

## SENATE—Friday, June 24, 1994

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. This morning's prayer will be given by the Reverend Richard C. Halverson, Jr., of Arlington, VA.

## PRAYER

The Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

*Though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.*

*And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.*

*And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing.—I Corinthians 13:1-3.*

And now abideth faith, hope, and charity, these three; but the greatest of these is charity.

Almighty God, as Members of the Senate assemble here for debate, many gifts accompany them: angelic speech, prophetic insight, faith to move mountains, knowledge, wisdom, good works, and hope. Yet Thy word declares that without charity all these speak as sounding brass which profiteth nothing.

Therefore, we pray Thee that charity, the greatest of all these, be the overruler of them all here.

We ask this of our heavenly Father who so loved the world that He gave His only begotten son. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 24, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

## RESERVATION OF LEADER TIME

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

## VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now vote on the motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], and the Senator from Hawaii [Mr. INOUE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 166 Leg.]

## YEAS—80

Akaka	Exon	Metzenbaum
Baucus	Feingold	Mikulski
Biden	Feinstein	Mitchell
Bingaman	Ford	Moseley-Braun
Boren	Gorton	Moynihan
Boxer	Graham	Murray
Bradley	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Hollings	Riegle
Campbell	Hutchison	Robb
Chafee	Johnston	Rockefeller
Coats	Kassebaum	Roth
Cochran	Kennedy	Sarbanes
Cohen	Kerrey	Sasser
Conrad	Kerry	Shelby
Coverdell	Kohl	Simon
Danforth	Lautenberg	Simpson
Daschle	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	

## NAYS—11

Bennett	Kempthorne	Murkowski
D'Amato	Lott	Smith
Faircloth	McCain	Specter
Helms	McConnell	

## NOT VOTING—9

Bond	Glenn	Jeffords
Craig	Gramm	Nickles
DeConcini	Inouye	Wallop

So the motion was agreed to.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2182, which the clerk will report.

The 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.

Pending:

Johnston amendment No. 1840, to restore funding for the National Defense Sealift Fund and reduce funding for the LHD-7 amphibious ship.

## AMENDMENT NO. 1840

The ACTING PRESIDENT pro tempore. The Senate will resume the pending business, the Johnston amendment No. 1840.

The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, I ask the pending amendment be set aside temporarily and I that I may offer an amendment at this time.

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

## AMENDMENT NO. 1850

(Purpose: Limitation on compensation)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1850.

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

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

The amendment is as follows:

On page 34, line 12, strike "\$52,650,000." and insert: "\$52,650,000."

“(g) LIMITATION ON COMPENSATION.—No employee or executive officer of a federally

funded research and development center named in the report required by subsection (b) may be compensated at a rate exceeding Executive Schedule Level I by that federally funded research and development center."

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Mr. President, as I understand it at this time it has been agreed to by the managers that myself, the distinguished Senator from Connecticut, Senator LIEBERMAN, Senator MCCAIN, and others would offer our amendment on lifting the arms embargo on Bosnia. If the Senator from Alaska has no objection, I wonder if he might be willing to set his amendment aside that we might proceed?

I ask the amendment be temporarily set aside.

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

The minority leader is recognized.

AMENDMENT NO. 1851

(Purpose: To terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself, Mr. LIEBERMAN, Mr. THURMOND, Mr. DECONCINI, Mr. D'AMATO, Mr. LEVIN, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. JEFFORDS, Mr. WALLOP, Mr. LUGAR, Mr. MCCONNELL, Mr. COVERDELL, Mr. HATCH, Mr. MCCAIN, Mr. SIMPSON, Mr. PRESSLER, Mr. DURENBERGER, Mr. BROWN, Mr. MURKOWSKI, Mr. HELMS, Mr. GORTON, and Mr. MOYNIHAN proposes an amendment numbered 1851.

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

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

The amendment is as follows:

On page 249, between lines 7 and 8, insert the following:

SEC. . BOSNIA AND HERZEGOVINA SELF-DEFENSE.

(a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1994".

(b) FINDINGS.—The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina either within the United Nations Security Council or within the North Atlantic Council since the enactment of section 520 of Public Law 103-236, Senate pas-

sage of S. 2042 of the One Hundred Third Congress, and House passage of sections 1401-1404 of H.R. 4301 of the One Hundred Third Congress.

(c) TERMINATION OF ARMS EMBARGO.—

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Mr. DOLE. Mr. President, I am pleased to be joined once again by the distinguished Senator from Connecticut, Senator LIEBERMAN, in proposing this amendment to lift the arms embargo on Bosnia and Herzegovina, and we are pleased to have a number of co-sponsors again this time to an almost identical amendment.

The McCloskey-Gilman-Bonior-Hoyer amendment, which was almost identical, was adopted by the House, to the House defense authorization bill almost 2 weeks ago, by a substantial margin. We are probably going to hear again today, just as Members of the House heard, now is not the time to lift the arms embargo. Let me just suggest that you read the Washington Post today, if you think now is not the time to lift the arms embargo. They are preparing for war in that part of the world. I know there are these peace plans—51 to 49 percent—whatever the percentages now are. Just read the Washington Post piece today, "Winds of War Blow in Balkans Despite Latest American-Backed Peace Plan." Those who are most unprepared for war are the people in Bosnia and Herzegovina, and I ask at the appropriate time this article be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

[See exhibit 1.]

Mr. DOLE. We have heard for the last 26 months now, usually with the same excuses—that this is not the time to lift the arms embargo, that we are going to table something at the United Nations, that something is going to happen, that allies with troops on the ground oppose lifting the embargo, that the Russians oppose lifting the

embargo, that it is too late, that it will hurt the negotiations. We have heard all these arguments for a long time now and we have gone along with failed policies in the name of consensus. We have forsaken principle for 2 years and ignored international law in the naive hope this war will end by the good graces of the very perpetrators of this aggression.

It may be that once again we are on the brink of the signing of another settlement, but based on today's Washington Post story I am not certain that is the case. Once again we are pressuring the victims, the Bosnians, to accept ethnic partition. And, once again, the administration is using this as an excuse to do nothing.

Do not get me wrong. I have just been to Sarajevo recently and I would like to see a peaceful settlement. I would like to see an end to this brutal war. I have seen its consequences, as I will indicate later, personally, as has the distinguished Senator from Delaware, Senator BIDEN, along with the distinguished Senator from Virginia, Senator WARNER. Just 3 weeks ago I was in Sarajevo. I saw the victims of the Serbian assault on Gorazde and victims of sniper attacks in the Sarajevo hospital.

I believe everyone in this body would like to see an end to this war. But that is not the issue. The issue is how to get to a just peace—not just any peace—not surrender.

But for the moment, let us put aside issues of justice, morality, principle, or Bosnia's legal rights.

There is one big question that no one in this administration can answer, or anyone else who advocates denying the Bosnians a right to self-defense. And that is: Who or what is going to make the Bosnian Serbs withdraw from 70 percent of Bosnia to 49 percent, as proposed by the so-called contact group? The Bosnian Serbs are not going to do it. They have taken over 70 percent of this independent nation.

Again, I wish all of my colleagues could go to Sarajevo. They would not recognize Sarajevo. There is not much left in Sarajevo. They would recognize who occupies the high grounds.

If they go to the hospital there, they can see this little, beautiful girl who, the night before our visit to the hospital, was hit by a sniper. We also saw a 15-month-old baby girl, and we handed her a teddy bear, and we wondered why there was no reaction. Well, she was blind, in addition to other multiple injuries. We are trying to see if we can work out some way to bring her to the United States for medical treatment.

But this is happening every day: Discriminate fire hitting senior citizens, old people—nobody engaged in the war—children, babies.

What do the Bosnians tell us? They do not want American troops. They do not even want air strikes. They want

the right to defend themselves. It seems to me that this right is rather basic in America.

We went up and down the streets of Sarajevo, and these little shops were opening, little shops, about the size of the table in front of me. That is about the size of their shops, about 6 feet by 5 feet. That was a shop. The people have a lot of courage—I guess is the right word—in Sarajevo. They understand what has happened to them.

And what do the Bosnian people want? They want American leadership. They want American leadership. They are not asking us for anything but the right to defend themselves, the same right any of us would want if our homes are threatened or if anything else was threatened that we possess. We would want the right to defend ourselves.

This is serious business—there have been 200,000 people killed. I want to repeat what I read in the paper this morning, what the Bosnian Vice President said. He said, "We are getting a little tired of big rhetoric and small deeds." And he was right; we have a lot of big rhetoric around here, a lot of big rhetoric. Go to Sarajevo and you will understand how important this issue is to the people who live there.

We Americans do have an interest. The interest that we have is that we believe in the right of self-defense. We understand Bosnia is an independent nation. We understand Bosnia is a member of the United Nations. We understand that article 51 of the United Nations Charter recognizes their right to self-defense. So what is all the argument about? The vote on this amendment should be 100 to 0. It ought to be 100 to 0. The President of the United States ought to persuade our allies to go along—We do not want anybody hurt; we do not want anybody in harm's way. Let the U.N. protection forces leave, but give the Bosnian people the ability to defend themselves.

So I do not see anything new happening. Maybe you can force the Bosnians to sign another peace agreement. We met with the President of Bosnia. He said, well, if you will not lift the arms embargo, maybe you can get the Serbs to come down to parity so they would reduce the weapons they have.

We were told—myself and the Senator from Connecticut, Senator LIEBERMAN—by the Bosnian Vice President, Mr. Ganic, the last time he was here, that they have one rifle for every four men—one weapon. The Bosnians want antitank guns.

It just seems to me we ought to do the right thing. About all the hope the Bosnians have is America. That is what they tell you, with tears in their eyes: "We're waiting for America; we're waiting for America." And that is what this debate is all about: Not American troops, not American air strikes, but American leadership, to say the

Bosnians ought to have a right to defend themselves. It seems to me that is not too much to ask.

So, Madam President, I want to again urge my colleagues. I know there are some Members who voted against this proposal the last time who may join us this time. I understand that the administration feels strongly about this, and it may be very difficult for some to oppose the administration. But this is not a partisan effort. It should not be a partisan effort.

I just would like to take another look at some of the other arguments made against this amendment.

First, the impact on the negotiations. Again, I think if somebody reads this morning's Washington Post, that piece about war looming in that part of the world, I think they will understand. There are not going to be any negotiated settlements. At least, that was the sense I had when I left Bosnia.

History shows us that a stable peace can be achieved when there is a balance on the battlefield—a balance on the battlefield. Our own history of negotiations with the Soviets taught us that negotiating from a position of strength produced the best results.

The Bosnians are getting a little stronger; they are gaining a little more strength. They may have a little more negotiating power in the next weeks, months, or years. But again, if there was a balance, if we lift the arms embargo unilaterally, if the United States leads the way, they will have a chance. Good things happen when the United States leads the way; whether it is politics or economics or military, good things happen when the United States leads the way.

So it seems to me the only potential outcome that is furthered by the continued arms embargo on the Bosnians is surrender.

Some will say, "Oh, this can have a negative impact on NATO." It seems to me NATO has already suffered significant damage, but not as a result of our efforts to lift the arms embargo. NATO's credibility suffered because of decisions to subordinate NATO to the United Nations in Bosnia, allowing U.N. officials to have operational control over NATO forces. NATO's influence has been marginalized because of a failure to define a clear and independent role in the post-cold-war era.

I read a piece in the Los Angeles Times which reported that Mr. Akashi and other U.N. officials are building monumental structures as if they want to stay in Croatia and Bosnia forever. UNPROFOR has 3,000 civilian employees. They have a bureaucracy going and they do not want to leave.

I ask unanimous consent to print that article in the RECORD, too, in case some of my colleagues may have missed it. It tells what is really happening in Croatia and Bosnia and why some in the United Nations insist on staying there.

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

[From the Los Angeles Times, June 22, 1994]

U.N. FORCE HAS A LIFE OF ITS OWN

(By Carol J. Williams)

ZAGREB, CROATIA.—In between the fierce squalls that usher in the Balkan summer, builders under contract to U.N. peacekeepers have been pouring cement and hammering arches for twin porticoes of faux Ionic columns outside the two most important doors at mission headquarters.

The embellished entrances, about 100 feet apart on Building A, lead to the offices of the U.N. mission chief, Yasushi Akashi, and to an administrative beehive that has swelled since his January arrival.

While the stab at re-creating antiquity's grandeur may seem pointless against a backdrop of squat military barracks, the colonnades and architectural substance to local fears that the U.N. Protection Force, or UNPROFOR, has metamorphosed from a temporary peacekeeping mission into a city-state with a life of its own. There is no name yet emblazoned on the frieze of the vaulted arches, but U.N. workers joke that it should read: Republic of UNPROFOR.

With nearly 40,000 troops and employees already deployed in the embattled former Yugoslav republics and 5,000 more on the way, the U.N. peacekeeping force has expanded during its mere two-year life span to become the largest and most expensive mission in U.N. history.

Its 3,164 civilian employees alone eclipse the work force of Vatican City.

Its proposed \$1.5-billion budget for the next fiscal year is nearly 50% more than that of the U.N. Secretariat.

The mission has its own airline, with two daily flights to Sarajevo and regular service to Belgrade and other peacekeeper venues.

There are 11,527 white vehicles plying the roads from this Croatian capital to the tripwire lookouts in northern Macedonia.

Thousands of portable living units—the postmodern version of the Quonset hut—have created hundreds of remote U.N. mini-bases.

A fleet of white buses shuttle translators and secretaries from the cramped headquarters complex to Zagreb hotels and to the airport, creating a transportation system parallel to the city's.

The mission is even developing its own radio-television network, hiring reporters and anchors and duplicating the broadcasting services of other international agencies.

While administrators justify the cost and sprawl as investments necessary because of the mission's broad scope, there are growing concerns in the mission area as well as in the West that the United Nations has built an empire that is more absorbed with keeping itself in business than restoring peace so it can disband and go home.

The mission that has neither the mandate nor the military means to stop the 3-year-old conflict is increasingly raising questions about the efficacy of peacekeeping in regions where there is no more peace to keep.

It is also prodding some Western analysts to wonder whether the ever-expanding and elusive quest for a negotiated resolution will end up costing more in foreign dollars and local lives than a swift and decisive military intervention would have if one had been undertaken at the start. The tab for food aid, humanitarian actions and peacekeeping is generally estimated at well over \$2 billion a year. More than 200,000 lives have been lost.

"Not a single objective of this mission has been achieved, because it is compelled to remain neutral in the face of an obvious aggression," Bosnian Information Minister Ivo Knezevic complained during a recent interview in Sarajevo. "For UNPROFOR troops, overseeing our people's suffering has become a matter of jobs.

"We don't want to sound unfair or ungrateful for their endeavors and the aid that we do receive, but the negative aspects of this mission are now dominating."

His chief complaint, that the U.N. mission is trying to strong-arm the combatants into agreeing to an unjust peace, is, ironically, shared by all warring factions.

Serbian rebels in Bosnia-Herzegovina and Croatia accuse the U.N. troops of trying to reduce their territorial spoils, while Zagreb contends that the world body's presence here has firmed up the Serbs' hold on the one-third of Croatia that insurgents seized in a conflict three years ago.

The imperturbable Akashi smiles tolerantly through the accusations of bias, as he does through suggestions his massive mission has become an immovable force.

"We are in good shape when we are equally criticized by both parties," the 30-year veteran of U.N. bureaucracy said during an interview in his penthouse office atop the newly aggrandized Building A.

Among its assignments, the U.N. peacekeeping force overseas negotiations aimed at brokering peace both in the suspended war between Serbs and Croats in this republic and the Serbian rebellion in Bosnia that has been left to deteriorate into civil war.

But after nearly two years of attempts to cajole the factions into talking out a settlement, the latest team of mediators trying to achieve the elusive peace treaty has begun brandishing the threat of a U.N. pullout.

France and Britain, who together contribute nearly one-third of the U.N. force (36 other countries make up the rest), have warned they may withdraw their soldiers unless the factions agree to a negotiated settlement within a few months. But in Croatia and Bosnia, political leaders dismiss that ultimatum as diplomatic bluster.

"UNPROFOR, like any other bureaucratic organization, has the intention to perpetuate itself," said Bozo Kovacevic, a leader of the Croatian Social-Liberal Party. "It has to. There are too many jobs and careers at stake.

Western diplomats speculate that France and Britain may actually reduce the commitments to the peacekeeping force to calm fears at home that their soldiers are being exposed to the hazards of war while the people they were sent to help show no willingness to make the compromises necessary to end the conflict. The U.N. troops have suffered more than 1,000 casualties—84 of them fatal.

But without any international will to militarily impose a settlement, the United Nations must keep the fig leaf of a peacekeeping force in place, one Western envoy insisted.

"I see no chance whatsoever that UNPROFOR will leave before there is some kind of settlement here," he said. "They may have to restructure the force with more Third World troops if the British and the French do cut back, but that would probably be to the U.N.'s liking."

A protracted stay by the peacekeepers is also a boost for the Croatian economy, which was shattered by the six-month war with Serbian rebels in 1991 and has been shrinking with the loss of tourism income and key industrial sites that remain behind rebel lines.

Drazen Kalodjera, a senior research fellow at the Economics Institute of Zagreb, estimates that the missions housing, food, gas and other expenditures—an estimated \$400 million a year—account for as much as 5 percent of Croatia's gross national product.

"Five percent of GNP is important for any economy," said Kalodjera, dismissing threats by the Croatian leadership to ask the U.N. mission to leave unless it restores Zagreb's sovereignty over Serb-occupied territory.

"In spite of all our dissatisfaction with the United Nations, these troops are here for a long time," the economist said.

U.N. activities more telling than the symbolic erection of the porticoes also suggest that the mission is hunkering down for the duration.

A U.N. press center has been built in central Sarajevo to spare public information officers the five-mile drive to forward headquarters from their offices nearer to town. Dozens of observation posts have been established over the last two months to monitor the on-again, off-again truces. Sophisticated radar equipment has just been moved in to trace the origin of cease-fire violations in northern Bosnia. And the search for more troops to bolster the burgeoning force continues.

Akashi waves away questions about how long he expects his mission to persevere, offering vague expressions of hope that it won't be too long.

"Not decades. Not like Cyprus," he said. "I completely identify myself with the parties to the conflict here. I do not want a reproduction of the stalemate we see in Cyprus," where the United Nations has been involved for three decades.

But it is just such a standoff that the Balkan populations and some troop-contributing nations have begun to fear.

"I worked at the United Nations for five years, so I'm familiar with its institutional mentality," said Slaven Leticica, a political science professor at Zagreb University. "It is lazy, bureaucratic and institutionally stupid. The people who take part in these missions learn to accommodate the local suffering. They have to develop this indifference as a survival strategy, because they are nice young people who cannot really do anything to help. Their preoccupation becomes that of any other job—getting by, getting a paycheck, achieving career advancement."

Like most political and economic analysts in this host nation, Leticica dismisses the threat of a pullout by the United Nations as "just for foreign show."

"We can probably expect a decrease in the scope of the deployment at some point, but withdrawal would be unacceptable for both the international community and the Croatian government," said Leticica, a former chief adviser to Croatian President Franjo Tudjman.

With new responsibilities for patrolling and monitoring heaped on the peacekeepers with each U.N. Security Council resolution, the number of troops needed is likely to continue rising.

Akashi concedes that the mission's size is approaching its limit, not because the situation is stabilizing but because the international community's willingness to send armed forces to the Balkans is nearly exhausted.

A March appeal for 12,000 more troops to enforce cease-fires in Sarajevo and central Bosnia drew pledges of only 4,500, half of which have not arrived.

"We continue to assess in a very realistic and pragmatic manner what we can achieve

with our limited resources," Akashi said. "We have to maximize our resources. We should not ask for more and more troops all the time, even though we are fully aware of the danger of being spread very thinly for our comfort."

In the unlikely event that the mediation efforts bring out a settlement, the North Atlantic Treaty Organization has promised to help implement it by sending 50,000 troops. That would more than double the mission's size.

As one European officer in Sarajevo quipped, "If the U.N. can keep 40,000 people busy without having produced a single agreement, imagine what the force will grow to if we ever get a real cease-fire."

