Tennessee Soft Drink Association and the Tennessee Valley Authority. Partners For Recycling is a permanently mounted, interactive exhibit housed inside a recycled over the road 45-foot trailer, designed to move easily from one place to another. The exhibit places recycling in the context of comprehensive solid waste management system, beginning with source reduction, and ending with a 21st century landfill. From statewide planning to information on how citizens may participate, the exhibit has three dimensional instructional wall panels, a multimedia kiosk, videos and a variety of resource materials. The exhibit is staffed by retired persons who are members of Bicentennial Volunteers, Inc. The exhibit itself demonstrates the practical use of recycled materials \* \* \* such as recycled extruded aluminum framing, rubber door mats and carpet made from recycled PET—soft drink containers.

I applaud this effort to promote recycling and offer it as an example that other public-private partnerships might emulate.

#### WORLD CHAMPIONSHIPS OF CYCLING

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SHUSTER. Mr. Speaker, I rise today to bring to the attention of my colleagues Altoona, PA's bid for the 1997 World Championships of Cycling. In 1992, Altoona was host of the U.S. Olympic Cycling Team Trial; which drew over 100,000 spectators. Altoona also acts as host for the annual "Tour de Toona" cycling race.

Altoona is a community of 50,000 people located in central Pennsylvania, surrounded by the Allegheny Mountains. The crime rate is among the lowest in the Nation, and the people pride themselves on being friendly, honest, and hardworking.

The area is easily accessible by car via Route 220; and by Amtrak for those traveling by rail. Altoona is conveniently close to Washington, DC, Pittsburgh, Philadelphia, Cleveland, and Buffalo.

Financial support for the Olympic trials from the region was overwhelming. The local utility companies acted as sponsors along with Conrail, who was the largest corporate investor. Conrail covered railroad crossings and provided Olympic decorum for the event. A local water bottling company supplied water for the racers, and a medical group offered their physical therapy services. Over 1,000 citizens volunteered their time and energy to insure the success of the Olympic trials.

In August of this year, a bid presentation will be made to the International Cycling Federation in Italy. If Altoona receives this bid I am confident that the community will once again come together and show visitors from around the world a glimpse of what a successful and prosperous American city is really like. Altoona has demonstrated its dedication as a host city for such an event in the past, and it would be in the best interests of the international cycling community to hold the 1997 World Championships of Cycling in Altoona, PA.

I call on my colleagues to support this bid, with the hope that this event will come to Altoona and benefit the Commonwealth of Pennsylvania and the United States.

#### TONY WALKUP AWARDED THIRD PLACE IN SCHOOL-DAR FLAG ESSAY CONTEST

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, for more than 20 years, Nancy Vonic, English teacher at Oliver Winch Junior High School in South Glens Falls, NY, and with the help of the Jane McCrea Chapter of the Daughters of the American Revolution, has assigned her seventh-graders to write essays about the American flag.

I am proud to place the winning essays in today's RECORD, including the third-place

essay of Tony Walkup, son of Mr. and Mrs. Robert Walkup of 3 Moreau Drive, South Glens Falls. Congratulations go out to Tony, and our grateful appreciation to Nancy Vonic and the Jane McCrea Chapter of the DAR.

#### THIRD PLACE—THE AMERICAN FLAG

(By Tony Walkup)

The American flag is one of a kind. Continental Congress decided there should be an emblem to represent the U.S. on June 14, 1777. They sent out Gen. George Washington with the designs of the first American flag. Washington picked Elizabeth Betsy Ross to make the first ever flag. The first flag consisted of 13 stripes and 13 stars. It had seven red stripes and six white stripes alternating. These 13 stripes were symbols of the 13 original colonies. The stars were arranged in a circle or 12 stars forming a circle surrounding one in a blue field. The Continental Congress never really indicated how the stars would be arranged.

Every time a state joined the Union, the Continental Congress added a star and a stripe, but they realized it would soon become too complex.

The colors of the American flag have special meanings. White stands for purity and innocence, red stands for hardiness and vigor, and blue stands for vigilance, perseverance, and justice.

The Pledge was written by Francis Bellamy and first used on Oct. 12, 1892, at a festival in Chicago. On June 14, 1954, President Eisenhower signed a law which added the words "under God" to the Pledge. The Pledge is merely a salute to the flag to show your patriotism and to show that you care for your country.

To me, the flag stands for liberty, independence, and all the rights granted to me. America gained its independence from the British in 1783 after the Revolutionary War. Proudly let it wave!!!

#### LEGISLATION TO FUND INNOVATIVE TECHNOLOGIES TO CLEAN UP COMBINED SEWER OVERFLOW POLLUTION

##### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. OLVER. Mr. Speaker, earlier this week I introduced along with my colleague from Massachusetts [Mr. NEAL], H.R. 4614, legislation to help our communities, and to help our major rivers, with the problem of combined sewer overflow pollution.

As my colleagues may be aware, combined sewer overflows result from many communities having built single sewer collection systems for their sanitary sewers and their storm water sewers. This system works fine, except when a heavy rain increases the volume in the sewer system past the capacity of the treatment facility. When the treatment facility meets its capacity, the excess overflow, including untreated household waste, is discharged directly into a nearby waterway.

According to the Environmental Protection Agency, as many as 40 million Americans may live in communities with combined sewer overflows, or CSO's. Cleaning up these CSO's is a major goal for the EPA, in order to clean up our rivers and restore them to a fishable,

swimmable standard. However, the major burden of compliance is falling upon the municipalities, many of whom are older cities, least able to afford environmental infrastructure improvements of this kind. For example, cities in western Massachusetts, such as Holyoke and Springfield, may have to pay hundreds of millions of dollars in order to eliminate combined sewer overflows into the Connecticut River.