Mr. DOLE, Madam President, in addition to NATO's other shortcomings, NATO has been weakened by its willingness to allow Russia to dictate the terms of our security relations with former Warsaw Pact countries like Hungary, Poland, the Czech Republic, and Slovakia.

I would like to address again the argument made by administration officials that unilaterally declaring this illegal arms embargo null and void will lead to the demise of legal U.N. embargoes against the perpetrators of aggression.

I think it is fairly clear that Bosnia is not a perpetrator, Bosnia is a victim of aggression, while Iraq and Serbia are the aggressors. The arms embargo against Bosnia violates its inherent right to self-defense, as I said, a right which is recognized in, but not limited to, article 51 of the U.N. Charter.

Whether or not the administration or other members of the U.N. Security Council choose to see it, right and wrong still exist in the world, legal and illegal actions still exist under international law. Obfuscation and moral equivalence may work in the short term, but will not work in the long term. History is going to judge our actions here. History will judge whether or not the United States exercised leadership in support of a just peace in Bosnia or not.

Some opponents of our amendment may argue that lifting the embargo would endanger the U.N. protection forces. In my view, that puts the cart before the horse. The U.N. protection forces have not protected Bosnia. They have not protected—they have been witnesses to all the suffering.

As this recent Los Angeles Times article pointed out, the U.N. protection forces have become " \* \* \* an empire more absorbed in keeping itself in business than restoring peace so it can disband and go home." That is the article I made reference to earlier.

So for all the reasons I can think of, Madam President, this embargo must be lifted. And again, I know that one visit to Sarajevo does not make anybody an expert, but you can see the devastation, you can see the horror, you can see the tragedy, and it is still happening.

About 150 sniper rounds a day from the hills come in, and children are

hurt, babies are hurt, old people are hurt. They are not participants in any conflict. They are innocent. Again, I am not now asking us to become involved at all. I retreated from that position. I thought air strikes might be a good idea. But, let us forget about air strikes. Let us talk about lifting the arms embargo; let us talk about providing leadership for the rest of the world; and let us do it by a big, big vote on this amendment.

## EXHIBIT 1

## WINDS OF WAR BLOW IN BALKANS DESPITE LATEST, AMERICAN-BACKED PEACE PLAN

(By David B. Ottaway)

ZAGREB, CROATIA—As the United States, Russia and Western Europe prepare to unveil with much fanfare their own partition plan for a Bosnian peace settlement, Western diplomats and U.N. mediators in the Balkans are expressing deep pessimism and total frustration.

The prevailing feeling among these diplomats is that the region is facing a widening war and that outside efforts to avert the storm are just about exhausted. All parties engaged in the overlapping Bosnian and Croatian conflicts, these sources say, are busy preparing for more war, not peace.

"I consider [a new outbreak of war in Croatia] a very real danger," said Peter Galbraith, the U.S. ambassador here. "If there is another Serb-Croat war, it is going to be unlike what we've seen so far. It could escalate to air raids on cities, rocket attacks and large-scale tank and artillery assaults.

"Such a war could lead to the direct involvement of the Yugoslav army. It is precisely such a catastrophe that our negotiating efforts have sought to forestall," he added.

The coming Western peace plan for Bosnia is counting heavily on high-level diplomatic hoopla—and a few new but slim carrots and sticks—to win the approval of the warring parties.

First, U.S. Russian and West European foreign ministers will put their stamp of approval on the plan at a meeting in early July, either in Geneva or Naples. Then, it is scheduled to be formally endorsed at the summit in Naples on July 9 and 10 of the Group of Seven major industrial nations, with Russia also taking part.

The crux of the plan consists of a map drawn by a "contact group" of U.S., Russian and West European diplomats for Bosnia's partition, with 51 percent going to the newly formed Muslim-Croat federation and 49 percent to the Bosnian Serbs' self-declared state.

The plan, however, may prove stillborn. At this point, it seems to have little to do with the realities on the ground and little prospect of being accepted by either the Bosnian Serbs, who hold more than 70 percent of the republic, or by the Muslim-led Bosnian government, which is pressing to retake strategic points from the Serbs.

In Bosnia, a U.N.-negotiated cease-fire between Muslims and Serbs that began on June 10 is already breaking down, with U.N. officials in Sarajevo confirming "major violations" of the truce by both sides, particularly by the Muslim-led Bosnian army in central Bosnia.

In Serb-surrounded Sarajevo, the Bosnian capital, Muslim forces are digging additional defensive trenches all around the city and sending spare troops to fight in central Bosnia, according to U.N. sources.

"Everybody is preparing for war," said a dejected U.N. relief official, Peter Kessler, who just returned here from Sarajevo.

Though under an international arms embargo, both Croatia and Serb-controlled Yugoslavia, the main players in the overall Balkan drama, are busy buying arms abroad for the next round of fighting.

Diplomats here say the Croatians continue to obtain MiG jet fighters—they have 16 now—and helicopters on the black market from East European countries. Diplomats in Belgrade, the Yugoslav capital, report that an engine for a MiG-29 was recently discovered by U.N. monitors hidden under a pile of loose detergent in a truck coming across the border from Bulgaria.

The cease-fire negotiated between Croatia and its Serb separatist minority that went into effect March 29 has held so far, with U.N. peacekeeping troops spread out along a 1.6-mile-wide corridor separating the rival forces. But a senior U.N. military official here predicted the truce would become "more and more fragile" with each passing day after the breakdown last week of the negotiating process here.

The combined efforts of U.S., Russian, West European and U.N. mediators to start direct talks between the Croatian government and the rebel Croatian Serbs reached a dead end last week when the Serbs refused to allow five Croatian reporters to cover the event.

The mediators say there is nothing more they can do until there is some change in attitude by the hard-line Croatian Serbs, who, one diplomat concluded, "simply are not interested in negotiations."

As a result, U.S. and other diplomats no longer can offer Croatian President Franjo Tudjman the hope of peaceful negotiations as an alternative to going to war to regain the quarter of the country held by the Serbs, as he has long threatened to do. Instead, the diplomats are warning him that the consequence of renewed war, with the prospect of intervention by neighboring Yugoslavia, could be a lot worse for Croatia than its current division.

The attitude of Bosnia's warring Serb and Muslim factions toward negotiations is not much different from that of the Croatian Serbs.

A nearly completed draft of the international mediators' proposed partition map, published in the Belgrade weekly *Vreme* on Monday, would require the Bosnian Serbs to hand back about 30 percent of the land they seized at the outset of the war 26 months ago, mostly in eastern and northern Bosnia.

The map's most contentious points would require the Serbs to give back to the Muslims substantial territory around the three remaining Muslim enclaves in eastern Bosnia—Srebrenica, Gorazde and Zepa—and to the Croats a broad swath of land in the north. The latter proposal, if implemented, would practically cut in half the corridor that connects Serb-held lands in northeastern and northwestern Bosnia.

The chances that the Bosnian Serbs will ever accept this plan are rated by Western diplomats here as close to nonexistent. Only enormous pressure from President Slobodan Milosevic of Serbia, Yugoslavia's dominant republic, might accomplish this, but they doubt he has the political will or clout to squeeze the Bosnian Serbs into compliance after his failure to deliver the far less powerful Croatian Serbs to the negotiating table.

The Clinton administration has drawn up a list of new carrots and sticks to persuade Serbia and the Bosnian Serbs to accept the

proposal. The carrots rely mainly on an easing of two-year-old U.N. economic sanctions on them if they accept. If they refuse, the sticks include measures to tighten the sanctions—and possibly exempting the Bosnian Muslims from the arms embargo.

But if a recent U.S. government-sponsored survey of public opinion in Serbia is anything to go by, there is little support there for getting tough with the Bosnian Serbs and considerable confidence that the republic can withstand any additional U.N. sanctions.

The survey, based on a sample of 1,600 people interviewed in late May and early June, showed that 8 out of 10 Serbians say their government should support the Bosnian Serbs "at all costs," including the use of military force to help them seize the three Muslim enclaves in eastern Bosnia. Fully 90 percent said they believe a lasting peace is impossible as long as the Muslims keep those enclaves.

Two-thirds were of the opinion the Bosnian Serbs should either hold onto the 70 percent of Bosnia they now control or try to seize even more land. Only 32 percent favored giving up some territory to obtain a peace settlement.

The survey also showed that 84 percent of Serbians said they could withstand U.N. sanctions at least through the end of this year, "if not longer," and nearly the same percentage said Serbia's economic situation had improved over the past year.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, for a couple years now, some of us in this Chamber—Senator LIEBERMAN from Connecticut and others—have been urging that the arms embargo placed on Yugoslavia, and Bosnia, in particular, by the last administration, be lifted.

As a matter of fact, in the waning hours of the Bush administration we actually adopted an amendment that I authored not only urging the President to lift the embargo but authorizing then President Bush to expend up to \$50 million in military arms to make available to the Bosnian Government. The Bush administration did not act.

The Clinton administration, although critical during the campaign of the Bush administration's position, came in and essentially adopted the same position. We have had no change. We have had herculean efforts on the part, I expect, of both administrations to try to negotiate something. But the essence of the negotiation always is, Bosnia, give up, as Czechoslovakia did in the thirties, part of your territory to the naked aggression sponsored by a foreign state, Serbia, in return for having the right to exist in any form as a nation state.

That is the deal the Bosnian Government is asked repeatedly to sign. I made my position very clear. I think that this administration should be directed to move that the United Nations table a resolution demanding the lifting of the embargo, force our NATO allies to stand up and be counted. I predict to you they will not veto such a resolution. I predict to you they will

not have the courage to go down on the wrong side of history. I predict to you that vigorous American leadership could reverse the arms embargo and do it multilaterally. But it seems that is not going to be done.

This administration has not acceded to my pleas or those of others. We will be left in the Senate with the choice to vote for an amendment which I believe will be offered and, I suspect, supported by the administration—an amendment which is well-intended, may even be correct—although I happen to think not, but I suspect it will call for an interim step. That step will propose that if the Serbs do not agree to a negotiated settlement, then and only then will we lift the embargo. I know the Secretary of State, in talking to me, has been working vigorously to try to, if that route were taken, convince our allies that they would then join us in lifting the embargo.

Well, on its face that seems to be reasonable, Madam President, except for one important factor. We have been on record in this administration from the outset, and a critical element of my position on this issue has been, that we will not dictate the partitioning of Bosnia. We, the United States, will not be party to insisting on the partitioning of Bosnia.

The contact group proposal, the so-called contact group made up of the major European powers, our NATO allies and Russia, has put on the table for discussion a partitioning of Bosnia—49-51. It says that the Serbs must back off from the 70 percent they now control to 50 percent. The Serbs have no right to 1 percent, one-quarter of 1 percent.

Now, I am not naive enough to think we can dictate an outcome which allows the Bosnian Government to be fully reconstituted—multicultural and within the confines of the original nation of Bosnia-Herzegovina that we recognized several years ago. If we had acted when we should have, I believe we could have guaranteed that. But we are beyond that now.

Now the question is, do we get on the wrong side of history in two ways. Do we get on the wrong side of history by saying, in this Chamber, to the President of the United States that we not only condone this partition, but insist that the Bosnian Government give up 49 percent of its territory.

Now, the way it is going to be presented to us by the administration is that we are insisting the Serbs back off 20 percent of the 70 percent they now have.

Well, the truth is that we will be endorsing the fact that Bosnia will be split and roughly half of it will be under the effective control of a guy named Milosevic, who happens to be President of an independent and separate country called Serbia. That is what this is about, separate and apart from whether or not the chronic de-

bates that my friend from Virginia and my friend from Arizona and I have had about the utility of air strikes. It has nothing to do with that. This is a fundamental decision we are going to be asked to participate in: Do we officially condone, as a matter of United States policy, the partitioning of Bosnia after 2 years of insisting the territorial integrity of Bosnia, under the control of a single multiethnic government in Sarajevo, remain intact? That is the position the contact group, at least in a de facto way, is abandoning.

So there is a principle at stake here that I caution the Senate not to go on record as supporting. Now, as often happens in complicated matters, we are presented with Hobson's choice here in the Senate. We get to this point because of inadvertence, bad policy, misguided policy or honest to goodness mistakes, well-intended in the beginning but nonetheless mistakes. We are left with several bad choices. The proposal of my friends, the Republican leader and my friend from Connecticut is, if taken in the abstract, misguided in my view. We should not be unilaterally lifting embargoes. We signed onto it with our allies. The Republican administration locked us into a position inherited by this administration. A position which is now not only inherited but now adhered to by this administration, compounding in my view the incredibly misguided judgment of the last administration and participating in that misguided judgment. And so we are left in this Chamber to vote on whether or not to unilaterally lift the embargo.

Now, the alternative will be to vote, I suspect, on recognizing that the underlying premise of an alternative is to support the position of the contact group. The position dictates that Bosnia accept half its country or suffer the consequences.

Now, fortunately for the contact group—and in Machiavellian political terms it is probably going to turn out to be this way—the Serbs will be stupid enough and greedy enough and vicious enough to reject even being handed half the country. They will probably insist on 70 percent of the country. And that is what Mr. Izetbegovic is going to bank on. I feel badly for the Bosnian Government. Mr. Izetbegovic is sitting over there along with Mr. Silajdzic and other leaders of the Bosnian Government and I bet you, after speaking with them for hours, their calculation of the discussion sounds something like this: Do we want to sign onto anything that says we voluntarily give up half our country? Then the counter will be, well, if we sign on, then the ball is in the Serbian court and they will be stupid enough not to sign, and then we will get help. Then someone will respond, and say, No, wait a minute. What if they accept? My Lord. Do I

want to be a signatory to the demise of my country? Think about that in terms of what we would be doing—"we," us, political leaders—if put in a similar situation.

The one thing I have found is that there is little difference between political leaders all over the world.

So what are we left with? A choice of signing onto one alternative which has the possibility of lifting the embargo multilaterally because hopefully the administration will say that if the Serbs reject the contact group offer, they have agreement from the Russians and the other contact group members either to support lifting the arms embargo, or abstain from vetoing it. But that is a high risk, to actually say we support partitioning.

Then there is the alternative. What is going to happen here? If the Dole-Lieberman proposal passes, what will happen? We will have established a precedent of unilaterally lifting an embargo. Well, I think it is just as likely the following will happen. If Dole-Lieberman passes, I believe it is equally as probable that the President will have to do what we have been pleading with him to do for 2 years. He will go to the United Nations, and to NATO and say that this is for real. I have no choice. So unless you want to blow the whole alliance, unless you want to blow the whole Security Council, listen to me. Either abstain or vote with me. That is what I demand.

That is the alternative the President is going to be faced with. He is either going to be faced with vetoing this bill, if it passes—a solid piece of legislation its managers have worked impressively and incredibly hard to put together in the interest of this country, or he and the Secretary of State will be forced to step up to the ball. They will have to lay it out for the Europeans, no ifs, ands, or buts; take all the varnish off. This is the deal.

I doubt whether anybody in here really believes that the President of the United States and the Secretary of Defense and the Secretary of State will say this is it, that they cannot get the votes. But at a minimum, I predict they will require a new try, or veto this bill.

Let me say a few other things, and then I will yield the floor.

I recently returned to Sarajevo with Senator DOLE and Senator WARNER. I had been to Sarajevo a year earlier. I had been to Sarajevo, and I had been to a number of other areas in Bosnia that were under siege then and under siege now. We had a chance to see the country, unfortunately. It is a magnificently beautiful country.

We were riding back in the plane, Senator DOLE, Senator WARNER, and I. One of them asked me, "What has changed?" I remember saying on the plane that what has changed is the attitude of the people in Bosnia, the attitude of the Moslems and the Croats and

the few Serbs who still live in Bosnia committed to the notion of a Bosnian government.

When I was there a year and a few months ago, people were pleading for the United States to help—pleading. It was obvious that the cities of Sarajevo, Tuzla, Srebrenica, the Bihac, the entire country, was in the process of disintegration. They saw what was coming, and they knew what was there, and they pleaded with us for air strikes, pleaded with us for help, pleaded with us to lift the arms embargo, pleaded with us to intervene with American forces.

Well, this time I went back to a group of realists. This time as I stood in the streets of Sarajevo with my colleagues, or in the hospital next to the hospital beds, or with the relief workers, or in the shops, they looked at us with steely eyes, and said, we need Americans help to lift this embargo. But I tell you, pal. You lift the embargo, we will take care of our ourselves. We will take care of ourselves. They have figured out that they have a bigger army. They have a more committed army. They have fighters who can fight.

I remember debating with some of my colleagues on the floor when I said send arms to them and other Members of this body argued that they do not know how to use those arms. Like heck they do not know how to use those arms. They have no problem. There was universal conscription in that country before it was divided up. The Moslems in Bosnia, the Croats in Bosnia are equally as tenacious and tough fighters as the Serbs in Bosnia and the Serbs in Serbia.

So what I found in the change in attitude was, give us a chance.

The second thing I found was, no matter what we sign, Senator, do not think we are going to permanently agree that Serbia has de facto control over half of our country. We may have to sign something here in order to get a cessation of hostilities. Part of their calculation will be that if they sign the agreement, my colleagues may say, do we keep the arms embargo on? Will we then agree to lift the arms embargo on Bosnia? My guess is we will be told we have to keep the arms embargo on. But the Bosnians are counting on it being lifted.

Does anybody in here, after seeing the state of affairs in Bosnia, think that the Bosnian government is going to, once the arms embargo is lifted, no matter what they agreed to, sit there and say that is OK, keep Bihac, do not worry about Tuzla, Srebrenica and all along the Drina River is not a problem for us. Does anybody believe that?

I want to make the point that what we want is a permanent settlement. I realize I sound like a broken record. I have been saying this for 2 years. The only way, in my reading of the history

of that region, as well as in all Europe, is that there has only been a lasting—"lasting" meaning decades—peace when there is a stalemate on the battlefield, when both sides in the conflict conclude there is no more they can gain as a consequence of military engagement.

I challenge anyone who has been to Bosnia. I challenge anyone who has been to Croatia and not Bosnia, or Serbia and not Bosnia, to tell me that they think the Bosnian government thinks that if they had arms they could not do any better.

So the quickest road to peace is to let it be made clear to the Bosnian Government and to the Serbian Government and to the Serbian butchers, Karadzic and the military leader Mladic, that this is as far as they can go, and no sides go any further, not because of an international resolution, but because they are stopped on the battlefield.

That is the reality of conflict in Europe. People like to try to educate me about the reality of the Balkans. Well, I am sure there are people who know more than I know about the Balkans, but I challenge anybody in this Chamber who thinks they know any more than I know about the history of the Balkans. I may be wrong in the conclusions I reach after reading history, but I do not fail to know the history. The truth of the matter is that nothing is ever resolved by international accords, agreements signed under duress, or agreements that do not have the standing and backing of the principals who signed those agreements.

My second point is, purely from a pragmatic standpoint, it makes sense to allow the Bosnian Government to find out whether their present disposition is correct. I assure you if it is not, they will be at the table to sign for 49 percent.

Mr. WARNER. Will the Senator yield for a brief question?

Mr. BIDEN. Yes, I am happy to yield for a question.

Mr. WARNER. I had the privilege of traveling with you and the distinguished Republican leader. This debate today should focus on the choice between the United States unilaterally lifting the embargo, or lifting the embargo along the lines of an alternate amendment which the Senator from Georgia [Mr. NUNN] and myself and others will shortly introduce, whereby we do it in conjunction with our allies.

That is the key question, given the value of our alliance today, as it has been in the past, and will be in the future. This week, the Armed Services Committee had extensive testimony from Great Britain, France, Denmark, Spain, and others. Without exception, each witness told us that if you lift this unilaterally, this war becomes stamped "made in America." We cannot let that happen.

Would the Senator narrowly focus on that as he concludes his remarks, so that the distinguished majority leader and others may address the Senate?

Mr. BIDEN. I would be happy to. Unfortunately, I began this before the Senator was on the floor. I started off by saying that the choices were stark. They were Hobson's choices; neither was very good.

The reason I could not go the route the Senator from Virginia and others are going to propose is because an essential element of that resolution is signing on implicitly, if not expressly, to the contact group's requirement that the sides accept the 49-51 split. That is counter to American policy stated thus far. The alternative offered by my friend from Connecticut and our friend from Kansas, although not a good alternative, I believe has an equally or better chance of forcing the President to do what needs be done—going to the allies and saying that the embargo is going to be lifted, and you better join me now to do it multilaterally. I predict that will happen. I could be dead wrong. That is a very short version of what I took 10 or 15 minutes to explain prior to the Senator being on the floor.

I will conclude by making a much more parochial point. First, we cannot get on the wrong side of history and, as a nation and a Chamber, condone that an independent country we recognized, which was later invaded by another country and partitioned by and with the help of another country, be partitioned in any degree, whether 49-51, 60-40, or 10-90. That is a matter of principle, and we should not sign on to that.

Mr. NUNN. Will the Senator yield to me for approximately 30 seconds for the purpose of introducing a second-degree amendment?

Mr. BIDEN. Of course.

AMENDMENT NO. 1852 TO AMENDMENT NO. 1851

Mr. NUNN. Madam 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 Georgia [Mr. NUNN], for himself, Mr. WARNER, Mr. MITCHELL, Mrs. KASSEBAUM, and Mr. ROBB, proposes an amendment numbered 1852 to amendment No. 1851.

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

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

The amendment is as follows:

Strike out everything after the first word and insert in lieu thereof the following:

"BOSNIA AND HERZEGOVINA

(a) PURPOSE.—To express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Herzegovina.

(b) STATEMENTS.—The Congress makes the following statements of support:

(1) The Congress supports the use of international sanctions in the form of arms and economic embargoes imposed by the United Nations Security Council in appropriate circumstances.

(2) The Congress supports the imposition of an arms and economic embargo on the Government of Iraq by United Nations Security Council resolution 661 of August 6, 1990 to bring about compliance with a number of conditions, including in particular an end to Iraq's nuclear weapons program.

(3) The Congress supports the imposition of an arms, petroleum and economic embargo on Haiti by United Nations Security Council resolutions 875 of October 16, 1993 and 917 of May 17, 1994 to bring about compliance with the Governors Island Agreement.

(4) The Congress supports the imposition of an arms and civil aircraft embargo on Libya pursuant to United Nations Security Council resolution—of March 31, 1992 in order to convince Libya to renounce terrorism.

(c) FINDINGS.—The Congress makes the following findings:

(1) The United States took the lead in the United Nations Security Council to impose international sanctions in the form of arms and economic embargoes on Iraq, Haiti, and Libya.

(2) The security of the Republic of Korea with whom the United States has a mutual defense treaty and on whose territory there are more than 38,000 members of the United States Armed Forces is a vital interest of the United States.

(3) Should negotiations fail, the imposition of sanctions by the United Nations Security Council on North Korea, which would require the affirmative vote or abstention of China, Russia, Britain, and France, may be essential to stop North Korea's nuclear weapons development program and to end a nuclear threat to the Republic of Korea and Southeast Asia.

(4) The effective enforcement of sanctions on North Korea, once imposed by the United Nations Security Council, would require the cooperation of China, Russia, and Japan as well as other allies, including Britain and France, both permanent members of the United Nations Security Council.

(5) The United States voted for the international arms embargo imposed by United Nations Security Council resolution 713 of September 25, 1991 that was imposed on Yugoslavia.

(6) The imposition of the United Nations arms embargo on September 25, 1991 has not served to end the conflict in Bosnia Herzegovina, has provided a battlefield advantage to the Bosnian Serbs, who possess artillery, tanks, and other weapons left behind by the former Yugoslav Army or provided by Serbia and Montenegro, and has deprived the Government of Bosnia and Herzegovina from acquiring the adequate means of defending itself and its citizens.

(7) Our NATO allies have committed ground forces to the United Nations Protection Force (UNPROFOR) in former Yugoslavia. At the present time France has 5,518 troops, Britain 3,435, the Netherlands 2,073, Canada 2,037, Spain 1,417, and Belgium 1,000. Our NATO allies have thus far sustained 49 deaths and 931 wounded as a result of their participation in UNPROFOR.

(8) For the first time the so-called "contact group" composed of representatives of the United States, Russia, France and Britain is moving toward a unified position of using an incentives and disincentives "carrot and stick" strategy to bring about a peaceful settlement of the conflict in Bosnia and Herzegovina.

(9) Although lifting the arms embargo on the Government of Bosnia and Herzegovina by the United Nations Security Council is supported by the Congress, the unilateral lifting of the embargo by the United States would lead to the following consequences:

(a) disruption of the ongoing effort by the "contact group";

(b) withdrawal by our NATO allies of the forces detailed in subparagraph (7) above from former Yugoslavia;

(c) contradict United States efforts in the United Nations Security Council to impose sanctions on North Korea, should that become necessary;

(d) serious damage to the NATO alliance;

(e) loss of cooperation by other nations in the enforcement of sanctions, including the sanctions on Iraq, previously imposed by the United Nations Security Council; and

(f) damage to the authority and responsibility of the United Nations Security Council for the maintenance of international peace and security.

(d) It is the sense of the Congress—

That the United States should work with the NATO Member nations and the other permanent members of the United Nations Security Council to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia Herzegovina, including the following:

(a) The preservation of an economically, politically and militarily viable Bosnian state capable of exercising its rights under the United Nations Charter.

(1) as part of a peaceful settlement, the lifting of the United Nations arms embargo on the Government of Bosnia and Herzegovina so that it can exercise the inherent right of a sovereign state to self-defense.

(b) If the Bosnian Serbs, while the contact group's peace proposal is being considered and discussed, attack the safe areas designated by the United Nations Security Council, the partial lifting of the arms embargo on the Government of Bosnia and Herzegovina and the provision to that Government of defensive weapons and equipment appropriate and necessary to defend those safe areas.

(c) If the Bosnian Serbs do not respond constructively to the peace proposal of the contact group, the immediate lifting of the United Nations arms embargo on the Government of Bosnia and Herzegovina (and the orderly withdrawal of the United Nations Protection Force and humanitarian relief personnel).

(e) POLICY.—The Congress authorizes the President, upon the termination of the United Nations arms embargo on the Government of Bosnia and Herzegovina, to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not more than \$100,000,000, in order to provide assistance to the Government of Bosnia and Herzegovina so that it may exercise its inherent right of self-defense. Such assistance shall be provided on such terms and conditions as the President may determine.

Mr. NUNN. I thank the Senator from Delaware.

Mr. BIDEN. Madam President, let me conclude. The weapon of choice by the Serbs who are engaged in this carnage from day one has been indiscriminate terrorism.

First, setting up rape camps, concentration camps for the purposes of

raping and permanently defiling Moslem women, because of the nature of the impact that has on the culture.

Second was indiscriminate shelling. Literally there are photographs of Serbian—I will not even call them soldiers—Serbs sitting in the hills where the Olympic ski jumps were, in shirtsleeves, sunning themselves and drinking wine and eating cheese, dropping in shells and indiscriminately firing on cities. I remember showing my colleagues where I had stood a year earlier, showing them the opening in the old city between the buildings up into the mountains where the clear shot of the gun was maneuvered for the express purpose of being able to hit an area where people were getting drinking water from a spigot or a pipe coming out of the side of a building.

Other forms of terror have been employed from the outside. I would like to add onto something the Republican leader said. The Senator from Virginia, the Senator from Kansas, and I, went to a hospital, and we observed the young children that Senator DOLE spoke of. It would break your heart to see them. But as leaders of a great country of 250 million, we cannot make foreign policy based upon our emotions, notwithstanding how wrenching the experience was to see that magnificent little girl, who until she looked at us looked perfectly normal and stared at us with these big blue eyes. The doctor said to us, "She cannot see you." When she turned her head, you could see that half the side of her head was gone where a sniper bullet had gone through. We walked over to a bed and were holding onto a magnificent looking little 9-year old girl whose leg had been shattered by a sniper's bullet, lying there whimpering, because it had only occurred the night before. We saw four men who were sniper victims two and three nights earlier.

I do not say this to give a catalog of horrors, because all you have to do is go to Rwanda and you would see horrors that far outstrip anything I have described. Let me tell you why I raise it. I think inadvertently the minority leader said "indiscriminate" firing. There was nothing indiscriminate about this. The only way these children were hit was intentionally. Snipers wait for children, get them in their sights with high-powered weapons, with night scopes, and deliberately shoot the children. None of these people we saw were hit as a consequence of a spray of bullets. They were all hit by a single shot, fired from a single weapon by a single terrorist, for the express purpose of terrorizing the community.

Few times in modern warfare has it been a matter of policy to bring down a government, break the moral resolve of a nation by singling out 9-year-old children. We were walking across a street where there were blankets hanging like you would see in the old movies of the lower east side of New York,

laundry hanging from fire escapes, and some of the young people with us said, "What is this for?"

I explained to them. They put blankets across these streets to cut off the angle of the snipers so they cannot see their victim. That is why it is done. The snipers are not up there indiscriminately spraying machine guns. They are sitting in buildings waiting for children like they wait for rabbits.

And that I will say, Madam President, is the quintessential example of what characterizes the people waging the war to bring down this government and partition this nation.

As I said, people can cite for me and I can cite for you, in terms of quantity, evidence of brutality that far exceeds what we saw, but I doubt whether you can cite for me the policy condoned by a government, engaged in by a people, that is as brutal and as lacking in humankindness as this group of people who are attempting to bring down this government.

If, in 1935, it had been Lutherans or Catholics or Presbyterians who had been rumored to be in those death camps in Europe, I believe the world would have reacted differently. If we were not talking about Moslem children, if we were not talking about a Moslem-dominated government, I believe the world would also react differently.

Mr. MCCAIN. Madam President, will the Senator yield?

Mr. BIDEN. I would be delighted to yield for a question.

Mr. MCCAIN. I am curious as to how much longer the Senator from Delaware intends to speak.

Mr. BIDEN. I am finished.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, this is an important debate and discussion, and I hope that it will occur in a manner that permits both sides to be fairly presented during the debate.

I would like to respond to several of the points made by the Senator from Delaware, but I would like to respond first to the last point made describing some of the horrors which have occurred in the former Yugoslavia.

Those horrors will be multiplied thousands of times over if this war widens. Yet that will be the inevitable result of the unilateral lifting of the arms embargo by the United States.

Is our revulsion against killing a reason to encourage more killing? If so, then emotion will have overwhelmed reason.

No one disputes the fact that this war has been harmful and catastrophic, but the course of action prescribed by those who support the unilateral lifting of the arms embargo will inevitably—indeed, according to the Senator from Delaware himself, the very reason for lifting it is to encourage the

Bosnians to fight—the inevitable result will be a much wider war, much more killing, much more pillage and many more of the horrors against which he has understandably rebelled.

Madam President, this is an emotional argument, but let us not permit emotion to overwhelm reason. Some killing, horrible as it is, should not induce us to adopt a policy which encourages more killing.

The issue here is a narrow one, as the Senator from Virginia has noted. It is whether the arms embargo imposed by the United Nations on the former Yugoslavia with the support of the United States shall now be lifted unilaterally by the United States in defiance of the United Nations' action and contrary to the interests and views of our allies. That is the narrow issue.

The amendment offered by the Senator from Georgia [Mr. NUNN], and the Senator from Virginia [Mr. WARNER], points out that right now the United Nations has imposed sanctions on Iraq with the support of the United States, has imposed sanctions on Haiti with the support of the United States, has imposed sanctions on Libya with the support of the United States, has been discussing and may soon resume discussing sanctions against North Korea with the support of the United States.

If we now unilaterally lift the arms embargo in the former Yugoslavia, we will be saying to every participant in those other sanctioned countries, you can jump out whenever you see fit. We will completely undermine the international effort through the United Nations and with our allies to use sanctions as a means of attaining universally accepted international objectives.

Turkey wants out of the sanctions against Iraq. How are we going to insist that they stay in when we unilaterally get out of those sanctions that we do not like? Others want out of the sanctions against Libya and Haiti. And others do not want to join in the sanctions against North Korea. We will be sending a signal across this world that any international effort to impose sanctions can be disregarded by any nation at any time for any reason it chooses.

Madam President, it has been stated here several times by the proponents of this amendment that they have been to the former Yugoslavia and they are familiar with the history of the Balkans. That is useful and helpful. But I would note that many Senators have been to the former Yugoslavia, many Senators are familiar with the history of the Balkans, and a visit there imparts to no one special insight and knowledge. People who have been on both sides of the issue have been there and have reached different conclusions.

Madam President, there is much about this debate that is deeply disturbing, but from my standpoint nothing is more so than the manner in

which our allies have been treated with what can only be described as condescension and insult.

We are told, in words demeaning to the British and French, that we simply have to tell them what to do. We are told what we have to do is lay it out for the Europeans. And we were told, in the previous debate last month on this subject, we are not the British or French, we are the Americans.

Well, I ask every Member of this Senate and every American to consider these facts: Right now in the former Yugoslavia there are more than 5,500 French troops, more than 3,400 British troops, more than 2,000 Dutch, more than 2,000 Canadians, nearly 1,500 Spanish, and more than 1,000 Belgians. And during the course of this tortured conflict, 936 of them have been wounded and 49 killed.

There are no American combat ground forces there. Talk is cheap. Action is expensive. While we talk, they act.

Who are we to insult and demean our allies? Who are we to preach at the British and French, as they send thousands and thousands of their young men there, see hundreds of them wounded, and dozens of them killed?

Every Member of this Senate knows, and every American knows, that if there were 15,000 American troops in Bosnia, if 936 Americans had been wounded and 49 Americans had been killed, these Senators who are out here giving these speeches today would be falling all over themselves to offer the first resolution to withdraw the Americans. Everybody knows that. And there is not one of these Senators—not one—who will vote to unilaterally lift the embargo who will stand up and say that he now favors sending thousands of Americans to replace the British and French. Not one. Talk is cheap. Action is expensive.

Who are we to preach to the British and French? They are sovereign nations. They are democracies. They are our allies. They are doing what we have been unwilling to do. Their men are being killed. Their men are being wounded. Their countries are spending hundreds of millions of dollars to try to bring about a resolution of this conflict. And here we are preaching at them, insulting them, telling them, "You've got to do what we say."

How would Americans feel if the British and the French Government said to the United States Government, "You do it our way"? No discussion; no debate.

We have a responsibility for leadership. We are not only the leader in the free world, we are the leader of the world. But we also have a responsibility to treat our allies with the same respect we expect from them, to encourage action in a multilateral way. But let us rid this debate of any condescension toward our allies.

Madam President, this is a fateful moment in the Balkans. War, which has raged intermittently for nearly 500 years based upon ancient religious and ethnic hostilities which have repeatedly erupted over that period of time, is now threatened on a scale much wider and much more devastating than that which has occurred before. Imperfect and halting and sometimes mistaken as they have been, our European allies, with very little support from us, have attempted to bring about a peaceful resolution. And, as I said, they have placed 15,000 of their men in risk, seen nearly 1,000 of them wounded, and 49 of them killed in the process.

They have made it clear beyond any doubt, in private and public statements, that if the United States unilaterally lifts the arms embargo, they will, as they must, withdraw all of their forces, and what has been a multilateral effort will then become an American effort.

I say to my colleagues that history will judge this action to have been a fateful error because, when that war widens, as it inevitably will, and when the horrors, described with such feeling by the Senator from Delaware, multiply by the thousands, and when the debate increases for the Government which has taken the step and has triggered this wider war to now do something about it, everybody here knows that those who vote for this unilateral lifting of the embargo will not be prepared to do anything. Not one will vote to send an American soldier over there to face injury and death.

We are not going to end the history of the Balkans by what we do here today. We are not going to eliminate or mitigate ancient religious and ethnic hostilities which have occurred for nearly 500 years and beyond. But we can take a sensible, prudent, responsible step, and that is to adopt the resolution offered by the Senators from Georgia and Virginia, which encourages the action underway to try to bring about a peaceful resolution and a containment of the war, and which provides for a multilateral effort to lift the arms embargo should those efforts at a peaceful resolution fail. That is the choice that we have.

There are very strong feelings on all sides. Americans have been moved by the televised scenes described by the Senator from Delaware. But I say to my colleagues, if this unilateral lifting of the arms embargo is adopted and, as they will, our allies withdraw all of their forces and, as it will, this war widens, there are going to be many, many more such televised scenes.

I ask my colleagues to tell us what it is they are prepared to do now. Tell us now whether they will vote to send thousands of Americans into the place now occupied by the British and the French and our other allies, risk those Americans to injury and death. I ask

them to tell us that now. Because if they will not, then they ought to make that clear to the people in the region. This is a very, very difficult question. It is a very difficult issue. But I believe it is at a critical stage.

I hope that in the course of this debate the Senator from Virginia and the Senator from Georgia will describe in detail their amendment, which I strongly support and which I encourage all Senators to support because I believe it represents the most sensible and reasonable course to take in a very difficult situation.

Mr. WARNER. Madam President, will the Senator yield for one brief question?

Mr. MITCHELL. Yes, certainly, one question.

Mr. WARNER. Madam President, the remarks made by the distinguished majority leader covered all issues save one, which I think should be included, and that is that we are at a critical moment in history with respect to the relationships between the Western World and Russia.

Russia has made it very clear that if this unilateral lifting were to take place they would be constrained to align themselves with their allies through history, and that is Serbia.

I wonder if the distinguished majority leader would add that element to his otherwise very broad and carefully laid remarks, because I am deeply concerned that it would reverse the progress the Western World is now making with respect to Russia: Notably, this week, the Partnership for Peace. To my understanding the Russian Foreign Minister is in Corfu today, working again in a multilateral forum. Unilateral action by the United States could bring about a reversal of that progress.

Mr. MITCHELL. Madam President, I thank my colleague.

The most significant event, in my judgment, of the second half of the 20th century has been the collapse of communism and the demise of the Soviet Union and the end of the cold war—with the United States as the resultant lone superpower. We have a lot of foreign policy interests, but I think most Senators would agree that among the highest is the new relationship with Russia and the former states of the Soviet Union.

Reference was made earlier here today to the history of the Balkans. I urge all of my colleagues to go back and familiarize themselves with the history of the Balkans in the period immediately preceding the First World War. That war—which as the name suggests was the first truly global conflict—was triggered precisely because of the situation in the Balkans and the very powerful commitment of Russia to what are known as the south Slavs, the center in modern Serbia. It was the conflict between the south Slavs and

the Austro-Hungarian Empire, the desire for the south Slavs to have a Slavic dimension to the Austro-Hungarian Empire, which was, as the name suggests, based primarily in Austria and Hungary, that triggered the events that led directly into the First World War.

The Russians aligned themselves with the south Slavs. The Germans aligned themselves with the Austro-Hungarians. And ultimately all of the nations of Europe and eventually the United States were drawn into a conflict that resulted in millions of deaths. That attraction, that relationship, is no less today. There is a very powerful imperative in Russia—political, historical, economic, and military—to strongly support the Serbs. And the Russians have made it clear, as the Senator from Virginia suggests, if we are going to lift the arms embargo and supply arms to the Bosnians, then they are going to supply arms to the Serbians. And we will then be back in a situation tragically reminiscent of the cold war, where the provision of arms by outside forces accelerates and widens conflict in different parts of the globe. And it will be a wider conflict. Everyone knows that.

Just in this morning's Washington Post there is a report about the lengthening shadow of the prospect of wider war and how the only hope of preventing that is for some progress to be made by the so-called contact group in bringing about a peaceful resolution.

None of this is to condone any of the actions of the Serbs, the Bosnian Serbs or those residing in Serbia. There have been atrocities on all sides, but it is clear for all to see that the fundamental aggressors have been the Serbs and the primary victims have been the Bosnians, primarily Moslems but including some Bosnian Croats and some Bosnian Serbs. That is not the issue.