The bill we introduced this week is not an effort to reduce the Clean Water Act standards for our rivers. I believe that our urban rivers are some of our most underutilized and underappreciated resources for our cities, and we need to do more to reclaim and restore them. This bill is an effort to find new—better and cheaper—ways to clean up CSO's, and to help communities implement and demonstrate those methods for use around the country.

It should be no surprise that there is great demand for less expensive technologies, but, more significantly, there is great potential for such technologies. Constructed wetlands and vortex separators are just two examples of technologies which could save money for communities across the country if we had more information on how they work in practice. There may be other, even simpler, practices or technologies which could help cities and towns. But we need to provide Federal support and encouragement for test sites if cities are to be able to avoid using the same old, expensive methods which the EPA has already approved.

The bill authorizes \$100 million annually to fund CSO cleanup projects which use innovative and cost-effective methods or technologies to clean up waterways of interstate significance. Projects will have to include a technology transfer component, to spread the knowledge and use of these practices to other cities around the country, and will have to be in compliance with the EPA's national combined sewer overflow strategy, which promotes cost-effective cleanup of CSO's. Projects will be eligible for grants for feasibility studies, and for 80 percent funding for design and engineering and construction.

I believe this legislation is important to provide the national support which will enable cities and towns to find the cheapest way to clean up our waterways at the local level. We can save our cities significant funds, clean up our urban rivers, and support new environmental industries. I urge my colleagues to support this legislation, and I hope we will support the implementation of innovative CSO technologies in the reauthorization of the Clean Water Act.

#### INTRODUCTION OF H.R. 4636, THE EMPLOYMENT NONDISCRIMINATION ACT OF 1994

##### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. STUDDS. Mr. Speaker, this morning I joined with Congressman BARNEY FRANK and a bipartisan group of 105 original cosponsors in introducing H.R. 4636, the Employment Nondiscrimination Act of 1994. The introduc-

tion of this bill and its Senate counterpart, sponsored by Senators EDWARD M. KENNEDY and JOHN H. CHAFEE, marks the first time Federal legislation has been introduced specifically to provide redress for job discrimination based on sexual orientation.

I was particularly honored this morning to stand with Coretta Scott King, widow of the late Dr. Martin Luther King, Jr., and herself a revered leader of the civil rights movement; Justin Dart, who chaired the President's Committee on Employment of People With Disabilities during the Bush administration; and Ralph Neas, who serves as executive director of the Leadership Conference on Civil Rights, which has formally endorsed the bill, as together we began a new chapter in our Nation's long journey toward justice and equality for all our citizens.

This year we celebrate both the 40th anniversary of the Supreme Court's historic decision in Brown versus Board of Education and the 30th anniversary of the passage of the Civil Rights Act of 1964. During the past three decades, the Congress has built on those achievements by enacting a series of statutes to guarantee full civic equality for all Americans, regardless of race, religion, gender, national origin, age, or disability.

This is a legacy to be cherished and celebrated. Yet as we look at how far we have come as a society, we see also how far we have yet to go. Discrimination persists even where forbidden by statute. And millions of citizens still have no legal protection from discrimination at all. Each year, gay and lesbian Americans, and others who are perceived to be lesbian or gay, suffer job discrimination for which they have no recourse under Federal law.

That is why my colleagues and I have introduced the Employment Nondiscrimination Act. The act is simple, clear, and direct. It confers no special rights or privileges. Rather, it affirms that workers are entitled to be judged on the strength of the work they do, and should not be deprived of their livelihood because of the prejudice of others.

This is a principle with which every American can identify. Millions came to these shores in search of opportunity—the opportunity to build a decent life through one's own hard work and ingenuity. I believe that when our fellow citizens learn how frequently lesbians and gay men are denied that basic promise of the American dream, they will agree that something must be done.

In her remarks this morning, Mrs. King said:

I support the Employment Nondiscrimination Act of 1994 because I believe that freedom and justice cannot be parceled out in pieces to suit political convenience. As my husband, Martin Luther King, Jr., said, "Injustice anywhere is a threat to justice everywhere." On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible." Like Martin, I don't believe you can stand for freedom for one group of people and deny it to others.

Mr. Speaker, such eloquent words say all one need say about the need for this legislation. I welcome the support of so many of my congressional colleagues, both Democrats and Republicans, and the scores of civil rights,

labor, and religious leaders who have endorsed the bill. I am confident that H.R. 4636 will also find broad support within the business community and among decent, hardworking Americans from every walk of life.

#### TRIBUTE TO CHARLES E. REID

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mrs. ROUKEMA. Mr. Speaker, our communities and our country have always relied on the contributions of individuals who rise above and beyond the call of duty to make a difference in the lives of others. I pause today to join the borough of Paramus, NJ in paying tribute to one such hero, Charles E. Reid.

Charlie Reid is a lifelong resident of northern New Jersey. After serving 2½ years in the U.S. Navy during World War II, Charlie returned to New Jersey and married Elizabeth Bampton. Charlie and Betty settled in Paramus, NJ where they raised their three sons.

Over the course of his life, Charlie has served in a number of elected offices including mayor of Paramus, Bergen County Freeholder and as an assemblyman in the New Jersey State Legislature. I also value him as one of my first and strongest supporters, serving as chairman of my campaign committee. In each position he demonstrated the knowledge, compassion, and wisdom that have been the hallmark of the statesman's career. Today, however, I want to bring the attention of my colleagues to Charlie's lifetime dedication to education and, specifically, to strengthening our Nation's libraries.