The issue is, how do we go about pursuing a policy most likely to produce a peaceful resolution without the prospect of wider war? It is a narrow difference. But this conflict has the potential not just for involving many others in the region, not just for expanding the number of dead and wounded dramatically, but also for causing a very serious break and rupture in relations between the United States and Russia. That is something that everyone ought to keep in mind as we debate this matter.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, while the majority leader is still on the floor, he asked the question several times as to whether proponents of this amendment are willing to send United States young men and women to Bosnia. The answer is, obviously, no. In fact, the only proposal I have heard to send American troops to Bosnia is

that, I believe, supported by the majority leader—he can correct me if I am wrong—of sending 25,000 American troops in the unlikely event that there is some kind of peace agreement. I do not support sending troops because I do not believe any agreement is going to be enforceable. So my response—

Mr. MITCHELL. The Senator is wrong.

Mr. MCCAIN. So my response, and I know that of the Senator from Kansas, who was the prime sponsor of this resolution, is "no." Our answer is "no." We will not support sending American troops to that region, nor would we countenance such a thing. The connection between the amendment of the Senator from Kansas and sending American troops there is spurious at best.

Mr. MITCHELL addressed the Chair.

Mr. MCCAIN. On the issue of sanctions—I have just responded to the question by the majority leader. I did not interrupt his statement. But if he wishes to speak further, I will be glad to yield to him.

Mr. MITCHELL. The Senator just said, "Correct me if I am wrong." I took that to be an invitation to correct him if he is wrong, and my answer is he is wrong.

Mr. MCCAIN. Do I understand that the Senator from Maine does not approve the administration proposal that, in the event of a peace agreement in the Balkans, we would send 25,000 troops? He does not support that?

Mr. MITCHELL. There has never been a number to which I have agreed.

I said that if a peace settlement occurs, we should consider—I would consider the administration's request to send troops there, not in any numbers, and awaiting the context.

Mr. MCCAIN. So my understanding is the majority leader's position is he would only consider such a thing?

Mr. MITCHELL. Yes.

Mr. MCCAIN. Let me make clear to the majority leader that I would not consider such a thing. I would not consider such a move. It would be an exercise in foolishness and futility, and it would result in the death and wounding of thousands of young Americans.

Mr. MITCHELL. That is the answer I expected. That is why I asked the question.

Mr. MCCAIN. The majority leader knows, since he likes so much to refer to history, that American casualties would be an inevitable result. American casualties would be the inevitable result of dispatching troops to an area which, as the majority leader mentioned, has been involved in a civil war for about 500 years.

I would like to address the comment about sanctions and the argument that if sanctions were removed and the arms embargo were lifted, sanctions in other places would also fall. The argument being that if we do not support these

U.N. sanctions, that other sanctions would not be valid either.

Madam President, there is a fundamental difference between the sanctions that have been imposed on Yugoslavia—and by the way, the sanctions were imposed on Yugoslavia, not Bosnia—and the sanctions that have been imposed on Haiti, Iraq, and Libya.

The difference is, Madam President, that these nations are not trying to defend themselves. They are not under attack.

The U.N. charter says that every Nation has the right to self-defense, and no action on the part of the United Nations may impair that right to defend themselves. Madam President, not only is Bosnia under attack, but 70 percent of its territory has been absorbed by the enemy. What this embargo does is impair the ability of Bosnia to defend itself.

To me, it is incredible. It is incredible that we should sit here in judgment of the Bosnians, who are pleading and crying and begging for us to allow them to defend themselves.

Iraq is not under attack from another country. Haiti is not under attack from another country. Iran is not under attack from another country. Libya is not under attack from another country. But Bosnia is. And Bosnians should have the right to defend themselves.

To compare a nation that has seen hundreds of thousands of its people killed and millions of them displaced with other nations who are under U.N. embargo clearly begs logic and reason.

I do not believe there will be a settlement. In fact, the Washington Post, which has been referred to several times this morning, says: "Winds of War Blow in Balkans Despite Latest, American-Backed Peace Plan."

I ask unanimous consent that this and an article from the Washington Times be printed in the RECORD at this point.

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

WINDS OF WAR BLOW IN BALKANS DESPITE  
LATEST, AMERICAN-BACKED PEACE PLAN  
(By David B. Ottaway)

ZAGREB, CROATIA.—As the United States, Russia and Western Europe prepare to unveil with much fanfare their own partition plan for a Bosnian peace settlement, Western diplomats and U.N. mediators in the Balkans are expressing deep pessimism and total frustration.

The prevailing feeling among these diplomats is that the region is facing a widening war and that outside efforts to avert the storm are just about exhausted. All parties engaged in the overlapping Bosnian and Croatian conflicts, these sources say, are busy preparing for more war, not peace.

"I consider [a new outbreak of war in Croatia] a very real danger," said Peter Galbraith, the U.S. ambassador here. "If there is another Serb-Croat war, it is going to be unlike what we've seen so far. It could escalate to air raids on cities, rocket attacks and large-scale tank and artillery assaults."

"Such a war could lead to the direct involvement of the Yugoslav army. It is precisely such a catastrophe that our negotiating efforts have sought to forestall," he added.

The coming Western peace plan for Bosnia is counting heavily on high-level diplomatic hoopla—and a few new but slim carrots and sticks—to win the approval of the warring parties.

First, U.S., Russian and West European foreign ministers will put their stamp of approval on the plan at a meeting in early July, either in Geneva or Naples. Then, it is scheduled to be formally endorsed at the summit in Naples on July 9 and 10 of the Group of Seven major industrial nations, with Russia also taking part.

The crux of the plan consists of a map drawn by a "contact group" of U.S., Russian and West European diplomats for Bosnia's partition, with 51 percent going to the newly formed Muslim-Croat federation and 49 percent to the Bosnian Serbs' self-declared state.

The plan, however, may prove stillborn. At this point, it seems to have little to do with the realities on the ground and little prospect of being accepted by either the Bosnian Serbs, who hold more than 70 percent of the republic, or by the Muslim-led Bosnian government, which is pressing to retake strategic points from the Serbs.

In Bosnia, a U.N.-negotiated cease-fire between Muslims and Serbs that began on June 10 is already breaking down, with U.N. officials in Sarajevo confirming "major violations" of the truce by both sides, particularly by the Muslim-led Bosnian army in central Bosnia.

In Serb-surrounded Sarajevo, the Bosnian capital, Muslim forces are digging additional defensive trenches all around the city and sending spare troops to fight in central Bosnia, according to U.N. sources.

"Everybody is preparing for war," said a dejected U.N. relief official, Peter Kessler, who just returned here from Sarajevo.

Though under an international arms embargo, both Croatia and Serb-controlled Yugoslavia, the main players in the overall Balkan drama, are busy buying arms abroad for the next round of fighting.

Diplomats here say the Croatians continue to obtain MiG jet fighters—they have 16 now—and helicopters on the black market from East European countries. Diplomats in Belgrade, the Yugoslav capital, report that an engine for a MiG-29 was recently discovered by U.N. monitors hidden under a pile of loose detergent in a truck coming across the border from Bulgaria.

The cease-fire negotiated between Croatia and its Serb separatist minority that went into effect March 29 has held so far, with U.N. peacekeeping troops spread out along a 1.6-mile-wide corridor separating the rival forces. But a senior U.N. military official here predicted the truce would become "more and more fragile" with each passing day after the breakdown last week of the negotiating process here.

The combined efforts of U.S., Russian, West European and U.N. mediators to start direct talks between the Croatian government and the rebel Croatian Serbs reached a dead end last week when the Serbs refused to allow five Croatian reporters to cover the event.

The mediators say there is nothing more they can do until there is some change in attitude by the hard-line Croatian Serbs, who, one diplomat concluded, "simply are not interested in negotiations."

As a result, U.S. and other diplomats no longer can offer Croatian President Franjo Tudjman the hope of peaceful negotiations as an alternative to going to war to regain the quarter of the country held by the Serbs, as he has long threatened to do. Instead, the diplomats are warning him that the consequence of renewed war, with the prospect of intervention by neighboring Yugoslavia, could be a lot worse for Croatia than its current division.

The attitude of Bosnia's warring Serb and Muslim factions toward negotiations is not much different from that of the Croatian Serbs.

A nearly completed draft of the international mediators' proposed partition map, published in the Belgrade weekly *Vreme* on Monday, would require the Bosnian Serbs to hand back about 30 percent of the land they seized at the outset of the war 26 months ago, mostly in eastern and northern Bosnia.

The map's most contentious points would require the Serbs to give back to the Muslims substantial territory around the three remaining Muslim enclaves in eastern Bosnia—Srebrenica, Gorazde and Zepa—and to the Croats a broad swath of land in the north. The latter proposal, if implemented, would practically cut in half the corridor that connects Serb-held lands in north-eastern and northwestern Bosnia.

The chances that the Bosnian Serbs will ever accept this plan are rated by Western diplomats here as close to nonexistent. Only enormous pressure from President Slobodan Milosevic of Serbia, Yugoslavia's dominant republic, might accomplish this, but they doubt he has the political will or clout to squeeze the Bosnian Serbs into compliance after his failure to deliver the far less powerful Croatian Serbs to the negotiating table.

The Clinton administration has drawn up a list of new carrots and sticks to persuade Serbia and the Bosnian Serbs to accept the proposal. The carrots rely mainly on an easing of two-year-old U.N. economic sanctions on them if they accept. If they refuse, the sticks include measures to tighten the sanctions—and possibly exempting the Bosnian Muslims from the arms embargo.

But if a recent U.S. government-sponsored survey of public opinion in Serbia is anything to go by, there is little support there for getting tough with the Bosnian Serbs and considerable confidence that the republic can withstand any additional U.N. sanctions.

The survey, based on a sample of 1,600 people interviewed in late May and early June, showed that 8 out of 10 Serbians say their government should support the Bosnian Serbs "at all costs," including the use of military force to help them seize the three Muslim enclaves in eastern Bosnia. Fully 90 percent said they believe a lasting peace is impossible as long as the Muslims keep those enclaves.

Two-thirds were of the opinion the Bosnian Serbs should either hold onto the 70 percent of Bosnia they now control or try to seize even more land. Only 32 percent favored giving up some territory to obtain a peace settlement.

The survey also showed that 84 percent of Serbians said they could withstand U.N. sanctions at least through the end of this year, "if not longer," and nearly the same percentage said Serbia's economic situation had improved over the past year.

[From the Washington Times, June 24, 1994]  
IRANIAN WEAPONS SENT VIA CROATIA—AID TO  
MOSLEMS GETS U.S. "WINK"

(By Bill Gertz)

Croatia has become a major transit point for covert Iranian arms shipments to Bosnia

with the tacit approval of the Clinton administration, which publicly remains opposed to a unilateral lifting of the international arms embargo against the fractured Balkan states, according to intelligence sources.

Disclosure of Iranian arms shipments through Croatia comes as representatives of four NATO governments warned the Senate yesterday that Congress' lifting of an arms embargo against Bosnia unilaterally would have dire consequences.

A senior U.S. official said last night the U.S. government opposes the Iranian arms shipments because they undercut U.N. sanctions. "There is no U.S. support for what Iran is doing," the official said.

But intelligence sources said the U.S. government, which closely monitors Iran and in the past has halted a shipment of arms to Bosnia in September, has not protested Iran's transshipment of arms to Bosnia through Croatia that have increased dramatically since March.

The lack of protests caused the Croatians to assume the administration has "winked" at the arms shipments, one source said.

According to intelligence reports circulating to senior policymakers in the administration, Croatia's government is expanding ties to Iran following the agreement in Washington last March to form a Croatian-Bosnian federation.

As part of the growing ties, Croatia is now a conduit for Iran's arms shipments to Bosnian Muslims, battling Serbs in a bloody, 26-month-old civil war. The arms shipments violate the international embargo.

A Pentagon official familiar with the report said the CIA and Pentagon intelligence agencies have detected regular shipments of small arms and explosives being flown into Zagreb, the Croatian capital, from Iran on Boeing 747 transports.

Other shipments have been detected arriving at the port of Split, on Croatia's Adriatic coast. The weapons are then moved by truck to Bosnian Muslim forces.

Iran, also has supplied between 350 and 400 Revolutionary Guards that Tehran has ordered to help form terrorist groups similar to the terrorist group Hezbollah in Lebanon. Iran's government has denied sending the paramilitary forces.

Pentagon officials are concerned the Iranian arms, while helping Muslims defend themselves, complicate peace efforts, which appear to be foundering due to widespread violations of a June 10 truce agreement.

According to the intelligence sources, the Croatian government is divided over allowing Iran to funnel arms to the Bosnian Muslims. Foreign ministry officials are distrustful of the growing ties to Iran, while the prime minister and defense ministry officials favor closer trade ties with Tehran.

Croatia's foreign minister believes the Iranian weapons shipments have the tacit support of the Clinton administration, which has said it favors lifting the arms embargo if Western allies go along, according to the sources.

Croatian defense officials support the Iranian arms shipments because a large portion of each arms shipment sent from Iran is siphoned off for use by the Croatian military.

Croatians seeking closer ties to Iran see the relationship as a way to build up Croatia's armed forces and reduce a trade deficit with Iran estimated at more than \$200 million.

Kenneth Katzman, a specialist on Iran with the Congressional Research Service, said Iran has offered to send 10,000 troops to Bosnia as part of a U.N. force, but the world body does not want them there.

"They don't want to see an upsurge of Islamic fundamentalism there," Mr. Katzman said in an interview.

Any Iranian force would be made up of Revolutionary Guards, the radical Muslim forces that have established militias and terrorist groups in the Middle East and North Africa, Mr. Katzman said.

On Capitol Hill, defense officials from Britain, France, Spain and Denmark testified before the Senate Armed Services Committee yesterday that a unilateral lifting of the arms embargo against Bosnia by the United States would intensify the conflict.

"We believe that the lifting of the arms embargo would have the effect of pouring gasoline on fire and mean an all-out war," said Danish Undersecretary for Defense Anders Troldborg.

Mr. Troldborg appeared along with Jean Claude Mallet, director of strategic policy at the French Defense Ministry, Gen. Juan Martinez Esparza, deputy undersecretary at the Spanish Defense Ministry, and Maj. Gen. Rupert Smith, director of strategic policy at the British Defense Ministry.

The House recently voted in favor of a unilateral lifting of the arms embargo, and the Senate is expected to debate a similar measure this week.

Two other measures passed in the Senate last month. One ordered Mr. Clinton to lift the embargo unilaterally and the second ordered that he seek allied and U.N. agreement before doing so.

Senate Minority Leader Bob Dole, Kansas Republican, plans to introduce an amendment to the fiscal 1995 defense authorization bill, now being debated, that would direct the United States to lift the embargo unilaterally.

Opponents of the measure could again counter the action with a separate measure that would require obtaining allied support before lifting the ban.

Allied defense officials said lifting the arms ban would force the withdrawal of U.N. troops in Bosnia, a cutoff of humanitarian aid, and prompt new and more aggressive attacks by Bosnian Serbs.

If the United States acts alone in lifting the embargo, U.N. efforts to maintain troops in the country would be "difficult if not impossible," and would undermine current peace efforts, Gen. Smith said.

Mr. Mallet, the French defense official, said the United States would be placing itself above international law and would contribute to "international disorder in the post-Cold War world."

"This would probably mean the end of the game of the [U.N.] Security Council in the international context," Mr. Mallet said. "The future of European security is in many ways at stake."

State Department spokesman Mike McCurry said the administration shares the concerns of the four nations, who have troops on the ground in Bosnia.

Meanwhile, leaders of the United States, Russia and Europe are expected to endorse a peace plan dividing up Bosnia at an economic summit meeting next month, a senior administration official said.

The plan calls for giving Muslims and Croats 51 percent of Bosnian territory while Bosnian Serbs would get 49 percent. The Serbs currently control about 72 percent of Bosnia.

The Bosnian government has reacted negatively to the plan and will eventually resort to military action to obtain more territory by force rather than through negotiations, U.S. officials said.

Mr. MCCAIN. Madam President, the reason why the winds of war are blowing in the Balkans, as all of us know, is because the settlement that is being imposed on Bosnia is unjust and unworkable.

(Mrs. BOXER assumed the chair.)

Mr. MCCAIN. Madam President, it is unjust to tell a country they have to give up half their territory because another nation has come in and taken it from them and practiced genocide and ethnic cleansing and all the things we know about. It is unjust.

In the Middle East peace process, we are demanding that Israel give back the land that they gained as a result of the 1967 war. We have taken the position that there can be no peace in the Middle East until that happens.

Yet here we are in Bosnia supporting a settlement which requires that country, which now only has 30 percent of its territory, to give up half its territory. It is unjust.

Madam President, it is unworkable because it is unjust. Until the Bosnian people are able to regain their lost territory, there will be no prospects for peace in the region. Will there be an increase in casualties? Tragically, yes. Who will absorb at least half those casualties and probably more? The Bosnians. The Bosnian Government, freely elected democratic government leaders are telling us, as short a time ago as yesterday, "Please let us die fighting. We are dying; let us die fighting."

Is the embargo working, Madam President? According to the Washington Times this morning:

Iranian Weapons Sent Via Croatia. Croatia has become a major transit point for covert Iranian arms shipments to Bosnia with the tacit approval of the Clinton administration, which publicly remains opposed to a unilateral lifting of the international arms embargo against the fractured Balkan States, according to intelligence sources.

We are enforcing an embargo which prevents us from helping the Moslems but allows one of the most dangerous nations on Earth, Iran, to provide those weapons, to gain the allegiance and loyalty of the Bosnians and others in the Balkans and throughout the world who are sympathetic to the plight of the Bosnians.

In every mosque, from Malaysia to Tehran, it is being said that Western nations, including the United States, are allowing the murder of Moslems. The legitimate question is being asked in these mosques all over the world: If Bosnia was a Catholic nation, if it was a Protestant nation, would the Western nations, including the United States of America, sit by and watch them be slaughtered?

I think it is a very legitimate question. I think it is an extremely legitimate one and one we may pay for in the alienation of the Moslem world in the months and years to come.

I want to repeat again, these sanctions were not imposed on Bosnia.

They were imposed on Yugoslavia, which no longer exists. These sanctions directly violate the Charter of the United Nations, which says no action on the part of the United Nations will impair a nation's ability to defend itself.

The fact is, according to news reports, that there are arms coming into Bosnia. The distinguished majority leader said, well, then the Russians will supply arms to the Serbs if we supply arms to the Bosnians. One thing the Serbs are not short of, Madam President, is weapons. They are not short of weapons. In fact, the overwhelming preponderance of weapons is on the Serbian side. This is the major complaint we have with these sanctions because it froze in place an unequal battlefield equation which has led to the deaths—needless deaths, in my view—of hundreds of thousands of Bosnians.

Finally, let me say, history, which has been referred to many times here, tells us one thing which is irrefutable. And that is, when an aggressor nation is faced with equal or greater force and cannot achieve its goals—which in this case the Serbian goals are the acquisition of Bosnia, or the large majority of it—then they cease that aggression. And if they are not assured of defeat or an extremely high cost on the battlefield, they will continue that aggression.

Unless the Serbs are absolutely convinced that the price of aggression in Bosnia is an unacceptable loss of treasure and blood on the Serbian part, their aggression will continue. I freely admit that the casualties will probably go up in the short term if this embargo is lifted. But should we not listen to the nation that is the victim of the aggression? Should we not pay attention to the pleas and cries of their freely elected leaders and citizens? I suggest we should.

Mr. WARNER. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield.

Mr. WARNER. Madam President, the distinguished Senator from Arizona is particularly qualified to answer this question. As we are here today in this Chamber debating this very important issue, the command and control arrangements now governing the embargo are primarily in the hands of U.S. officers. We have the NATO South Command under Admiral Smith, we have the air command conducting the air cap, and so forth, under U.S. officers.

This debate today, I hope, can focus on what I perceive as a very important but clear distinction between the Republican leader, who wishes unilateral withdrawing, and the Nunn-Warner amendment which wants to do it in conjunction with our allies.

But the question to the Senator, a former distinguished Naval officer and

one who understands command and control in NATO, what happens to the NATO structure now implementing the U.N. resolution through U.S. officers? Would we not have to withdraw our senior officers in the face of an adoption by this body of the resolution of the Senator from Kansas [Mr. DOLE]?

Mr. MCCAIN. Madam President, I say to my friend from Virginia—and I thank him for his always kind remarks—what would happen is that the admiral would remain in Naples and the aircraft carrier would probably steam away and the Air Force assets that are flying out of Italy would probably remain on the ground or perform other functions.