In 1953, Charlie Reid first served as president of the Paramus Library Association. The following year, he began his tenure on the Paramus Board of Education. In the years since he has held positions on the local, State, and national level including president of the American Library Trustee Association, the National Book Committee, the National Archives Advisory Council, and more recently as the Chairman of the United States National Commission on Libraries and Information Science and as Chairman of the White House Conference on Library and Information Services.

In each capacity, Charlie has worked tirelessly to build our libraries, expand their collections, and make them more accessible to each and every member of the community. As President Bush's appointment to head the National Commission and the White House Conference, Charlie has literally led the Nation's efforts to improve information services.

For his commitment, Charlie Reid has been the recipient of numerous awards including the Paramus Public Library Service Award, the New Jersey Library Association Legislative Award, the Mid-Bergen Federation of Public Libraries Service Award, and the American Library Association Trustee Citation of Merit. Perhaps the most fitting tribute to Charlie Reid will be presented this Sunday, June 26 as the borough of Paramus names the borough's branch library the Charles E. Reid Branch Library.

Almost a half century ago, the physicist J. Robert Oppenheimer noted that an open society and unrestricted access to knowledge is the key to a world of human community. Charlie Reid is well aware of this and has spent the better part of his life making knowledge accessible to all. Today, I ask my colleagues in the House of Representatives to join with me and the borough of Paramus in saying a most grateful thank you.

#### COMMEMORATING THE U.S. PUBLIC HEALTH SERVICE

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. DINGELL. Mr. Speaker, today, I am pleased to introduce, with my colleagues, Mr. MOORHEAD, Mr. WAXMAN, and Mr. BLILEY, a resolution honoring the Public Health Service, its agencies, and its employees.

I think every Member of this House knows of the fine work of the agencies of the Public Health Service, such as the National Institutes of Health or the Centers for Disease Control and Prevention. Too often we think of these agencies in isolation, and do not recognize that much of their work is done in cooperation with, and depends on, that of sister agencies under the auspices of the parent Public Health Service. This resolution provides an opportunity to step back and acknowledge the collective work of this important component of the Department of Health and Human Services. So that Members will recall all of the diverse and essential parts of the Public Health service, I want to mention them here.

The Agency for Health Care Policy and Research, evaluates and makes recommendations to health care providers and the insurers about the effectiveness, costs, and benefits of both new and commonly used medical therapies, technology, and treatments.

The efforts of the Centers for Disease Control and Prevention to promote health and prevent and control disease and disability—in the community, the workplace, and the home—are critical to our State and local public health offices, and throughout the world.

The Food and Drug Administration reviews new drugs and medical devices to evaluate their safety and effectiveness and assures the safety of virtually every food product, medical device, cosmetic, and drug on the market in the United States, so that Americans can know that they may use these products without fear.

The Health Resources and Services Administration weaves together the fabric of our health care system to serve the poor and the medically underserved—through community health centers; migrant health centers; programs to provide health care for people with AIDS, native Hawaiians, the homeless, and those who reside in public housing; and support for training of health care providers to serve in urban and rural areas where residents otherwise have almost no hope of access to medical care.

The Indian Health Service serves as the primary or sole provider of health care for Amer-

ican Indians and Alaska Natives, both on reservations and in other areas, often challenging seemingly insurmountable obstacles to improve the health and quality of life for native Americans.

Research performed and supported by the National Institutes of Health, the premier biomedical research institution in the world, places it at the cutting edge of understanding the basic biology of health and the mechanisms to prevent, treat, and cure, the plethora of diseases and disorders which affect our citizens and those of the rest of the world.

The Substance Abuse and Mental Health Administration supports programs to prevent and treat mental illness and substance abuse, and to educate the public about the nature of these disorders and the need for compassion and understanding of those who are affected by them.

Mr. Chairman, I urge all of my colleagues to join me, Mr. MOORHEAD, Mr. WAXMAN, and Mr. BLILEY in saluting the Public Health Service by cosponsoring this commemorative resolution.

#### COMMEMORATING THE U.S. PUBLIC HEALTH SERVICE

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. WAXMAN. Mr. Speaker, I want to take a moment to join with my colleagues from the Energy and Commerce Committee to acknowledge the work of the employees of the U.S. Public Health Service. As we spend our time this Congress discussing the problems of financing treatment of illness, we sometimes overlook how much illness is actually avoided by public health efforts. Immunizations and preventive services, primary care clinics, research breakthroughs—these activities not only save money, they save lives. In fact, it has been argued by many epidemiologists that the true improvements in average American life expectancy have come not from hospital care but through the improvements in basic public health, biomedical research, and primary care. From infectious disease surveillance and prevention to the development and licensure of treatments for these diseases to the administration of such treatments to poor people, public health measures have made the real medical miracles of the 20th century.

Within the Federal Government, these activities are conducted by the U.S. Public Health Service, an agency comprised of several components: the Centers for Disease Control, the National Institutes of Health, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Health Care Policy and Research, and the Substance Abuse and Mental Health Services Administration. These agencies and their staffs have carried on with this important work, often without headlines or appreciation but always with the clear results of improved public health, primary care, quality of life, and life expectancy. I join with my colleagues in introducing this measure to commemorate the Public Health Service's history and accomplishments and ongoing work.

COMMEMORATING JUAN AVILÉS,  
PUERTO RICO'S LEGENDARY POET

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SERRANO. Mr. Speaker, it is with great sorrow that I rise to commemorate Juan Avilés, a legendary Puerto Rican poet who died in New York late Monday at the age of 90.

As most Members of this body know, I am a native of Puerto Rico who is extremely proud of his origins. Puerto Rico's history and its dynamic, multifaceted culture are a genuine source of joy to all of her daughters and sons. But that joy was never more clearly, thoughtfully and passionately expressed than in the poetry of Juan Avilés.