But I want to say to my friend, I do not see that the Nunn-Warner resolution just calls for a multilateral lifting of the embargo. Very frankly, that is the preferred step, that is the preferred method. The embargo should be lifted multilaterally. But the resolution is not that simple.

As I read this,

That the United States should work with the NATO member nations \* \* \* to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict, \* \* \* including the following:

a. The preservation of an economically, politically and militarily viable Bosnian state \* \* \*.

(i) as part of a peaceful settlement, the eventual lifting of the United Nations arms embargo on the Government of Bosnia and Herzegovina so that it can exercise the inherent right of a sovereign state of self-defense.

I read this, and I may be wrong, that the lifting of the embargo would not only be done multilaterally but only as part of a peaceful settlement and it would only happen eventually. I guess that is why the word "eventually" is there.

Mr. WARNER. Madam President, the word "eventually" is one I worked on in the draft. It is not a part of the amendment at the desk. I apologize to my distinguished friend from Arizona.

But if you read carefully, the Nunn-Warner proposal lays out sequential steps to be taken, which include, if the contact group fails or in some circumstances if it succeeds, a lifting of the embargo.

But the important thing is that it is done in partnership with the allies who have stood with us since 1917 through 1940, through many conflicts, including Korea. It is essential that the relationship between the United States of America and its principal allies be preserved.

Therefore, I plead with Senators to examine these two amendments very carefully, because the Nunn-Warner amendment moves further in the direction that the distinguished Republican leader has set as a goal for some period of time.

Mr. MCCAIN. I thank my friend from Virginia. But I would also admonish

my colleagues to do the same, to read this amendment as I read it. It says, "As part of a peaceful settlement, the lifting of the United States embargo."

"As part of a peaceful settlement." I say to my friend from Virginia, I see no prospects of a peaceful settlement. I see the prospects of a peaceful settlement being brought about by the Bosnians being able to defend themselves. So I read the Nunn-Warner amendment significantly different than just a multilateral lifting of the arms embargo. I read it as saying that it has to be part of a peaceful settlement.

Mr. WARNER. Madam President, if the Senator will read b. and c.—

Mr. NUNN. Will the Senator yield for a brief clarification on this question?

Mr. MCCAIN. I will be glad to yield.

Mr. NUNN. On this point, because this is an important point, the resolution, that is, the Nunn-Warner resolution has three different ways that the embargo can be lifted but all of them are under multilateral methods. That is the fundamental distinction. The Senators have just identified one of those ways. It is my view—and this is paragraph a. under (d) on page 3. I think the Senator from Arizona was just reading that—one of the ways of lifting the embargo—it can be done multilaterally in my view—is absolutely essential and that is as part of a peace agreement because no nation can defend itself without arms, and the Bosnian Government in my view has a right to those arms if it is going to be a sovereign state.

As the Senators know, I disagree with the embargo. I am not in any way disagreeing with the Dole position and McCain position in terms of the embargo. It is my fervent belief though to do it unilaterally is a mistake.

Now, the second way, the second way the embargo in my view can be lifted—and this is paragraph b.—is if during the course of these discussions—and they may go on for another 2 or 3 months or another couple years for all we know. It may be a long, long time before the parties come to any agreement. If during that period the Bosnian Serbs violate the safe havens, then paragraph b. makes it clear that the U.S. Government position should be that we would call for a limited lifting of the embargo so that each safe haven that is violated by the Bosnian Serbs would get defensive arms immediately on a multilateral basis. So that is the second way that I believe our Government should be vigorously pursuing it with NATO and with the U.N. Security Council.

The third way is paragraph c., and that is if the Bosnian Serbs do not respond constructively to the peace proposal of the contact group—and that is a subjective judgment. I would stipulate that—the immediate lifting of the arms embargo on the Government of

Bosnia. And in my view it would be realistic about what has to happen in the event we do lift that embargo—the orderly withdrawal of the United Nations protection force and humanitarian relief personnel.

So really these are the ways that I believe we have to pursue it, these 3 ways, and none of them do it unilaterally but all of them could develop depending on the events there and depending on how successful American leadership is and how assertive we are in pursuing these avenues with our allies.

I just wanted to make sure that was clarified.

Mr. MCCAIN. I thank the distinguished chairman. Let me just point out with regard to the first option that the resolution says "including the following." I think perhaps you should make it "one of the following" or "either one of the following."

The second situation, if the Bosnian Serbs attack the safe areas designated by the United Nations? Yesterday, yesterday, I say to the chairman, and I can provide him with the information, they attacked the safe areas and they violated their commitments. So b. should be operative right now.

Mr. NUNN. I would agree with the Senator on that. I have been pushing for that for several months. I think b. should be operative now. That should be done in lieu of the threat on bombing or in addition to the threat on bombing because I would agree now our allies have not agreed to that nor has our Government proposed that. But that is what I would agree it should be.

Mr. MCCAIN. Then it would seem to me that the Senator from Georgia would support the Dole amendment because the Bosnian Serbs are, as we speak, attacking the safe areas designated by the U.N. Security Council. If the United Nations fails to take that into cognizance, or our allies take that into cognizance, I think we should.

Mr. NUNN. So do I, but I do not think we ought to do it unilaterally. That is the distinction.

Mr. MCCAIN. I see. So we really are getting down to whether the United States policy should be dictated by our allies or by what is in the best interests of the United States of America and Bosnia.

Mr. WARNER. Madam President, the word dictate is unfair.

Mr. MCCAIN. I would like to finish. I will be glad to yield later to my friend from Virginia.

The resolution states: "If the Bosnian Serbs do not respond constructively to the peace proposal of the contact group." Obviously, the Bosnians have not responded positively for quite a long period of time. But I would suggest over time that the Bosnian Serbs will probably act affirmatively since they have absorbed 70 percent of the country and will be allowed to have 50 percent of the country.

Since when is it U.S. national policy to endorse and ratify the aggression and absorption of half a country? In the Middle East peace process, as I mentioned earlier, we are demanding that Israel literally return every piece of land that they acquired as a result of the 1967 war. In Bosnia, however, we are going to say, well, you have taken 70 percent of the country and you have killed 200,000 people and you have displaced 2 million people, but as a reward for that we are going to give you half the country. Instead, instead, why can we not let these people defend themselves and gain that territory back?

Mr. WARNER. Madam President, if I could pick up with my second question to my colleague—

Mr. MCCAIN. Go ahead.

Mr. WARNER. And then I will yield the floor because there are many anxious to speak, and I have had a fair opportunity. I hope the Senator would revisit the word "dictate." The history of this country, certainly in this century, has been in working with our allies, and really the future of this country is predicated on our ability to form coalitions and work with our allies in trouble spots throughout the world. The Nunn-Warner resolution does not involve being dictated to but working in partnership with our allies.

But I come back to the earlier comment by my distinguished colleague, and that is if the United States, pursuant to the Dole resolution, were to trigger the unilateral lifting of the embargo—that means the withdrawal of U.S. officers from the NATO command, that means the withdrawal of the UNPROFOR forces, it means a total reversal of what has been put in place.

We were told yesterday by a distinguished officer from Great Britain that nowhere, where French and British and other UNPROFOR are now stationed, is there rape or pillage or killing. Certainly in those areas they have been able to contain it.

But if the United States is the triggering mechanism and this conflict then becomes stamped "Made in USA," I say to my friend, there will be a complete dichotomy between our work and our deeds. We will send nothing, no troops to fill the vacuum when the killing takes place. The pictures will then show the killing and the question will be: Where is the country that brought about the reversal that resulted in the greater killing?

How can we then withstand the pressures not to come in and try and in a material way aid the Bosnians? In all probability the Bosnians will call on us for technical expertise and training as is necessary to operate the arms they receive.

I ask my friend, How can we reject those pleas?

Mr. MCCAIN. First of all, I would say in response to the initial question

about what would happen to our involvement with NATO. We would remain in NATO. Our officers and people would remain exactly where they are. As you know, they are not in Bosnia. They work in places like Naples and other places. I do not see them being withdrawn from anywhere except perhaps not involving themselves in the Bosnian conflict.

As far as the UNPROFOR forces are concerned, if the Europeans decide that they want to leave, that is a decision that is up to them, not up to the United States. As far as the issue of our relations with our allies, what has been missing here in this equation is leadership. We should lead our allies. We should be the ones, as we did during the Persian Gulf war, forming the coalition. If the administration believes that we should multilaterally lift the arms embargo, let us go to them and ask them, or say that we are not in favor of lifting the embargo. But for the President of the United States just to say, "Yes, I support lifting the arms embargo," and not instruct our Ambassador in the United Nations to do anything to try to bring that about is, frankly, not what I call leadership.

The second thing is where do we get this idea that if we lift the embargo and allow those people to defend themselves that somehow it is a "Made in the U.S.A." struggle? It was not a "Made in the U.S.A." struggle 500 years ago. It may not be, tragically, a "Made in the U.S.A." struggle 500 years from now. All we are proposing is allowing these people the sovereign right of all nations, and that is to defend themselves.

Back about 20 years ago, there was an invasion of Afghanistan. That country was invaded by Russia. We did not send American troops there. But we did arrange for the Afghan Freedom Fighters to have the equipment to repel the invader. Frankly, we did not expect to go in there with American troops. It was not stamped "Made in the U.S.A." But I tell you what it did. It made the Russians eventually leave Afghanistan and allow that country to sort out its affairs by itself. Admittedly it is a miserable situation. But at least they are not occupied by Russian troops, and that was a key factor, in the view of many of us, in the ending of the cold war.

So because the United States no longer enforces an unfair and unjust embargo on the Bosnian people and Government, who are pleading for it to be lifted, somehow we translate that into "Made in the U.S.A." that is clearly not logical to assume, in my view.

I would like to yield the floor because I know that the Senator from Connecticut and the Senator from Nebraska are waiting.

I thank my friend from Virginia.  
I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Madam President.

Madam President, I wish I could support the Nunn-Warner second-degree amendment because the right solution is clearly that all of our allies would come together to lift this embargo. But the reality is every one of us on the Armed Services Committee sat there yesterday and listened to the defense representatives of our allies. And they said, "Don't lift the embargo." They do not favor lifting the embargo.

I said to them: "I wish we could get your support because this is the right thing to do." And they said no. In fact, most of them said that they would probably in one degree or another leave Bosnia if we unilaterally lift the embargo.

We have been talking about lifting the arms embargo on these people while they see thousands of their countrymen die. They see their women raped. They see people in a marketplace on a Saturday morning killed, defenseless.

So we had the opportunity in the Armed Services Committee yesterday to hear from the Vice President of Bosnia, the duly elected leader of that country. And I asked him the question specifically.

Do you want the embargo lifted?

He said,

Yes. Let us defend ourselves. We know that some of us will die. 200,000 of our people have already died. When this is over, we will not even declare a victory because so many of our friends and neighbors have already died. But we want to die fighting for our country.

So we have the specter of our allies over there not defending them, not fighting with them, but sitting basically on our hands. We are doing the humanitarian mission, yes. Those people need defense. They need someone willing to fight for them. And if we are not willing to fight for them, let them fight for themselves.

So I asked the second question of the Vice President. "If the NATO forces leave, are you still prepared to say that is the best alternative, that you will be there by yourselves?" He said "yes."

The distinguished majority leader asked the question. "Are we willing to vote or support sending our troops into Bosnia?" The answer is emphatically "no." It is for that very reason that I believe we must let these people defend themselves. I am not willing to support spilling even one drop of American blood in Bosnia.

So how can we sit here and say that without saying we will give them the means to defend themselves, to die protecting the soil of their country? This is a war we should not be involved in. So we should let them settle it within their country.

I hope our allies will come around. I hope our allies will come with us and say let these people defend themselves. I hope that we will not leave them there.

But, Madam President, we cannot sit here debating month after month while these people are living this nightmare. They are the duly elected representatives of this country and they have asked us to lift this embargo. And I just think we must do it.

I hope that we can come to a resolution of this very quickly so that they will have the opportunity to do what every country inherently has the right to do; that is, defend themselves.

I wish we could do it with the support of our allies. We have waited too long. We have asked for their support for too long. The time has come for us to take this action, even if it must be unilaterally, which is not the best of circumstances. But it is the only alternative that we have.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Madam President, there is an old expression in the U.S. Navy: "Now hear this." I hope that all in the Senate, all in the House of Representatives, as much as is publicly possible, heard the tremendously moving statement that was made by the majority leader on this subject before the Senate within the hour. I wholeheartedly subscribe to the statements that the majority leader made. I wholeheartedly rise to endorse the best possible resolution to the dilemma offered by Senator NUNN and Senator WARNER.

Madam President, while there is sharp debate on this matter, I am rather proud of the U.S. Senate in the way this debate has been handled and has been broken out. There are obviously very strongly held views. Just as obviously, in the opinion of this Senator, there is no certain, definite road to go on the matter that we are debating.

This Senator had the opportunity or the obligation to chair one-half of the hearings that were held yesterday in the Armed Services Committee on this matter, where we had a great divergence of opinions and views from people on both sides of the issue, which I thought was confusing, but I also thought it was very informative.

While those hearings were not very well covered by the press, I think a copy of them would be available to anyone who is interested. It points up again the strongly held views, and some of the views that have been very thoroughly thought through by both sides on this issue, so that the public understands the importance of this debate, and also the importance of how it is eventually resolved.

I want to say before I continue with my comments, which will not be

lengthy, Madam President, that interestingly enough, the partisanship is not running rampant on this debate, because there are Democrats and Republicans on each side of this issue. In fact, many of my closest associates and personal friends are on the other side of the issue, as the Senator from Nebraska sees it. That indicates, more than anything else, that I think there is room for differences of opinion and that all of those expressing opinions today, and those who will follow in expressing their opinions, I have great respect for.

But the problem we have before us is how do we cut through all of these clouds? What action do we take? Certainly, the majority leader, in his remarks, outlined the precarious situation that I think we find ourselves in. I believe that the majority leader outlined, as well as anyone could, the reasons why this Senator feels we should reject the Dole, et al, offer and accept the solution offered by the chairman of the Armed Services Committee, Senator NUNN, and our distinguished colleague from Virginia, Senator WARNER.

Madam President, I simply say that of the group that was before the Armed Services Committee yesterday—a group all Democrats, I might add—who were speaking for a very large group of Democrats and Republicans, important officeholders, and several previous Democratic and Republican administrations, all were basically taking the position that has been offered in support of the Dole amendment and the other Members of the Senate who have spoken very eloquently on why they think it is absolutely essential that the United States of America unilaterally lift the arms embargo.

I am not certain that I agree completely with everything that the present administration has done on this matter. However, I hope this matter will not deteriorate any further into a system of Presidential bashing, when it is not a political matter at all. It is a matter that concentrates on what we are going to do now. And what we do now has to do with our future relations and world peacekeeping efforts.

I was rather astonished at those very, very distinguished people that appeared yesterday afternoon in front of the committee holding the view that we should do it unilaterally, notwithstanding what our traditional partners want to do, which has been explained by Senator MITCHELL, Senator NUNN, and Senator WARNER. Do not pay any attention to them, they are wrong. We go full-blown ahead and lift the arms embargo. I asked those three representatives yesterday afternoon that if they are for lifting the embargo, and if they believe the outright commitments, if not assurances, that we have received from our traditional allies, then—and I will not mention again this morning their record, but they are well known to all.

I simply say that 2 days ago the Armed Services Committee also held a closed meeting with the Foreign Minister of Great Britain. He was not at the hearing yesterday in the Armed Services Committee. But what he told us in that closed meeting essentially tracks identically with what others have said, that if we move ahead unilaterally, our traditional allies that have many troops there, as outlined in great detail by the majority leader, would pull out.

Some people say that will not happen. I believe it will. At least that is what they have told us on numerous occasions, without any equivocation or mental reservation. If we lift the embargo, that is something I would eventually like to see happen, but not unilaterally. As has been explained by those who supported the Nunn-Warner proposition previously, including the majority leader, we all would like to see the embargo lifted to allow the Bosnians the wherewithal in the form of arms that they probably could obtain to defend themselves and maybe take back some of the territory that has been brutally taken over by the Serbs.

Let them fight for themselves. Who can argue with that, except those of us who would like to see action to stop the fighting? I believe that the contribution of men and women and facilities by our allies in the absence of any ground troops by the United States of America, those who are attempting to keep the peace there now, should be given some consideration.

If we lift the embargo unilaterally, and if our traditional allies—our partners in NATO, and our partners in the United Nations who have sanctioned the present situation—sit back and look and see what is happening because of the unilateral action by the Government of the United States of America, as suggested by the Dole amendment, then all of the peacekeepers would leave, and the Bosnians would be better off because they certainly would be in a position to obtain more arms than they have now to defend themselves.

But the basic proposition is that when the peacekeepers leave, however good a job they are doing or not doing, there is one calculation that I think is very clear, and that is that new bloodshed would break out. More deaths would occur. Possibly, very possibly, Madam President, that would allow, through all of that bloodshed and war, the good people of Bosnia to regain some of their territory. I simply say that it has been alluded to on many occasions.

I asked the three distinguished members representing a large group of great Nebraskans, who want unilateral action by the United States, that while I did not accuse any of them as being hypocrites—because they are very distinguished Americans and that is the

last thing I would do—I did ask the question: Did it appear to anyone that the actions that they were taking turned out to be hypocritical in nature? I asked each and every one of them whether or not they felt that if the Dole amendment was accepted and we unilaterally lifted the embargo, we should as a result thereof—and since our traditional allies in Europe would be leaving—did they think it would be wise now or at some future date for us to send ground troops into Bosnia? Oh, no, that is the worst thought anybody could make.

It seemed a little hypocritical to me—hypocritical in action, Madam President—for those who propound a procedure that would force the leaving of the peacekeepers that are there now, to provide arms to the Bosnians that I would like to see happen for their good but simply at the same time saying: Oh, no; we will be party to a program that will remove any of the peacekeepers from the area now that have made some of the sacrifices, as very eloquently outlined by the majority leader, but we are not going to send in our ground forces.

Madam President, I do not think we should send in our ground forces either. But I am not going to be a party to what I consider hypocritical action by saying to our European allies that we are going to do this because we think it is the right thing, and if you want to take your peacekeeping forces out of there go ahead, but we are not going to send ours in.

I hope, Madam President, that we can have further mature discussion on this. I hope and I plead with the Senate, regardless of the strongly held feelings that I know are very sincere of my colleagues, both Democrats and Republicans, on this issue, we will stand back a little bit and take a look at this thing before we rush into anything, which I think is as irresponsible for both the short-term and the long-term interests of peace, NATO, and the United Nations, by taking overt action now in the heat of legitimate passion that we have in trying to help the Bosnians out of a most difficult situation.

Now hear this, hear the statement, and read the statement. It should be required reading for all, at least among the decisionmakers and I hope the public at large. I happen to feel that this is a healthy debate. I hope that the healthy debate turns out eventually in the acceptance of the resolution offered by Senator NUNN and Senator WARNER.

I think that is the reasonable, thoughtful way that we should proceed at this juncture.

Madam President, I yield the floor.

The PRESIDING OFFICER. The chairman of the committee.

Mr. NUNN. Madam President, we have had a lot of good debate this morning, and I am not sure whether

the majority and minority leader want to bring this to a vote today or are going to wait until next week. Nevertheless, I think the debate has been healthy. I cannot say this on all debates of the U.S. Senate.

I think the people on both sides of this debate are absolutely dedicated to doing what they believe to be right. The difficulty in this situation is knowing what is right and what will be effective.

When I hear Senator LEVIN in the committee or on the floor, or Senator LIEBERMAN or Senator DOLE here, I hear a lot of words that I have been saying myself for the last 2½ years, and that makes it particularly frustrating for me to be on the other side of the issue from them because I think morally they are correct in terms of the overall position that they have.

I think that a nation should be able to defend itself. I believe that the embargo has been counterproductive. I do not think it was intended to be counterproductive, but I believe that without some kind of level playing field at some point in time, there is not going to be any hope of stability.

So on the central thrust of their resolution, I would have to say that I generally agree. The difficulty is that you cannot look at Bosnia without looking at a broader picture. The United States does not have the luxury of looking at only one aspect of a tragic situation, and tragic it is. We have to look at what happens around the world. We have to be able to distinguish between what is vital to the United States and what is important to the United States, and what is purely humanitarian.

In the case of Bosnia, we have important interests, we have humanitarian interests, and if the conflict spreads, we could have vital interests. But we do not have vital interests in Bosnia itself. By the term vital, I mean an interest that would warrant the commitment of U.S. military forces—if necessary, alone—always preferably with allies, but if necessary alone. We do not have that.

If we did, then we would have military forces there now. If we did, the Senator from Michigan, the Senator from Connecticut, and the Senator from Kansas would be on the floor saying: Let us put military forces in because this is unacceptable. This tragedy cannot be permitted to continue.

They are not doing that. I think they are right. I think they are right.

I would be joining them in that cry if it were a vital interest.

So it may be that some people disagree with this, but I think the first thing we need to understand as we debate this issue is that even though that conflict could spread in Macedonia, it could spread and involve our allies in NATO, even the Greeks and the Turks on the opposite side of the conflict, it

could spread and you could have Russia involved with Serbia, perhaps not militarily, but directly in aid. You could have Russia squaring off on one side of the conflict and the United States on the other side of the conflict.

Then it becomes vital. Then it becomes vital. Then it is much bigger than important.

Madam President, if someone believes it is vital, then I think they ought to stipulate this on the floor of the Senate, and I think they ought to prepare to get a resolution that is unlike either the Dole-Lieberman resolution or the Nunn-Warner resolution, both of which make it clear we are not going to put combat forces into that country, as tragic as it is.

So I think the first thing in framing this debate is we have to understand the difference between vital and important. Other people may have a different definition, but my definition of vital is an interest so crucial to the United States that we are willing to send our young men—and increasingly, young women—to die in that conflict, if necessary, always hopefully with our allies side by side. But if it is truly vital, we have to be prepared to go it alone.

Madam President, I think it is important also as we frame this debate to understand what is in the vital interests of the United States. In the world that we are in now, it is very difficult sometimes when we read a headline and a whole set of news media questions one week on Haiti, the next week on Somalia, the next week it is on Rwanda, the next week it is back on Bosnia, the next week it may jump over to North Korea and South Korea. And then every now and then, you will see something in the paper about a possible potential conflict which could truly be a tremendous difficulty for us and for allies all over Europe and around the world, and that is a conflict between Russia and the Ukraine, which has not happened because of the leadership of President Yeltsin and President Kravchuk and others. We do not hear much about that, but it is there. It is looming.

I think it is important for us in the Senate, if we are going to get explicit about foreign policy resolutions and basically give instructions to the executive branch, and we are, that we understand that we have to look at a bigger picture. We have to look at a bigger picture. It has to be more than Bosnia and what is the right answer for Bosnia, as important as that is. It has to also concern what is the right answer for the United States where we do have vital interests.

Madam President, we have a vital interest in Korea. We have 38,000 combat forces in Korea. Those forces are near the DMZ. And if there is a conflict in Korea, we are in on day one, and we will have people dying on day one, and we are going to be killing North Kore-

ans on day one, and our blood will be shed on day one. And everybody, I think, who has looked at Korea understands that. We have a vital interest there, and we have declared it to be vital. We even fought a war there. We kept some 40,000 to 60,000 combat forces on the ground there for years and years. We even had tactical nuclear weapons there for years and years and years, and they were pulled out in 1991, some believe prematurely, based on subsequent developments.

So, Madam President, we have a vital interest in Korea. What is the connection between Bosnia and Korea? There is a connection. What is the connection? The connection is that I think most people in this body would say that if the North Koreans do not comply with their recent commitments to stop their nuclear program while discussions take place, and to have that verified, then the first thing we are going to have to do is we are going to have to go to the Security Council and we are going to have to ask the Security Council to impose sanctions on the North Korean regime.

The second thing we are going to have to do, if they do vote for it, neither China nor Britain nor France nor Russia will veto it. Then we have to ask China and Russia and Japan, particularly, but others also, to join in an embargo and sanctions on that regime. And if that does not work, and we really believe that the North Korean Peninsula is vital, which I do, and we really believe that stopping North Korea from becoming an exporter of nuclear arms and becoming an armed nuclear power is vital to the United States, then I do think we have to be willing to take other steps.

And those other steps could very well include military action, and we all ought to be clear about that. And there I think there is no doubt that American military forces will be involved.

Now what is the connection? The connection is that in Bosnia the resolution before us, well-meaning though it may be—and I have already said I agree with the thrust of it—it calls on us to basically say to the U.N. Security Council, we do not care what is on the books at U.N. Security Council on Bosnia in terms of an embargo and on the overall form in Yugoslavia. It was passed with the United States voting for it in 1991. We do not care about that anymore because we are fixed on that country and we are going to come up with the right solution—the right solution—and we do not care what you think. We are basically going to have a unilateral lifting of the embargo.

And, guess what? The next day we may be before that same group saying, "Would you please vote to impose sanctions on North Korea?"

Madam President, it is easy to stand up on the floor and say—and I have read editorials to this effect—"Well,

just tell the Russians and the Chinese and the British and the French what we want to do and march out and do it. Just tell them. And then tell them that we want them to vote for sanctions in the Security Council against North Korea. And then tell China that they better do it."

They do not ever say, "or what?"

Are we going to invade China? I do not think anybody is seriously thinking we are going to do anything like that. Are we going to threaten our allies with some kind of sanctions themselves if they do not go along with us breaking one embargo while we ask them for another one? No, I do not think anybody believes that.

Madam President, the truth of it is, whether we like it or not, the United States is not the only person on the Security Council. Can we be more assertive? Yes. Have we been assertive enough on Bosnia? No. Have we pushed hard enough lifting the embargo on Bosnia? No. Can the administration do better? Yes.

But should we do it alone? Should we march off and say to our friends and colleagues, the British and French that we fought two wars with, that we are going to basically disregard everything you say and think, even though, as the majority leader pointed out so vividly this morning so accurately, even though they are the ones on the ground in Bosnia, they are fighting and dying? Are we going to do it anyway?

But, by the way, we want you to help us on North Korea. And, by the way, to Turkey, who is suffering from the embargo on Iraq that we voted for—in fact, we were the ones who urged that embargo be placed on Iraq; and I support that also—are we going to say to Turkey, "Even though it is costing you money every day to keep the pipeline closed and not to have trade with Iraq, but we are going to break the embargo in Bosnia and we want you to keep the embargo on Iraq, even though it hurts you?"

Madam President, the first result of a unilateral breach of the embargo on Bosnia without getting our allies to go along, the first result may very well be the end of the embargo on Iraq.

Now that is not what the people on this resolution intend, but that is one of the things they have to accept as a probable, at least possible consequence.

Madam President, I do not agree with what we are doing in Haiti right now, but our country is on record and we voted at the Security Council to have an embargo on Haiti. I think it is counterproductive, because I think the poor people there that are either attempting or being tempted to have an exodus from that country are the ones who are suffering from that. That is another question.

Nevertheless, we are on record imposing an embargo on Haiti. On U.N. Security Council Resolution 875, the United States led the way.

We are also on record supporting an embargo on Libya, also voted by the United States at the U.N. Security Council.

So are we going to say to our friends on the Security Council, "Forget about Libya, forget about Iraq, forget about Haiti, forget about what we may have been asking you on North Korea if these negotiations don't now succeed. We have focused on Bosnia now and we know the right answer. We here in the Senate and House of Representatives, we know the answer on this and we are going to tell you what it is and we are not going to worry about any other consequence."

Madam President, we have to be able to distinguish what is vital and what is important, and we have to understand that if we unilaterally lift the embargo in one area, without—in fact, in defiance of—the Security Council and against most of our allies in NATO, then we are not likely to get their cooperation when it comes down to something that is truly vital like North Korea.

And if we do not get their cooperation now, then we may have to skip the sanctions step if the negotiations break down and we may end up having to move toward some other option which could certainly be a military option. That may be required anyway. I hope not. I hope the negotiations succeed and I hope North Korea will give up their nuclear quest.

But we would be foolish to believe that this situation in North Korea is over. We would be foolish to believe that it is over. The North Koreans play brinkmanship, they play games, they go right down to the brink. They have done it over and over again. Occasionally, they go over the brink—and they did so in the early 1950's—and then you have a war.

Madam President, what is vital and what is important and what is humanitarian? There is no easy answer in this post-cold-war world. But if this body cannot begin to distinguish between what is vital and what is important and what is humanitarian and make those differences, and if our own Government cannot distinguish between those, then we are going to be lost in the aftermath of the cold war and we are going to be bouncing from one foreign policy crisis to another with no principles guiding us—with no principles guiding us. Some of them may work out all right and some of them may be disasters. We have to have some principles. We have to have some things that are important.

Madam President, I hope out of this debate, the thing that I am most hopeful for, in terms of my own position, is that the administration downtown not misread it, because I am not satisfied with our position; I am not satisfied with the United States leadership in this area.

I think we have to be more assertive. I think we have to explain to the British and the French and even the Russians that the U.S. Government believes firmly that there are important moral principals here and that a country does have the right to defend itself. And I think we have to be very clear to the contact group that is now meeting and negotiating and trying to put together both carrots and sticks to both sides to try to bring about some peaceful resolution, I think we have to explain to them that, even if you get a peaceful resolution in Bosnia, even if both sides agree, that the embargo has to be lifted at some point during that peaceful transition or otherwise you have a country that does not have a right to defend itself.

Do the British and the French and the Russians think we are going to have an embargo on Bosnia forever? We cannot. We should not. We must not.

So, Madam President, just briefly, the resolution sets forth the alternative to the Dole resolution. It sets forth the history of the other embargoes the United States is participating in that we voted for at the Security Council. It also sets forth the important consideration of North Korea and what may happen there, the eventualities that may happen there. It also sets forth the fact that our allies, as the majority leader made clear, are already on the ground in Bosnia. And I have no doubt if we unilaterally lift the embargo that the French and perhaps the British, but certainly the French and I would say the likelihood of everyone on the ground there, are going to pull out. They are going to pull out and it is going to be real interesting to see how it works out. Because the United States is over there right now flying with our allies, putting an air cap over Bosnia, saying we are going to shoot down any aircraft, helicopters seem to be an exception—but shoot down any aircraft that flies in.

Madam President, if we lift the embargo, how are we going to get the arms in there? Because if the British and the French pull out, the Serb guns that have been collected are going to be available to them again. I hope they will destroy them before they leave but they may not.

The Serbs still have a lot of guns. It is going to be almost impossible to get enough guns in there to begin with to the Bosnians to let them defend themselves against what will be an onslaught by the Serbs before an embargo can be effectively phased out by the United States.

So we are going to have to put supplies in there by air. What happens to the air cover? Certainly with the United States we would pull out of that—we would have to pull out of that. Certainly we are not going to shoot down our own airplanes, so we would have to pull out of that. Do the allies keep

their air cover there? Or take away the air cover? If they take away their air cover, who has the airplanes? It is not the Bosnian Moslems. Are we going to give them airplanes? What are we going to give them, F-18's? F-16's? Where are the airports?

You are talking about training people. So who is going to have the airplanes to fly? It will not be the Moslems. It will not be the Bosnians. It will be the Serbs. Are we going to be flying in supplies one way and are we going to be participating in the air cover the other way, shooting down some planes while we go in?

Has anybody thought through this? You have to think through it with your allies, that is the point.

Can it be done? It is possible it can be done but it has to be done with our allies. It cannot be done unilaterally, no matter what we pass on the floor of the Senate. It cannot be done unilaterally.

Madam President, what about the naval blockade? We have American military forces out there right now participating in a naval blockade. They are stopping ships, time after time after time, preventing arms from going anywhere in that part of former Yugoslavia.

What happens if the embargo is ended unilaterally? Are we going to tell our naval forces to come home? If so what do the allies do? Are they going to pull off the embargo on Serbia and let economic goods flow into Serbia? Are they going to stop ships? And say if this is oil for Serbia, we are not going to let it through? But if this is mortars for Bosnia we are?

What are we going to do? What are the practical implications of this? It has to be thought through with our allies.

I repeat we have to be more assertive. I repeat I believe the embargo should be lifted but I do believe there is a bigger world out there that we have to think about. It would be the ultimate irony if we end up damaging an American vital interest because we want to impose our own view on our allies unilaterally of what we should do in an area that is not vital but is, I would stipulate, important.

So Madam President, I think there are three ways the embargo can be lifted as a practical matter and I think the administration ought to think about all three of them. And I think they ought to be discussing this with our allies.

One way is, pursuant to a peace agreement. And one of the things we ought to be saying to the contact group—and if we are not we are making a mistake. I do not know what our position is there—that if there is going to be a peace settlement there has to be an end of the arms embargo. Bosnia has to be able to have enough arms to defend themselves. Unless the United States wants to be over there for the

next 5 to 10 years with 20,000 or 30,000 military forces defending the borders between two factions that inevitably are going to end up, as they have for a long time, with a lot of animosity. The recent tragedies make that even more likely—in fact inevitable.

The second way we can end the embargo—and this is also part B of the resolution that is the alternative—if during the course of these discussions, moving hopefully toward some peace settlement that can be equitable and fair—if during the course of that the Bosnian Serbs, as they have in the past, start shelling in a substantial way—start shelling the safe havens and defy the United Nations once again, then it is my view that we ought to with our allies put in defensive arms immediately. And that will require flying some of them in, in all likelihood.

That would mean putting in antitank weapons where tanks are the threat. Or putting in enough counterbattery or mortar capability to counter the artillery sitting up on the hills. That does not have to be a complete lifting of the embargo. If the allies are concerned about that we could table the proposal of partially lifting the embargo depending on which safe haven is under threat and getting arms in there immediately to the safe haven that is under threat, that is where the United Nations resolution is being defied by the Bosnian Serbs. So that is the second way I think we could as a nation be assertive in our position.

The third way is if the contact group tables a proposal, that is fair and equitable and just—if those are achievable words in this case, and probably no one will ever agree to what that is—but if the contact group tables the proposal and the Bosnian Serbs say, no, we are absolutely not going to sign anything that is fair and just and leads to a coherent stable Bosnian border—if they do that, then it is my view that multilaterally we ought to lift the embargo much like the resolution calls for. But there is another side of that.

There is another side of that. Madam President, at some point our allies have to understand—and I think we have to understand—that you cannot have humanitarian aid in the middle of a war. You can do your best but you cannot have large deployments of ground forces sitting there under the gun at the same time you are either bombing or lifting an embargo that the Serbs interpret as being partial to one side—even though I think they would be wrong in that because I think we would be leveling the playing field—they would interpret that direct involvement. In that stage we have to have an orderly withdrawal of humanitarian forces and military forces and we have to get arms in there very rapidly because if we do not and we do not do it jointly it will not be done correctly. We have to put the Bosnian

Government in a position to defend their own people. But when we do that we have to understand that the humanitarian mission is likely to be over. You cannot do both. I think we have to think through the consequences of this.

I welcome the debate. I hope there is no misinterpretation of my own view on this because I think the time has been—really is overdue, in terms of lifting the embargo. But I do believe it matters how we do it. I do believe it matters that we coordinate what we do with the British and the French, other members of the Security Council, members of NATO, and particularly as the majority leader said so well, those forces on the ground there who have already suffered substantial casualties.

Madam President, I hope people understand the resolution. I hope they read it. I hope they will give this careful consideration.

There is no good answer. None of this is perfect. I do not think anybody on either side is going to say we have the perfect answer. I would again stipulate what we have done so far, we being the Western community, has not in my view been the correct policy. We have done some good things. A lot of courageous people have sacrificed a lot. A lot of humanitarian workers have risked their lives every day and they have saved tens of thousands of lives. But overall I think we have not taken the correct course. But the fact that we have not does not mean that we cannot take a situation that is bad and turn it into an absolute disaster.

You can take a bad situation and make it worse. And I think that is what the Senate of the United States is going to have to contemplate. I thank the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The majority leader is recognized.

#### SCHEDULE

Mr. MITCHELL. Madam President, I will not address the pending matter. I have already spoken on that and will do so again at a later time. I expect this debate to resume shortly. But I wanted to set forth for the Members of the Senate the schedule for the remainder of the day and for next week, prior to the July 4 recess.

Madam President, at this moment the Senate is in a catch-22 situation. A substantial number of Senators have left. And, having arrived at their destinations, have contacted other Senators who are still here and urged those Senators not to permit any votes to occur.

So a majority of Senators stayed because it had been our hope and expectation that we could debate and vote on amendments to this bill, but some of the Senators who remained have made it clear to me that they will not permit votes to occur on amendments to the

bill, either on the amendment with respect to Bosnia, on the B-2 amendment or any one of the other amendments.

So we are in a catch-22 where we have a very important bill, a very large number of amendments pending to the bill, with most Senators here prepared and willing and desirous of voting on the bill, but some Senators here indicating that in order to protect Senators who left, they will not permit a vote to occur. So it is a classic catch-22 situation.

We have already had one procedural vote, and we will shortly have another one. I cannot force a vote on an amendment to the bill because Senators have a capacity under the rules to prevent that. I can force a vote on a procedural matter and will do so.

I simply say to Senators that there are certain items which we will have to complete next week before we go on recess. Not being able to vote on any amendments to this bill today makes the burden of next week that much greater. But so there can be no misunderstanding on anyone's part as to next week, we will have at least two nominations and perhaps others on which we must act. I am required by unanimous-consent agreement entered into some weeks ago to proceed to the product liability bill before the close of business today, and I will, of course, honor that agreement and do so. We must complete action on that bill in one form or another.

We have pending two appropriations bills, the foreign operations appropriations bill and the energy appropriations bill, and we will complete action on those two bills before we leave next week. And, finally, of course, we have to finish the Department of Defense authorization bill.

So, therefore, the Senate will remain in session next week until we complete action on the measures which I have just described: Certain pending nominations, product liability, foreign operations appropriations bill, energy appropriations bill, and the Department of Defense authorization bill. Those Senators who have absented themselves today and then, having absented themselves, have gotten others here to protect them from votes have made it much more difficult for all of us next week, but that is the unfortunate situation we are in.

I have no authority to do anything other than to have the procedural vote, which we are now going to have, and to insist that we remain in session until we complete action on these measures.

In a moment, therefore, Madam President, I am going to suggest the absence of a quorum, and when the clerk reports that no quorum is present, I will move to instruct the Sergeant at Arms to request the presence of absent Senators and ask for a rollcall vote.

Mr. COATS. Madam President, could I just inquire of the majority leader a procedural question?

The PRESIDING OFFICER. The Senator may proceed.

Mr. COATS. If the majority leader will yield just for a question, how does this decision translate into our duties and activities scheduled for Monday of next week? I assume we will be in session, but if the majority leader can give us some indication.

Mr. MITCHELL. I am unable to do so now for two reasons. First, we are trying to get a finite list of amendments to this bill. We have had no success so far and, of course, the absence of such a list makes a Senate session on Monday with votes more likely than would otherwise be the case.

And second, I have yet to meet with the principal proponents of the product liability bill to determine how they wish to proceed before making a judgment on how to proceed on that bill. I will have an announcement on that before the close of business today, but I am unable to answer the question at this time.

Mr. COATS. I thank the Senator.

VISIT TO THE SENATE BY THE DEFENSE MINISTER OF MALAYSIA

Mr. MITCHELL. Madam President, before I suggest the absence of a quorum, I want to note the presence in the Senate and ask our colleagues who are present to greet a guest during the quorum call. With my friend and colleague from Maine, Senator COHEN, is Defense Minister Najib of the nation of Malaysia, a friendly country with which we have good political and economic relations.

I commend my colleague, Senator COHEN, for the outstanding leadership he has shown in advocating and enhancing that relationship.

I am pleased to welcome Defense Minister Najib, who is himself a Member of the Parliament of Malaysia. It is, of course, our practice to permit access to the Senate floor for Members of Parliament from other countries.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The Senate continued with the consideration of the bill.