Though a resident of New York since 1927, Avilés wrote prolifically in the classical Spanish idiom of the customs and traditions of his homeland, which he visited frequently. Indeed, part of his mission as a writer was to use his artistry to impress upon other New Yorkers the importance of, and value in, holding onto their culture.

Juan Avilés celebrated Hispanic culture not only in his writing, but by directing such organizations as the Ibero-American Writers and Poets Circle and the Institute of Puerto Rico, and by sharing his wisdom and artistry with numerous audiences of writers and folk artists. His energetic contributions to such traditions as the Festival of San Juan Bautista was also legendary.

Mr. Speaker, as we all know, the American experience is an intermingling of people from different lands, with differing languages and customs. American society has been called "a gorgeous mosaic." Juan Avilés' great contribution was to help polish the majestic Puerto Rican tile of that mosaic. And for that, we all should remember and thank him.

A SPECIAL TRIBUTE TO EDWARD  
"POP" STEWART

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Edward "Pop" Stewart, a very special employee of the House, who recently passed away. Edward Stewart was loved and respected by all who knew him. As we gather today, we salute "Pop" for his dedicated service to this institution, and we mourn the loss of this close friend. I want to share with my colleagues and the Nation some information regarding Edward "Pop" Stewart.

Mr. Speaker, Edward Stewart began his career as a White House waiter in the 1920's. In later years, he was employed by the Merchant Marine and Southern Railroad. He also served as the service manager for the Burlington Hotel in Washington, DC. "Pop" came to Capitol Hill in the early 1960's and was employed in the Member's dining room. He left that assignment to join the House catering division, where he served until the time of his passing.

Those of us who knew "Pop" admired and respected him. He had a reputation for being early for his assignments; he was warm and cordial; and he was always cheerful and optimistic about life. I will personally remember Edward "Pop" Stewart as a gentleman whose friendship I cherished. I will also remember that he often went out of his way to be helpful. "Pop" gave freely of his time and energy. He took a special interest in young people, who looked up to "Pop" and respected his opinions. Edward "Pop" Stewart was 86 years old at the time of his passing, but he possessed a youthful, loving spirit that touched each of us.

Mr. Speaker, Edward Stewart was equally devoted to various social clubs and organizations throughout the area. During his lifetime, he was a member of the Pigskin Club of Washington, the Elks Club, the American Association of Retired Persons, and the NAACP. He was also a faithful brother of Masonry, holding the post of Senior Mason of Jefferson Lodge Number 20, in Charlottesville, VA.

On the occasion of his passing, we convey our deepest sympathy to his sister, Juanita Stewart Hargrove, and his daughter, Annie Harris. We join the family in mourning the passing of a great man, and our longtime friend, Edward "Pop" Stewart.

CHRISTINE BAUTISTA IS RUNNERUP IN SCHOOL-DAR FLAG ESSAY CONTEST

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. SOLOMON. Mr. Speaker, for more than 20 years, Nancy Vonic, English teacher at Oliver Winch Junior High School in South Glens Falls, NY, and with the help of the Jane McCrea Chapter of the Daughters of the American Revolution, has assigned her seventh-graders to write essays about the American flag.

I am proud to place the winning essays in today's RECORD, including the second-place essay of Christine Bautista, daughter of Mr. and Mrs. Alex Bautista of 1 Michael Terrace in Fort Edward. Congratulations go out to Christine, and our grateful appreciation to Nancy Vonic and the Jane McCrea Chapter of the DAR.

SECOND PLACE—THE AMERICAN FLAG

(By Christine Bautista)

The American flag is very important in everyone's life. In some ways, the feeling is the same, in other ways, they can be deeply personal. These are some of the reasons it is important in my life.

First of all, the 50 stars on the flag represent each of America's states. The colors of the flag are very important also. Red means courage, blue means loyalty, and white means truth. Each of which our country stands for.

Secondly, it represents unity. It represents exactly what our country is. That the 50 states are united.

Another reason is my grandfather was in World War II. I am sure that the flag means a lot to him. He fought for our flag and country.

The flag also represents all of the people who died in the war for the cause of freedom. It is a symbol of hope for people in unfortunate countries that wish someday they will have the same freedom. At national sports events it is a reminder to all of us where our prosperity came from.

When the flag flies at half staff, it is a reminder to me that we have lost someone great and highly respected that was dedicated to our common cause.

And, finally, it would feel very weird if, during the morning announcements, I did not participate in the Pledge of Allegiance. To start my day off thinking how lucky it is to live in this country.

SALUTE TO REV. JAMES EDGE OF  
COMO, TX

**HON. JIM CHAPMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. CHAPMAN. Mr. Speaker, in every community across our great Nation, there are fellow Americans who have dedicated their lives to serving and helping their neighbors and community. This is particularly true in my hometown of Sulphur Springs and Hopkins County. I rise today to honor one remarkable American who has been a pillar in east Texas.

In Como, TX, Rev. James Edge will celebrate his 46th year in the ministry on Saturday, June 26, 1994. Reverend Edge has been serving as pastor and related duties for many local Hopkins County churches since 1958.

Reverend Edge has made a tremendous impact on thousands of east Texans over the years. This Saturday, many of Reverend Edge's family members and friends will gather at the Elm Ridge Baptist Church to celebrate his dedicated service.

In honor of his years of work to the members of his churches and the Hopkins County community, I would like to present him with this proclamation behalf of the Congress of the United States.