QUORUM CALL

Mr. MITCHELL. Madam President, accordingly, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

Coats	Kennedy	Nunn
Cohen	Kerrey	Sasser
Domenici	Leahy	Specter
Exon	Mitchell	Thurmond
Johnston	Moseley-Braun	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. MITCHELL. Madam President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO INSTRUCT

The PRESIDING OFFICER. The question occurs on agreeing to the motion to instruct the Sergeant at Arms to request the presence of absent Senators.

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 New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. FEINSTEIN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Ohio [Mr. GLENN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 14, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—76

Akaka	Gorton	Mikulski
Baucus	Graham	Mitchell
Biden	Grassley	Moseley-Braun
Boxer	Gregg	Moynihan
Bradley	Harkin	Murray
Brown	Hatch	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Burns	Hollings	Pressler
Byrd	Hutchison	Pryor
Campbell	Inouye	Reid
Chafee	Jeffords	Riegle
Coats	Johnston	Robb
Cochran	Kassebaum	Rockefeller
Cohen	Kennedy	Roth
Conrad	Kerrey	Sarbanes
Danforth	Kerry	Sasser
Daschle	Kohl	Shelby
Dodd	Lautenberg	Simon
Dole	Leahy	Simpson
Domenici	Levin	Specter
Dorgan	Lieberman	Thurmond
Durenberger	Lugar	Warner
Exon	Mack	Wellstone
Felngold	Mathews	
Ford	Metzenbaum	

NAYS—14

Bennett	Faircloth	McConnell
Bond	Helms	Murkowski
Breaux	Kempthorne	Smith
Coverdell	Lott	Stevens
D'Amato	McCain	

## NOT VOTING—10

Bingaman	Feinstein	Wallop
Boren	Glenn	Wofford
Craig	Gramm	
DeConcini	Nickles	

So the motion was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, my colleagues in the Senate, I rise to indicate my concern about what is happening on the floor of the Senate at the moment. All of us are elected to this body. We come here to vote, to stand up and be counted on whatever the issue may be. Some Members of this body are not here today, and apparently they have asked other Members of this body to protect their positions, to see to it that no votes can occur. That is shameful. To me, it is a shameful way to conduct this body.

I think we ought to move forward. It is my understanding that the manager of the bill and ranking member of the committee are ready to move forward. Others are saying, no, we cannot vote because somebody is absent. So they are absent and they will miss the vote. But to prohibit or preclude this body from going forward and voting today is, in my opinion, demeaning to the U.S. Senate and those who are involved in the process. It is no credit to them.

I say to my colleagues, let us go on and do the business that we are elected to do. Is there some rule that says we cannot vote on Monday or we cannot vote on Friday? There is no reason for Members of this body to leave early. The leader of the Senate told all of us earlier that we would be in session, and there would be votes up until 3 o'clock today. I know that the manager of the bill and the ranking member of the committee are ready to move forward. The B-2 is an issue that is ready to be voted on. The Bosnia issue is ready to be voted on. I do not doubt that other issues are ready to be voted on. But some are saying, "no votes today."

I urge, as strongly as I can, those standing in the way of progress, those standing in the way of permitting this body to meet its responsibilities: I think it is time for you to change your position; I think it is time for you to vote any way you want on the issues. That is your concern. But to keep us from voting today on issues that are important to the United States and to the people of this country, in my opinion, is a shameful way to conduct this body.

I urge you to change your position.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Madam President, I have waited here all morning to get the

floor to speak, and it seems impossible to do it. So I am going to wait and speak next week.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, we have heard many reasons on both sides relative to the amendments before us. I start with the basic right that people have a right of self-defense. I am going to end there as well. It is the beginning, and it is the ending. It is the fundamental guarantee of the U.N. Charter that every nation has a right to self-defense.

There is not a footnote there that says: Unless some other country thinks that might lead to some other complication in Korea.

There is no qualification in the U.N. Charter that says: Unless some other nation thinks that this might have a negative affect on NATO.

It says that every nation has a basic right to self-defense. It is fundamental; it is unqualified.

It does not say: Except Bosnia.

It says that every nation has a basic fundamental right to self-defense. Then we are told, yes, but there is a bigger picture—and I agree that we should look at the bigger picture. We start with the basic premise, a fundamental right to defend yourself when you are being slaughtered and raped and when genocide is going on. That is fundamental. That is what the U.N. is supposed to be all about.

Then, yes, we should look at the bigger picture, the affect on NATO. Will it be worse off or better off if America finally takes some leadership to end the shameful genocide in NATO's backyard by permitting Bosnia to defend itself? I think NATO is going to be a lot better off if we finally at least allow a nation in Europe to defend itself. We are not willing to go to its defense, and I understand that. I am not advocating that American soldiers go to Bosnia to fight. But it is because we are not willing to do that, surely, that we ought to allow them to defend themselves.

So I think NATO actually will become stronger. I know some NATO nations tell us, "No, do not do it." But I believe American leadership to at least lift this embargo so people can exercise a fundamental human right to defend themselves against slaughter, genocide, and rape will make NATO stronger if we permit that nation, recognized by the United Nations, to exercise that fundamental right. I think NATO is weak right now when it does not permit that nation in Europe to exercise that fundamental right. I think the waffling and wobbling of NATO on this issue has weakened NATO. The way to strengthen NATO is to allow Bosnia to defend itself.

We can argue back and forth what is going to make NATO stronger, and we can argue back and forth and ask: Will

the Bosnians be better off if they are allowed to defend themselves? I have heard that argument, and that one really mystifies me, because the argument here goes that if we allow Bosnia to defend itself, if this embargo is lifted, then the U.N. troops are going to pull out; they are not going to be able to stay if this embargo is lifted. And then the argument goes: The Bosnians will be worse off because the protection force of the United Nations will probably leave.

Well, the Bosnians have spoken out on this. They said: Look, we appreciate the humanitarian assistance, we really do. But if allowing us to defend ourselves means that the U.N. leaves, so be it. Let us defend ourselves. We are being killed day by day. We appreciate the U.N., we welcome the U.N., and we hope the U.N. will stay. But if nations decide to pull out those ground forces, we will accept that as the price of exercising a fundamental right to defend ourselves, our families, our cities.

So the argument that the Bosnians will be worse off somehow if we lift the embargo, and we are doing them a favor, is an exercise in rationalization.

The Bosnians have taken a clear position in writing year after year. Last year an official document from Bosnia says that, "If the U.N. has to remove those troops in order to lift the embargo, it is our intention today to request the withdrawal of relief personnel to remove that final obstacle to the lifting of the arms embargo."

They have actually said: Leave, please, if that is the price. If that is what it is going to take to let us defend our country, leave with our best wishes, but do not use that excuse as the reason not to allow us to defend ourselves.

Then we have the question of international law. Here the argument goes there was a U.N. resolution imposing this embargo and it was only supposed to be lifted with the vote of the Security Council. The trouble with that argument is that respected international lawyers, including Max Kampelman, who testified yesterday before us, says that that resolution has no effect whatsoever on Bosnia because Bosnia was not in existence at the time that resolution was passed. That resolution related to Yugoslavia before the break-up of Yugoslavia. Respected international lawyers say that the resolution which is cited by the opponents of the lifting of the embargo say that that resolution that is cited has no effect in this situation whatsoever.

So, yes, look at the broader picture. We all have to do that. We have to look at that U.N. resolution and decide does it apply here or does it not. And there are legal arguments on both sides.

We can go through argument by argument in the broader picture, and you can argue the broader picture pieces back and forth, and there are a lot of

pros and cons. I happen to agree with that one going in. If you look at the broader picture, particularly, it was a very complicated picture, and that is why you are going to come back, I believe, ultimately to the fundamental principle that people should have a right of self-defense.

That is the mother lode here. That is the fundamental issue with all of those other debates and rationalizations and justifications and arguments, as though we could know whether or not allowing Bosnia the right of self-defense will either help produce a peace settlement or hinder it. I do not know that for sure. My only feeling is the only way to get a fair and lasting peace there is if you have two parties that are relatively equal in strength. If you have one party that has all the strength that is slaughtering the other party, you will not get a just peace settlement. That is my own view.

Am I sure I am right? No. I think I am. I think the best way to a fair and lasting peace is to lift this embargo and not to maintain it. As long as you maintain it, as long as the Serbs know there is no credible threat against the maintenance of their aggression and the fruits of their aggression being kept by them, as long as they know that I do not believe we are going to get an equitable settlement.

So I think that not lifting the embargo is the recipe for continued battle and bloodshed in Bosnia.

But that can be argued both ways. What cannot be argued both ways, it seems to me, is that fundamental issue of whether or not a nation, a people should be able to defend themselves.

I am going to end my comments in a moment. I was hoping one of the sponsors of the amendment might be on the floor to answer a question, and I do not see either Senator NUNN or Senator WARNER on the floor. I wanted to just ask a question, but since they are not here, I will make a statement relative to the issue that I see, and perhaps when they get back to the floor they can comment on it.

Their amendment, it seems to me, is unclear on even the basic point of whether or not the sponsors of the Nunn-Warner amendment support the multilateral lifting of the embargo at this time. They insist that the only way this embargo should be lifted is if it is multilateral. That is the theme of this amendment.

It is a point that I disagree with. I think as long as the only way in which the arms embargo can be lifted is if it is lifted multilaterally it will not be lifted, and the Serbs know it will not be lifted. If it is going to take the agreement of European nations and Russians, and everybody else, to lift this embargo, you can be darn sure that this embargo is not going to be lifted. And I think it is also very clear that the Serbs would know that it is not going to be lifted.

But this amendment suggests that the United States should seek the multilateral lifting of this embargo under certain circumstances or at least the partial lifting of the arms embargo under certain circumstances.

I think that the way the amendment is worded it is not at all clear as to what we would do if the conditions are met.

Again, I do not see my friends from Georgia or Virginia on the floor. So I am not going to be able to press this at this point. So I will make a statement about it.

What they have done in this amendment in saying that the only way this embargo will be lifted is if it is done multilaterally is to signal to the Serbs it will not be lifted. We know it is not going to be lifted from history. We know that the Europeans and Russians are not going to agree to the lifting of the embargo. If we tie that condition to the lifting of it, that it be multilateral, we are telling the Serbs and the world, hey, you do not have to worry about this embargo being lifted.

But my point is that if you read subsection b. it is very unclear, even by the terms of the amendment as to whether or not the sponsors believe that it should be lifted multilaterally at this time, given the fact that the Senator from Georgia said that the condition set forth in b. has now been met. Subsection b. says that:

\*\*\* if the Bosnian Serbs, while the contact group's peace proposal is being considered and discussed, attack the safe areas designated by the United Nations Security Council, the partial lifting of the arms embargo on the Government of Bosnia and Herzegovina and the provision to that Government of defensive weapons and equipment appropriate and necessary to defend those safe areas.

I see my friend is back. Given the fact that he has acknowledged in previous debate this morning that in fact those safe areas are under attack, I ask whether or not this amendment then means that the administration should now seek the multilateral partial lifting of that embargo.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Georgia.

Mr. NUNN. Madam President, my answer to that, if I could say to the Senator from Michigan, is yes. I think we should. I think that is preferable to the threat of bombing, but it does not have to be in lieu of the threat of bombing. It can be in connection with.

The first thing I would suggest is that the multinational group let the Bosnian Serbs know that this is something that they are planning on doing if they do not respect the safe areas.

But, yes, I would think that this is an option that should be explored now with our allies. Again it is in the multinational context.

Mr. LEVIN. I appreciate that and again I think the fundamental difference here is when you limit the

prospect of lifting this embargo in the situation where it is not multinational, in other words, with all our allies and Russia, you are, therefore, saying it is not going to be lifted.

I do not see any reasonable prospect that this embargo will be lifted multinationally and the Serbs know unless they realize there is a possibility of a multilateral lifting of the embargo it could happen and would happen regardless if they agree to it. I do not believe there is any equitable settlement. I am not attempting to persuade my friend of that because I think there is just a fundamental difference on that.

But the key point that I am now making is that it is the sponsor's interpretation of this amendment, which he and others have proposed, that it is calling now for the administration to seek the multinational partial lifting of this embargo because under condition b. safe areas are being attacked, and if I could just complete my thought.

Yesterday when I asked Strobe Talbott the question as to whether or not the administration favors now seeking multinational lifting of the embargo his answer was no.

So, there is a difference between this amendment and the administration's position on that fundamental issue.

At least Strobe Talbott's testimony yesterday reflected the administration position. What he was saying is that they want to keep that as a possible option to seek multinational lifting of the embargo, whereas this amendment appears to say, and I think that my friend from Georgia has now confirmed it, that because subsection b. is operative right now since the safe areas are under attack, that we should right now be seeking the multinational partial lifting of the embargo.

I thank my friend for that clarification.

Mr. NUNN. Madam President, if I could just respond briefly to my friend from Michigan, this amendment was not drafted by the administration. They have sent word that they can support this amendment.

I am giving the Senator my personal view, and I have felt for several months that a threat to partially lift the embargo on threatened safe areas with defensive weapons would spread all over the whole country, based on a case-by-case examination of that was the way to go.

I felt that that was a more credible threat than trying to believe that we can have precise bombing on mortar tubes sitting in churchyards in the mountains and terrain of Bosnia. My view of it is that this kind of move in the multinational group should be done and should have been done months ago. But I do not pretend to say I am speaking for the administration.

Mr. LEVIN. I thank my friend from Georgia for the clarification.

I do hope, between now and the time we vote on this resolution, that we can get the confirmation from the administration that Secretary Talbott's testimony yesterday in fact is their view, that they do not now favor seeking multinational lifting of the embargo. And if, in fact, they confirm that that is their position, we should all realize that, even if we adopt the Nunn-Warner sense-of-the-Senate amendment, we will then be urging the administration to do something which is not their current position, and we do not even have a prospect of that occurring if that resolution passes.

I yield the floor.

Mr. NUNN. I say to my friend from Michigan, if the Dole-Levin-Lieberman amendment is adopted, there is no assurance that that is going to bring about a change in the administration's policy, either.

The President has the right to veto a bill. Obviously, as one of the people trying to get a defense bill in place this year, I hope this bill is not vetoed. I will do everything I can to get the bill in a position where it will not be vetoed.

But if this Dole amendment is adopted, that does not mean the administration is going to change its position, either. Both of these are basically, in a way, trying to move the administration. My amendment, I am not pretending it is the administration's policy. What I am saying is, I think it should be the policy of the United States.

Mr. LEVIN. I thank the Senator.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to associate myself with the remarks of the distinguished Senator from Georgia.

I participated in the drafting of the amendment and indeed it is an independent effort of the Senator from Georgia and myself and others. I hope that, as we move forward in this debate, perhaps there may be some constructive suggestions with regard to the amendment which we could take into consideration.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, once again, the Senate is debating legislation regarding the unilateral lifting of the arms embargo against Bosnia and Herzegovina. We have been down this road twice before, and in my view, we need not and should not take up this issue again, particularly as our President heads to the Group of Seven summit early next month where he and his colleagues are expected to endorse a plan to end the Bosnia conflict. It appears I am swimming against the tide, and the Senate is indeed, going to address this issue once again. Accordingly, I would urge my colleagues to

reject the Dole amendment, and instead support the amendment offered by Senators NUNN and WARNER, of which I am a cosponsor, as a more sensible, realistic approach to this difficult issue.

In January, the Senate voted overwhelmingly to adopt a sense-of-the-Senate amendment to the State Department authorization bill calling on—but not directing—the President to lift the United States arms embargo against Bosnia. I was one of a few Members who voted against that provision.

Last month, when the Senate took up and adopted a bill that had some teeth—that actually directed the President to lift the embargo, the results were less clear. When the Senate voted to direct the President to lift the embargo, it adopted a second, seemingly contradictory amendment on the very same day. The first, sponsored by Senator DOLE, directed the President to lift the arms embargo unilaterally. The other, sponsored by Senator MITCHELL, instructed the President to take a multilateral approach. I voted for Senator MITCHELL's amendment, and against Senator DOLE's amendment. Some Members, however, opposed both amendments, while others supported both amendments. The two amendments produced legislation that directed the President to pursue two apparently different courses of action. The result was utter confusion, both here and abroad, about the Senate's intent.

Now Senator DOLE is offering his amendment again. If we adopt this amendment, the outcome would be harmful. Since the House of Representatives has already passed an identical amendment to the Defense Department authorization bill, we would be forcing the President to take very damaging action. There would be no turning back, no margin of error. And it would be the Congress that bore the ultimate responsibility for implementing a new, ill-conceived policy.

As we address this issue again today, I would like to review for my colleagues the points made previously in opposition to taking the reckless step of lifting the embargo unilaterally.

Lifting the embargo would put the United States in the position of abrogating a U.N. Security Council Resolution, and in essence, breaking international law. It could begin a process of unilateral United States involvement in the Bosnia conflict—or as some Senators have put it—start us down the slippery slope to greater engagement in the crisis. It could generate another cycle of violence and actually leave the Bosnian Government forces vulnerable to further Serbian obstruction of humanitarian assistance and brutal attack. Lifting the embargo at this time could upset the delicate peace process underway.

Many of my colleagues have made the point that the international community may be contributing to the problem by denying the Bosnian Government the right to defend itself. We have heard many times that we owe it to the people of Bosnia to level the playing field. Some of my colleagues have made powerful arguments to that effect.

Lifting the arms embargo seems like an easy, cost-free solution. It may make us feel better, but I believe it is bad policy that could yield disastrous results. Clearly, the Bosnian Government forces continue to be outgunned by the Bosnian Serb aggressors. There is a certain appeal to providing weapons in the hope of helping the victims gain back the land and fortune that the Serbian aggressors stole from them. I do not believe it is that easy, however.

Proponents of lifting the embargo argue that with the right weapons and equipment, the Bosnian Government will be able to regain more on the battlefield than it can at the negotiating table. I would argue that much of what the Bosnian Government and the Bosnian people have lost cannot be recaptured with United States-supplied guns. The lives that have been lost cannot be reclaimed. Even regaining territory would require more than U.S.-supplied weapons.

I would argue that the Nunn-Warner amendment takes a much more realistic approach than does the Dole amendment. It takes into account the reality—not only of the diplomatic situation—but of the circumstances on the ground. Yesterday, Senator NUNN chaired hearings on the implications of the lifting of the arms embargo. Witnesses included representatives of four defense ministries of countries with troops participating in the United Nations effort in Bosnia—Denmark, France, Spain, and the United Kingdom. All four opposed lifting the embargo. I must say that I was impressed to learn that, while each of them spoke of the danger that lifting the embargo would pose to their own troops, they focused to a much greater extent on the damage that would be dealt to the people of Bosnia.

This war has dragged on for more than 3 years at great cost to the people of Bosnia. At this time, forces in Bosnia are finally observing a delicate cease-fire. While in some areas, cease-fire violations still occur, often with horrible impact, the situation on the ground is quieter than it has been since the war began. Introducing more weapons at this time would likely touch off a new round of fighting, bloodshed, and suffering. Supply weapons at this point is, in all likelihood, too little too late.

That being said, if steps are to be taken, the United Nations, not the United States going it alone, should take them. The embargo is in place as a result of a binding U.N. Security

Council resolution and can only be abrogated by a subsequent U.N. Security Council action. A unilateral lifting of the arms embargo would set a dangerous precedent. Other countries could choose to ignore Security Council resolutions that we consider important—such as the embargo against Iraq and sanctions against Libya.

I would note that on May 13, the day after the Senate last acted on this issue, the Washington Post reported that Iran was engaging in embargo-busting by sending at least 60 tons of explosives and other raw materials for weapons production to Croatia. The Croats were siphoning off one third of the cargo, and sending the remaining two thirds to Bosnia. The article suggested that this was the latest of a series of shipments. If the United States were to lift the embargo unilaterally, we too, would be engaging in embargo busting. We would be taking the same action as Iran. I would ask my colleagues: Do we want to be in that company? Is Iran a responsible player in the international community?

The answer, of course, is no. If the United States were to break the embargo on its own, we would destroy our credibility as a trustworthy leader in international affairs. A unilateral lifting of the arms embargo would undoubtedly strain our relations with Britain, France, Russia, and other countries with troops on the ground in Bosnia—and would undermine our trustworthiness in other international negotiations completely unrelated to the Bosnian tragedy.