The proclamation follows:

Whereas, Reverend James Edge, since 1948, has been a constant and enduring source of faith, compassion and understanding; and

Whereas, Reverend James Edge, since 1958, as Pastor in many churches across Hopkins county, has made a lasting difference in the lives of all its residents; and

Whereas, Reverend James Edge has exhibited profound dedication to serving our Lord and His children; Now, therefore be it

Resolved, That the Congress of the United States honor Reverend James Edge for his faith and tireless service to the community of Hopkins County, Texas, and

Further resolved, that Jim Chapman on behalf of his colleagues, joins the many friends and family of James Edge in honoring his service and achievements and wishing for his many years of health and happiness.

VICTORY FOR U.S. NATIONAL  
SOCCER TEAM

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. WALSH. Mr. Speaker, last night the U.S. National Soccer Team did the impossible. They defeated the mighty Colombian team 2-1 at the Rose Bowl in Pasadena, CA. It was a magnificent victory that no one predicted and few even thought possible.

This collection of American boys from New Jersey and California, Holland, Germany, and South Africa played flawless defense. Goalkeeper Tony Meola stopped just about everything that came his way. Ernie Stewart's goal off a pretty pass from Tab Ramos put the nail in the Colombian coffin.

This victory may be the key to the U.S. chance to make the second round and maybe play here in Washington on July 2. I hope so; I have tickets. But even more important, this is the American World Cup, and we've shown the world that we belong in it.

Finally, American kids who play the game and their parents who have been following them around, watching all their games, have their own stars and heroes who wear red, white, and blue when they take the field against the world's best, in the world's game.

“V.P. GORE SPEAKS OF CYNICISM  
AND FAITH”

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1994

Mr. MILLER of California. Mr. Speaker, I want to share with my colleagues the recent commencement speech given by Vice President ALBERT GORE, Jr., at Harvard University on the occasion of his own 25th graduation anniversary.

The Vice President's speech is one of the most cogent and insightful addresses ever delivered by a member of our political generation, one that came to maturity at a time of great skepticism and cynicism about many issues, including politics.

Our former colleague notes that while he, like many of us, have overcome that cynicism, much of America remains highly suspicious and hostile toward Government and towards those of us who serve. Public service, which has always been subject to humorous criticism, nevertheless has sunk so deeply in the public's esteem that this institution and other agencies of Government, and those who occupy them, are treated with scorn and derision by many of those we spend our lives trying to serve. In the last 30 years, the percentage of Americans who thought Government generally tried to do the right thing has plummeted from 60 percent to just 10 percent.

The Vice President rightly views that loss of trust in our leaders and our institutions as highly destructive of the essential framework of our democracy. And he offers insightful reasons why, individually and as a nation, we

must purge ourselves of this crippling cynicism and replace it once again, with the sense of community and patriotism that has long characterized this Nation.

I hope every Member of this body will take the time to read Vice President GORE's commencement address.

A Harvard commencement is a special occasion. How could anyone not have been thrilled by this morning's assembly—25,000 people packed into Harvard Yard to celebrate one of the great occasions of life. I loved it all. And I have especially enjoyed my 25th reunion. I'm so proud of my class. It has been wonderful to have an opportunity to visit with so many friends.

I remember the 25th reunion class when they came in 1969 walking around the Yard with their children. They seemed like ordinary people. I remember that they seemed older to us then than we seem to ourselves now. But in fact they were responsible for one of the saving triumphs of modern civilization.

That was the class of 1944. They were part of the generation President Clinton commemorated this week in Normandy, the group that went from Harvard to boot camp and basic training and from there were transfused into the weary divisions battling across Europe. Only 11 members of the class were present at graduation; all the rest had by then already left to enlist. Some did not come back to their reunion. Their names are carved in stone in Memorial Church just behind me. Many did come back and some of them are here again today for their 50th reunion. We salute you.

Back in 1969 our graduating class was in no mood to salute or to celebrate your sacrifice, your achievement. But we understood then and understand now ever more clearly that without any question because of your service, the world changed in 1944. Indeed, our world a half century later is still shaped by the events of that tumultuous and triumphant year.

I want to describe today the reasons why I believe the world also changed in important and enduring ways because of the events of 1969, a year of contradiction and contrasts, of glory and bitterness.

In July 1969 one-quarter of the population of the world watched on live television while Neil Armstrong brought his space module Eagle down to the Sea of Tranquility, slowly climbed down a ladder and pressed his left boot into the untrod surface of the moon.

But 1969 was also the year Charles Manson and his followers made the innocent words Helter Skelter symbols of a bloodbath. It was the year of music in the rain at Woodstock and the year of the My Lai Massacre in Vietnam.

While we went to class and heard lectures and wrote papers and listened to music and talked and played sports and fell in love, the war in Vietnam was blasting that small country apart physically and ripping America apart emotionally. A dark mood of uncertainty from that tragic conflict clouded every single day we were here.

The year 1969 began with the inauguration of Richard Nixon, a ceremony that seemed to confirm for many of us the finality of a change in our national mood and ratify the results of a downward spiral that had begun with the assassination of President Kennedy 5 years, 2 months, and 2 days earlier.

Throughout our four years at Harvard the nation's spirits steadily sank. The race riot in Watts was fresh in our minds when we registered as freshmen. Though our hopes were

briefly raised by the passage of civil rights legislation and the promise of a war on poverty, the war in Vietnam grew steadily more ominous and consumed the resources that were needed to make good on the extravagant promises for dramatic progress here at home.

The year before our graduation, our hopes were once again briefly raised by the political insurgency we helped inspire and that we hoped might somehow end our national nightmare. Then, months later, those hopes were cruelly crushed by the assassinations of Martin Luther King, Jr., renewed race riots—this time nationwide—and then the assassination of Robert Kennedy, and what seemed like the death of any hope that we might find our way back to the entrance of the dark tunnel into which our country had wandered. All of this cast a shadow over each of our personal futures.

My personal attitudes toward the career I have chosen changed dramatically during that time. I left Harvard in 1969 disillusioned by what I saw happening in our country and certain of only one thing about my future: I would never, ever go into politics.

After returning from Vietnam and after seven years as a journalist, I rekindled by interest in public service. Yet I believe the same disillusioning forces that for a time drove me away from politics have continued for the country as a whole.

After all, the war raged on for five more years and the downward spiral in our national mood reached a new low when the Watergate scandal led to the growing belief that our government was telling lies to our people.

The resignation of President Nixon, his subsequent pardon, the Oil shocks, 21 percent interest rates, hostages held seemingly interminably and then swapped in return for weapons provided to terrorists who called us “the Great Satan”, a quadrupling of our national debt in only a dozen years, a growing gap between rich and poor, and steadily declining real incomes—all of these continued an avalanche of negative self-images which have profoundly changed the way Americans view their government.

A recent analysis of public opinion polling data covering the years since my class came to Harvard demonstrates the cumulative change in our national mood. When my class entered as freshmen in the fall of 1965, the percentage of people who believed that government generally tries to do the right thing was over 60 percent. Today it is only 10 percent. The percentage believing that government favors the rich and the powerful was then 29 percent. Today it is 80 percent. And it is important to note that these trends hold true for Democrats and Republicans, conservatives and liberals.

In fact, this may be an apocryphal story, but someone actually claimed the other day the situation has gotten so bad that when they conducted a new poll and asked people about their current level of cynicism, 18 percent said they were more cynical than 5 years ago, 9 percent thought they were less cynical, and 72 percent suspected the question was some kind of government ploy, and refused to answer.

Democracy stands or falls on a mutual trust—government's trust of the people and the people's trust of the governments they elect. And yet at the same time democratic culture and politics have always existed in a strange blend of credulity and skepticism. Indeed, a certain degree of enduring skepticism about human nature lies at the foundation of our representative democracy.

James Madison argued successfully in the Federalist Papers that the United States Constitution should create a protective balance of power among the factions that were bound to rise in any society.

Democracy did not mean unity in the body politic. People do have reasonable differences. Human ignorance, pride, and selfishness would always be with us, prompting inevitable divisions and conflicting ambitions.

Yet, freedom and order could be protected with safeguards insuring that no one branch of government and no one group or faction would be able to dictate to all the rest. We were the first large republic to build a nation on the revolutionary premise that the people are sovereign and that the freedom to dispute, debate, disagree and quarrel with each other created a fervent love of country that could hold us together against the world. It is still a revolutionary premise. And it is still built on a skeptical view of human nature that refuses to believe in perfection in intellect, logic, knowledge, or morals in any human being.

And so the ceaseless American yearning for the ideal life has always stumbled uneasily over a persistent American skepticism about the parties and leaders who claim to have the wisdom and ability to guide us to our destiny. We revere our institutions, and at the same time we watch our leaders as though we were hawks circling overhead, eager to dive with claws extended on to any flaw or failure that we see.

Even our most beloved president, George Washington, wrote in his last letter to Thomas Jefferson, on July 6, 1796: I had no conception, that every act of my administration would be tortured, in such exaggerated form and indecent terms as could scarcely be applied to a Nero, a notorious defaulter or even a common pickpocket?

Our feelings about ourselves as a people are mixed. We Americans have often been proud to the point of cocky arrogance. But we have never been able to hide indefinitely from what we do wrong. Our failures eat at our conscience, and our sins itch under the showy garb of our achievements and prevent us from being complacent.

Faith in the future, and skepticism about every person or group who offers to lead us there. These conflicting forces work together to shape the American character.

And yet these forces must remain in a rough balance of emotional power. If we receive too heavy a dose of concentrated self-doubt and too many repetitive injuries to our confidence in self-government, then our normal healthy skepticism can fall into a mire of cynicism and we start to question the ability of any human community to live up to the democratic ideals that we proclaim.

Once it is widely accepted, cynicism—the stubborn, unwavering disbelief in the possibility of good—can become a malignant habit in democracy. The skeptic may finally be persuaded by the facts, but the cynic never, for he is so deeply invested in the conviction that virtue cannot prevail over the deep and essential evil in all things and all people.

The last time public cynicism sank to its present depth may have been exactly 100 years ago, when Mark Twain said, "There is no distinctly native American criminal class except class Congress." That was a time when Americans felt the earth moving under their feet. Debt and depression forced farmers off the land and into cities that they found cold and strange and into factories

where human being became scarcely more than the extensions of machines. Cynicism was soon abroad in the land.

We are now in the midst of another historic and unsettling economic transformation. Now the information revolution is leading to a loss of jobs in many factories, as computers and automation replace human labor.

After World War II, 35 percent of America's employment was on the factory floor. Today fewer than 17 percent of our labor force works in manufacturing. Just as most of those who lost their jobs on the farm a hundred years ago eventually found new work in factories, so today new jobs are opening up in new occupations created by the information revolution—but this time the transition is taking place more swiftly and the economic adjustment is, for many, more difficult and disorienting.

In this respect we are actually doing better than most other nations. Every industrial society in the world is having enormous difficulty in creating a sufficient number of new jobs—even when their economies heat up. So, not surprisingly, public cynicism about leadership has soared in almost every industrial country in the world.

History is a precarious source of lessons. Nevertheless, I am reminded that similar serious economic problems prevailed in Athens in the 4th century B.C., when the philosophical school we now know as Cynicism was born. The Cynics were fed up with their society and its social conventions and wanted everybody to know it. The root of the word "cynic" is the same as the Greek word for "dog," and some scholars say the Cynics got their name because they barked at society. Sounds almost like some of our talk radio shows.

In a time of social fragmentation, vulgarity becomes a way of life. To be shocking becomes more important—and often more profitable—than to be civil or creative or truly original. Given the vulgarity that fragmentation breeds, cynicism seems almost irresistible. Sometimes it even looks like a refuge of sanity, a rational response to a world seemingly driven by the fast hustle, the pseudo-event, the rage for sensationalism.

In any event, cynicism represented then and represents now a secession from society, a dissolution of the bonds between people and families and communities, an indifference to the fate of anything or anyone beyond the self.

Cynicism is deadly. It bites everything it can reach—like a dog with a foot caught in a trap. And then it devours itself. It drains us of the will to improve; it diminishes our public spirit; it saps our inventiveness; it withers our souls. Cynics often see themselves as merely being world-weary. There is no new thing under the sun, the cynics say. They have not only seen everything; they have seen through everything. They claim that their weariness is wisdom. But it is usually merely posturing. Their weariness seems to be most effective when they consider the aspirations of those beneath them, who have neither power nor influence nor wealth. For these unfortunates, nothing can be done, the cynics declare.

Hope for society as a whole is considered an affront to rationality; the notion that the individuals has a responsibility for the community is considered a dangerous radicalism. And those who toil in quiet places and for little reward to lift up the fallen, to comfort the afflicted, and to protect the weak are regarded as fools.

Ultimately, however, the life of a cynic is lonely and self-destructive. It is our human nature to make connections with other human beings. The gift of sympathy for one another is one of the most powerful sentiments we ever feel. If we do not have it, we are not human. Indeed it is so powerful that the cynic who denies it goes to war with himself.

A few years ago Shelby Steele wrote about his pain as a child, when he was mistreated by a teacher who called him stupid. He said that the teacher's declaration created a terrible reality for him. If the teacher told him he was stupid, he thought he must be stupid. Let me quote what he says: "I mention this experience as an example of how one's innate capacity for insecurity is expanded and deepened, of how a disbelieving part of the self is brought to life and forever joined to the believing self. As children we are all wounded in some way and to some degree by the wild world we encounter. From these wounds a disbelieving anti-self is born, an internal antagonist and saboteur that embraces the world's negative view of us, that believes our wounds are justified by our own unworthiness, and that trenches itself as a lifelong voice of doubt."

I believe that in a similar way, our nation's attitude towards itself can be and is shaped by national experiences. For example, the heady and triumphant victories of 1944 enlarged our confidence and helped us build the postwar world. And by contrast, during the years when my class was here at Harvard, America's capacity for insecurity was expanded and deepened by wounds to our national confidence. For example, an unnamed classmate of mine said in today's Boston Globe, "I lost faith in the United States as a force for good in the world."

We are still trying to help those wounds burned into our body politic by assassinations, the Vietnam war, the riots, the cultural conflicts and by the terrible conviction that people sworn to uphold our constitution were not telling us the truth.

F.J. Dionne, recently wrote, "Just as the Civil war dominated American political life for decades after it ended, so is the cultural civil war of the 1960s, with all its tensions and contradictions, shaping our politics today. We are still trapped in the 1960s. The country still faces three major sets of questions, left over from the old cultural battles; civil rights and the full integration of blacks into the country's political and economic life; the revolution in values involving feminism and changed attitudes toward child-rearing and sexuality; and the ongoing debate over the meaning of the Vietnam War, which is less a fight over whether it was right to do battle in that Southeast Asian country than an argument over how Americans see their nation, its leaders, and its role in the world."

Dionne also argues that both conservatives and upper middle-class liberals have—for separate reasons—kept this cultural civil war alive. Partly for this reason, our national political conversation has been dominated by increasingly mean-spirited efforts to attack our leaders' motives, character and reputation.

As the public's willingness to believe the worst increases—that is to say—as cynicism increases—the only political messages that seem to affect the outcome of elections are those that seek to paint the opposition as a gang of bandits and fools who couldn't be trusted to pour water out of a boot if the directions were written on the heel.

This fixation on character assassination rather than on defining issues feeds the voracious appetite of tabloid journalism for scandal. And now wets the growing appetite of other journalistic organizations for the same sort of fare.

A few years ago, the Czech leader Vaclav Havel wrote these prescient words, "They say a nation has the politicians it deserves. In some sense that is true: Politicians are truly a mirror of the society and a kind of embodiment of its potential. At the same time, paradoxically, the opposite is also true. Society is a mirror of its politicians. It is largely up to the politicians which social forces they choose to liberate and which they choose to suppress, whether they choose to rely on the good in each citizen, or on the bad."

But it is crucial for us, especially those of us in public service, to understand that cynicism also can arise when political leaders cavalierly promise to do good things and then fail to deliver. The inability to redeem glib and reckless promises about issues like education, race relations, and crime can add to the disturbing and growing doubts among the American people about our ability to shape our destiny.

Over the long haul sustainable hope is as important to the health of self-government as sustainable development is for ecological health. Dashed hopes poison our political will just as surely as chemical waste can poison drinking water aquifers deep in the ground.

When hopes are repeatedly dashed and a nation's instinct for self-government is repeatedly injured, national cohesion can dissipate. The results are for all to see. At home and abroad the weakening of bonds between the individual and the larger society creates a vacuum quickly filled by other group identities—based on race, or clan, or sect, or tribe, or gang. Some distinguishing quality, often physical, is used to demarcate group identity. These differences become standards raised to summon the group to war against others slightly different from themselves. It is one of the strange perversities of this process that the smaller the difference, the more ferocious the hatred and the more hideous massacres that follow.

Look at our bleeding world! Hutus versus Tutsis, Bosnian Serbs versus Bosnian Croats and Bosnian Muslims, all of whom seem often to others indistinguishable, but who themselves are driven to mindless ferocity by what Freud called the narcissism of slight difference? What St. Augustine called pride, the mother of all sins, and about which William Butler Yeats said in a famous poem:

"Things fall apart, the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed, and every-  
where

The ceremony of innocence is drowned;  
The best lack all conviction, while the worst  
Are full of passionate intensity."

Make no mistake: just as repeated injuries to our national esteem can seriously jeopardize our ability to solve the problems which confront us, so the convergence of too much chaos and horror in the world—of too many Bosnias and Rwandas—can seriously damage the ability of our global civilization to get a grip on the essential task of righting itself and regaining a measure of control over our destiny as a species.

Where then do we search for healing? What is our strategy for reconciliation with our future and where is our vision for sustainable hope?

I have come to believe that our healing can be found in our relationships to one another and in a shared commitment to higher purposes in the face of adversity.

At the 1992 Democratic Convention, I talked about a personal event that fundamentally changed the way I viewed the world: an accident that almost killed our son. I will not repeat the story here today except to say the most important lesson for me was that people I didn't even know reached out to me and to my family to lift us up in their hearts and in their prayers with compassion of such intensity that I felt it as a palpable force, a healing reaching out of those multitudes of caring souls and falling on us like a mantle of divine grace.

Since then I have dwelled on our connections to one another and on the fact that as human beings, we are astonishingly similar in the most important parts of our existence.

I don't know what barriers in my soul had prevented me from understanding emotionally that basic connection to others until after they reached out to me in the dark of my family's sorrow, but I suppose it was a form of cynicism on my part. If cynicism is based on alienation and fragmentation, I believe that the brokenness that separates the cynic from others is the outward sign of an inner division between the head and the heart. There is something icily and unnaturally intellectual about the cynic. This isolation of intellect from feelings and emotions is the essence of his condition. For the cynic, feelings are as easily separated from the reality others see as ethics are separated from behavior, and as life is cut off from any higher purpose.

Having felt their power in my own life, I believe that sympathy and compassion are revolutionary forces in the world at large and that they are working now.

A year after the accident, when our family's healing process was far advanced, I awoke early one Sunday morning in 1990, turned on the television set and watched in amazement as another healing process began, when Nelson Mandela was released from prison. Last month, I attended his inauguration when he was sworn as President of the new South Africa in what was a stupendous defeat for cynicism in our time. Many were moved to tears as he introduced three men who had come as his personal guests—three of his former jailers—and described how they had reached across the chasm that had separated them as human beings and had become personal friends.

Nine months ago, I witnessed the healing power of a handshake on the South Lawn of the White House as Yitzhak Rabin and Yassir Arafat began the tentative process of reconciliation and peace in a relationship hitherto characterized by only hatred and war.

Less than 5 years ago, the world watched in amazement as the Berlin Wall was dismantled and statues of dictators were toppled throughout East and Central Europe and as authoritarian communist governments were replaced by market democracies alert to the needs of their people.

Less than 3 weeks ago, for the first time in almost 50 years, nuclear missiles were no longer targeted on American cities—a small

but important step in the continuing reversal of the nuclear arms race that long served as the cynics' ace in the hole. There is, in other words, a respectable argument that the cynics who are barking so loudly are simply wrong.

For my part, in the 25 years since my Harvard graduation, I have come to believe in hope over despair, striving over resignation, faith over cynicism.

I believe in the power of knowledge to make the world a better place. Cynics may say: Human beings have never learned anything from history. All that is truly useful about knowledge is that it can provide you with advantages over the pack. But the cynics are wrong: we have the capacity to learn from our mistakes and transcend our past. Indeed, in this very place we have been taught that truth—Veritas—can set us free.

I believe in finding fulfillment in family, for the family is the true center of a meaningful life. Cynics may say: All families are confining and ultimately dysfunctional. The very idea of family is outdated and unworkable. But the cynics are wrong: it is in our families that we learn to love.

I believe in serving God and trying to understand and obey God's will for our lives. Cynics may wave the idea away, saying God is a myth, useful in providing comfort to the ignorant and in keeping them obedient. I know in my heart—beyond all arguing and beyond any doubt—that the cynics are wrong.

I believe in working to achieve social justice and freedom for all. Cynics may scorn this notion as naive, claiming that all our efforts for equal opportunity, for justice, for freedom have created only a wasteland of failed hopes. But the cynics are wrong: freedom is our destiny; justice is our guide; we shall overcome.

I believe in protecting the Earth's environment against an unprecedented onslaught. Cynics may laugh out loud and say there is no utility in a stand of thousand year old trees, a fresh breeze, or a mountain stream. But the cynics are wrong: we are part of God's earth not separate from it.

I believe in you. Each of you individually. And all of you here as a group. The cynics say you are motivated principally by greed and that ultimately you will care for nothing other than yourselves. But the cynics are wrong. You care about each other, you cherish freedom, you treasure justice, you seek truth.

And finally, I believe in America. Cynics will say we have lost our way, that the American century is at its end. But the cynics are wrong. America is still the model to which the world aspires. Almost everywhere in the world the values that the United States has proclaimed, defended, and tried to live are now rising.

In the end, we face a fundamental choice: cynicism or faith. Each equally capable of taking root in our souls and shaping our lives as self-fulfilling prophecies. We must open our hearts to one another and build on all the vast and creative possibilities of America. This is a task for a confident people which is what we have been throughout our history and what we still are now in our deepest character.

I believe in our future.