A unilateral lifting of the arms embargo will inevitably be perceived as the beginning of a United States decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away. We instead would assume responsibility for Bosnia not only in terms of our moral obligation, but in practical terms as well. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of United States forces to Bosnia and Hercegovina for any purpose. But I want to emphasize that this would be a U.S. decision to dismantle the embargo.

Lifting the embargo without international support would increase American responsibility for the outcome of the conflict. If we take unilateral action, we will assume the lead international role in Bosnia. If we were to take the initiative and supply arms on our own, our allies, who I admit, have not always been the most cooperative, could step back even further and say, "It may be our continent, but it's your job now to see this through; it's America's problem to solve."

Before we take any step that could lead to greater U.S. action—and I

argue that unilaterally lifting the arms embargo would do just that—we need to answer some serious questions about where our interests lie. Regrettably, we still do not have a clear answer. Without a clear focus of where our interests lie, I cannot support any action that would launch us headlong into a military quagmire.

I am concerned too, about the negative impact that lifting the arms embargo could have on the Bosnian people. If the United States were to lift the embargo on our own, our allies with troops on the ground would very likely pull out of portions of Bosnia, leaving the Moslem enclaves even more vulnerable to Bosnian Serb attacks and the obstruction of the delivery of humanitarian relief supplies.

There would likely be a lag time too—anywhere from 6 weeks to 6 months by many estimates—for weapons to be delivered to Bosnia. During that lag time, the Serbs will undoubtedly move swiftly to crush Bosnian Government forces. Moreover, the United States will receive the brunt of the blame when hundreds, if not thousands, of Bosnians die from lack of basic supplies or from a new round of slaughter.

Finally, a unilateral lifting of the embargo could endanger progress on the international negotiations underway and jeopardize the gains made to date through diplomacy. Even pessimists agree that for the first time, there may be a breakthrough on the diplomatic front. The contact group, consisting of representatives of the United States, the European Community, and Russia have agreed on a map to present to the warring parties. The Nunn-Warner amendment acknowledges this reality, and tracks any decision on lifting the embargo with the work of the contract group.

The foreign ministers of the United States, Russia, Britain, France, and Germany are set to meet on July 1 and 2 in Geneva to endorse a peace plan for Bosnia. The heads of states of the Group of Seven industrialized nations will meet on July 8, and are scheduled to take up the plan as well. Then, as a United front, the contract group will present the plan to the warring parties in Bosnia. Members of the contact group have at their disposal a wide range of options to encourage the parties to accept the plan. This includes the threat of lifting the arms embargo. If we were to lift the arms embargo on our own, the hard-won consensus among the contact group would unravel, and all parties to the negotiations would lose incentives to reach a negotiated settlement.

Admittedly, the diplomatic process in the Balkans has not always been perfect. There continue to be setbacks, but there also have been some important accomplishments, including the breaking of the siege of Sarajevo, the

signing of a peace agreement between Moslems and Croats in Bosnia, and most recently, agreement among the contact group on a Bosnian settlement. If we build upon these and other accomplishments, we have the hope of a comprehensive peace. I for now, believe it unwise to upset the sensitive negotiation process now underway.

I acknowledge that I see merit in some of the arguments of the Dole amendments proponents. This is a difficult problem that cuts across partisan lines and that slices to the heart of issues related to United States influence and power abroad. We are, as public servants, called upon to exercise our best judgment on this very difficult issue. My conscience tells me that unilaterally lifting the arms embargo is the wrong thing to do, and I therefore must oppose this amendment, and support the Nunn-Warner alternative.

Mr. COATS. Madam President, it is obvious we will not come to a final resolution and vote on the Bosnia amendments before us on lifting the embargo. That will be deferred until next week. In accordance with that, I will somewhat abbreviate what I was going to say and reserve some of my comments for when we once again take up that particular amendment.

I am going to support the amendment being offered by Senator DOLE. I did the last time it was on the floor, which was a shift in position for me from my earlier opinion on this. Former Secretary of Defense Les Aspin said, "All the options in Bosnia are bad; some are worse." I could not agree more with that statement. There are few if any acceptable solutions which would give any of us assurance that it would successfully resolve or bring a peaceful resolution to the conflict that has now raged in that area of the world for 3 years.

I support, however, Senator DOLE's amendment with some real sincere reservations. I listened carefully to the arguments propounded by the Senator from Virginia and the Senator from Georgia, Senator NUNN and others. The points that they make have a lot of validity. There is no question that United States unilateral action in lifting the embargo has implications, many of them potentially serious implications for NATO and our current cooperative efforts with NATO countries and potential future efforts with NATO countries. I think that is a serious question that deserves examination and certainly has a bearing on our final decision regarding these two options before us on lifting the embargo.

Clearly, the argument that it undermines our claim of credibility, in terms of asking others to enforce other embargoes—whether it be the embargo against Iraq or perhaps an embargo against North Korea or other nations—clearly it undermines the credibility we have and the authority we have to

insist that other nations join with us in those efforts. Lifting the embargo unilaterally, or even multilaterally, may also bring Russia into the picture in a way that does not diminish attempts at resolving the conflict in Bosnia—but actually makes for a much more difficult situation, in terms of reaching agreement.

Clearly, the Russians do not see the situation as it exists in that part of the world the way we see it. There are historical ties with the Serbs; their view of the present conflict is different from ours.

If we lift that embargo, clearly they will be under a lot of pressure to supply the Serbians with arms. We discussed that with members of the Russian Parliament, the Duma, on the trip members of the Senate Armed Services Committee recently made. I think their response was quite clear in terms of their intention to do so. They do not speak necessarily for the Government, and what President Yeltsin might ultimately decide is not something that we were able to determine. However, members of the Duma clearly expressed the thought that they would proceed post-haste to attempt to address the question on the other side of the equation.

I think the claim that our lifting the embargo will intensify the conflict and potentially prolong the conflict is a claim that has some validity, because clearly there is not a defined line between the parties in this conflict. There are three factions which have literally been at war with each other for most of the last 600 years. There are animosities and hatreds and retributions and retaliations that go back for centuries and through generations.

It is not, as some have suggested, an easy conflict with which to say these are the good guys and these are the bad guys and we are on the side of the good guys, therefore, we need to do everything we can to prepare them to defend themselves against the bad guys. There is plenty of killing, plenty of rapes, plenty of aggression, plenty of atrocities to spread among all parties engaged in this conflict, and often what we see is the picture of that faction of the conflict which has the upper hand at the moment.

Lifting the arms embargo may change that equation, particularly with the coalition effort between the Bosnians and the Moslems. There could clearly be a change from what many perceive to simply be a defensive effort, allowing them to defend themselves, to die with dignity, as some have said, to an aggressor situation.

So prolonging the conflict and intensifying the conflict, and the consequence of more killing and more atrocities, is a very real question. I do not have all the answers to that. I am not an expert on the region. I have studied some of the history. My study of the history indicates to me that

there is no simple, easy solution; that we are looking at a religious, ethnic, cultural, social, political conflict that goes back many, many centuries and throughout many, many generations.

It leads me to the conclusion that outside imposition of a so-called peace agreement will be fragile at best, and probably not accepted by one or more of the parties and, if accepted, will probably be on a temporary basis. At some point, whether it is months or years, there will be a resumption of the conflict because there are scores that have not been settled, there are boundary lines that are an anathema to one party or another. There are retributions that still exist and will continue to exist, whatever is outlined in a peace agreement.

So my conclusion several months ago, perhaps a year ago, is that this is a conflict which the United States is not going to be capable of resolving; that this is an area of the world and the type of conflict which does not directly fall within the category of vital U.S. interests.

Is it important? Yes. Is it necessary that the United States attempt through diplomatic means and other means to bring about a resolution? Yes. But is it a conflict with which the United States can take a direct involvement, undergo a direct involvement with one side or the other, impose its agreement or solution to the problem and rest with the assurance that that will be successful? I think the answer has to be no.

The reality is that over a tortured period of time over which we have had some tortured debate, I think it is quite clear that the U.S. Congress, and probably this administration, is not going to commit U.S. troops on the ground in the area that we know as the former Yugoslavia. We are not going to put those troops on the ground because we cannot define a specific mission; we cannot define a strategy which allows us to accomplish the goals we would like to accomplish without extraordinary risk to American lives. I do not believe this Congress nor the American people have made the commitment to risk those lives because they have not determined that this conflict is such a vital national necessity or interest to the United States that we will make that commitment.

As such, we have tried to patch together some type of level of support for one side or the other in an attempt to bring the parties either to a stalemate or bring them to the peace table, and those attempts have not been successful. What we are seeing now is just the latest of a series of promised or at least hoped-for resolutions to the conflict.

But the reality is that the United States will not commit ground troops to bring about this resolution. The reality is that we have entered into an extremely limited involvement in

terms of air support, at least keeping the skies free of military air assets that one side might use against another. But even that is extraordinarily limited, and it is through a bifurcated decisionmaking and command-and-control-making process that involves not only the United States and NATO but also involves the United Nations that we have seen how difficult that can be, and we have seen how ineffective that can be.

I stated some time ago on the floor of the Senate that I think it is important that we at least be honest with the Moslems and with the Bosnians and state categorically that there is neither the commitment nor the will on the part of the Congress, probably the administration, and the American people for us to engage any more directly than we are currently engaged.

As such, the Bosnian Moslems should not hold out the hope that either actions that we precipitate or actions that are precipitated by the Serbians are going to cause a change of heart and a change of will on the part of the Americans. As such, and because I do not believe we will make that commitment, I think the least we can do is state that up front, and then give the Moslems the means with which to defend themselves.

While these other considerations that I mentioned are important—our relationship with NATO, future involvement and coordination with NATO on areas and issues that are in our vital interest, on the embargo question, on the Russian response question, on the intensifying of the conflict issue—all of those are important. But I think there is an issue of paramount importance, and that issue of paramount importance is a moral question, a question that has been raised and discussed this morning and at other times. And that is: Should a sovereign nation be allowed to have the wherewithal to defend itself against an outside aggressor? I think that is a paramount question. I think the moral issue is paramount to the other issues.

Some would argue that it was a mistake to recognize the sovereignty of Croatia. Perhaps it was; maybe it was not. I do not know. It certainly did not accomplish the purposes we thought it would.

But that is behind us. There is nothing we can do at this point to undo that. It is a sovereign nation. It does have rights, international rights, that I think ought to be guaranteed whether or not we agree that that nation should have been granted sovereignty and recognition in the first place. The fact is that it was, and the fact is that I believe we need to recognize rights that should enure to that sovereignty and to those people that are not only guaranteed under U.N. Charter but also ought to be just simply a matter of both international law and common respect and common decency.

So I reluctantly, not believing that it offers a perfect solution or anything close to a perfect solution, but I reluctantly join with the minority leader, Senator DOLE, in supporting an effort to unilaterally, if necessary, lift the arms embargo.

Now, the argument that the alternative resolution also allows a lifting of the embargo but simply in coordination with our NATO allies to me is an argument for the status quo. I see no movement underway to either seek agreement with our NATO friends or for their compliance in any type of agreement even if we were seeking it. The status quo to me is not acceptable, given the aggression of the Serbians and given the situation as it exists. A 51 to 49 split for that country I do not believe will resolve the problem, and so I do not think the current agreement is going to come to fruition.

As a consequence, I find I reluctantly conclude that the very best of a very bad series of options is the resolution offered by the Senator from Kansas [Mr. DOLE].

So for those reasons, Madam President, I will support that amendment. But I do not do so with any assurance it will resolve a tragic situation which has existed not for 3 years but 600 years in a part of the world which few of us fully understand and which we have not defined as in our vital national interests to commit our national assets and, more importantly, our own troops in uniform to attempt to resolve.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

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

Mr. DOMENICI. I thank the Chair.

#### PLUMMETING VALUE OF THE DOLLAR

Mr. DOMENICI. Madam President, while discussion and debate about Bosnia or about Yugoslavia or any foreign affairs issue is very important, the truth of the matter is that something is going on in the international money markets that is far more important to the American economy and to the future of our jobs and growth and prosperity than any of these discussions that are going on today.

I rise to call to the Senate's attention and to the President's attention this issue. Now, obviously, I might have a different view than the President; he is clearly being advised on this issue, but I would like to share with the Senate the serious concern I have about the plummeting value of the American dollar in world markets, especially the markets and banking systems of Germany and Japan.

Lenin reportedly once told a group of economists that the best way to destroy the capitalist system is to debase the currency. He was, obviously, correct in observing that the currency is the fundamental foundation upon which we as a nation build our economy and provide for our people. In fact, a critical element of economic growth in any country is a stable, viable currency. Today, I rise to discuss a most serious circumstance which, left unresolved, threatens to derail our continued economic progress; it is the persistent slide in the American dollar.

Despite comments from President Clinton and Secretary Bentsen that "we're going to continue to monitor the situation," instability in the dollar is not to be ignored or dismissed as just a Wall Street problem. This past Monday, the mark/dollar exchange rate fell below 160, capping a substantial 4-percent 1 week decline, and I might say that today the mark fell yet more. It is now, today, at 1.585, and the stock market dropped 40 points, all while long-term interest rates rose from 7.4 to 7.51.

Incidentally, that 7.51 long-term rate is higher than when this President took office. Some have been talking about lower interest rates, but it is now higher than when he took office. Normally, higher interest rates on long-term 30-year bonds invite foreign investment, but in fact they are not.

Tuesday, the dollar plunged below 100 yen against the dollar for the first time since the Second World War. It has gone up slightly, came down, and is now just slightly above 100.

Let me tell you again how low that is: 100 yen against the dollar for the first time since the Second World War. Now, today, we are in a coordinated intervention mode which says that central banks of 10 countries, including the United States and Germany, are attempting to shore up the dollar. That means they are buying dollars, but it is not working. So far today, a continued lack of confidence in the U.S. dollar is pushing up interest rates on the long-term side, and pushing down asset values. This has occurred despite what Chairman Greenspan has described as a fundamentally strong economy.

Now, I am not arguing with Chairman Greenspan. I am taking his assessment as a reality, because if the economy is fundamentally strong from an economic standpoint, why is the American dollar falling so rapidly in the world money markets? In fact, the current recovery has been in the cards as I view it, for some time now, is the result of solid foundations of low inflation, low-interest rates, and high productivity growth, established over a long period of time including the last two Republican administrations.

If one looks at the economic statistics in a vacuum, as I indicated a while ago, the conclusion would, indeed, be

that the U.S. economy is in good shape. But those who deal with the worldwide financial markets, Madam President, look at more than just the statistics, because if one just looks at the economic statistics this should not be happening. They must be looking at something else. Indeed, they do, and they tell us they do. They also look at the overall direction or lack thereof of where the leadership of this administration is taking us. I am among many others who attribute this recent, precipitous drop in the dollar to a worldwide lack of confidence in United States leadership that is threatening prospects for a sustained U.S. economic growth.

What is needed is for this administration to look at its international trade policies and all its international policies, and begin to conclude that they must be made more credible, and they must build confidence in the world's economic market.

What is required is that the administration provide that needed leadership to stabilize the dollar, and restore international confidence in the United States economy, and the extended expansion of it.

Let me turn to the next issue which I will call the vote of no confidence. Currency market instability is a global vote of no confidence. What is going wrong? I want to repeat that. My best summary of what is happening, and it is dead serious, is that currency market instability is a global vote of no confidence. The surprising thing is that foreigners are indicating the lack of confidence despite rising U.S. interest rates, which normally instill confidence and create investments of those American dollars which are accumulating overseas because of our balance of trade deficit. They have more dollars because they have sold more goods to us than we have sold to them. These dollars must be invested in America. Normally the confidence shows up when interest rates here are high, and the investment comes flowing back. The surprising thing is that this confidence is not reoccurring even with interest rates going up.

First, let me lay out what I understand sets exchange rates. In 1993, the U.S. purchased \$109 billion more goods and services than foreigners did of U.S. products. That is called a current account deficit. That means we bought more than we sold, in summary. In 1993, that was \$109 billion. The impact of this deficit is that foreign sellers were left with \$109 billion in excess U.S. dollars that were not needed for purchases. These dollars are used to invest in U.S. securities and other investments that generate a return. These dollar investments by foreigners represent what we all call capital accounts.

Simply put, the exchange value of the dollar is set by whether foreigners

want to hold more or less dollars in their capital accounts than the \$109 billion they are required to hold—the result of the current account balance.

If the return on the U.S. investments is not sufficiently attractive, then they wish to hold fewer dollars which decreases its exchange value, pushing the dollar down. On the other hand, if the U.S. returns are sufficiently attractive, the reverse is true. But of course that is not the current situation. So something is amiss besides economics. A weak dollar means foreigners lack confidence in dollar investments despite current U.S. rates of return. Long-term interest rates have been rising in the United States by more than can be explained by the Federal Reserve Board's efforts to control inflation.

So far those who are now concerned about the 7.51 percent interest rate on 30-year bonds, it is now higher than what was caused by Federal Reserve action and higher now than when this administration took office. Yet, despite these higher rates of return, foreign investors now shun U.S. investments. Today, overseas investors would prefer not to hold assets denominated in dollars. It is too uncertain, too great a risk.

Consequently, foreign central banks time and time again have had to pick up the slack through intervention as the Bank of Japan did recently on Wednesday. G-7 intervention in May tried to halt the erosion in dollar confidence and that effort met with little success. Another round of intervention today does not appear to be any more successful because the exchange rate numbers I gave you in the opening comments as I indicated were after intervention by 10 international banks tried to change the valuation.

I believe there are a number of reasons for the instability that we are experiencing. First, the administration has created uncertainty in currency markets by taking a narrowly focused unilateral approach to trade policy. They have indicated a willingness to allow currency markets to be held hostage to United States-Japanese trade disputes. I believe the effect of the problem with Japan in terms of our trade relations is causing a very big ripple and many do not understand it yet. Perhaps the continued drop of the American dollar will expedite a solution to that problem. This is occurring at the same time that we are seeing an ominous widening of our trade deficit. In particular, this week's dollar plunge in part reflects Tuesday's release of the trade deficits.

The United States trade deficit rose to \$8.4 billion in April, up from an average of \$8 billion in the first quarter and \$6.6 billion in the fourth quarter of last year. But no action has been taken to try to stabilize the dollar. In other words, just when we are asking those abroad to hold more trade-deficit gen-

erated dollars, the message here to foreign investors is the stability of the American currency cannot be trusted.

Second, there is a lingering concern about Federal deficits in spite of recent short-term good news, especially for those expert in analyzing what we are probably going to do to our deficit with an open-ended health care reform package. Under current projections and policies, we will become ever more dependent on foreign investments flowing into the United States after waiting for a short reprieve of 4 or 5 years.

Without confidence in the stability of the dollar we will be unable to close the gap between what we need to finance our Federal deficits and what we will be able to secure from abroad. As a result, interest rates will go even higher to close the gap dampening long-term growth and economic prospects. Madam President, we will not have to wait around for the Federal Reserve to raise interest rates. Interest rates will go up anyway if this situation continues dampening long-term U.S. economic prospects because it will go up to stabilize the American dollar. It will happen in the marketplace.

Allowing confidence in the stability of the U.S. currency to significantly erode is not just unfortunate, it must be solved. It will represent the poorest of leadership if we do not attempt to solve it.

When this administration came to office, they said they would provide domestic economic leadership. What I believe they are realizing today—and so are we—is that this cannot be done without coherent and competent international leadership as well. Let me repeat. To promise domestic economic leadership without coherent competent international leadership will not make the economy of America better. It will make it worse. And on the international front, from Korea to Bosnia to Somalia to Haiti, we have a troubling record before us which certainly does not promote confidence. Compounding this crisis of executive leadership is a forced crisis of monetary leadership. The more we as Senators take to the floor of the Senate and criticize the Federal Reserve Board, giving an indication that we as politicians might want to destabilize that entity's power, the more credibility weakens with reference to our currency in the international markets.

Calls from Congress to reign in the Federal Reserve are part of this credibility problem. If we cannot provide a firm, rock solid currency, our many other economic goals are in jeopardy.

So, today, I took this opportunity in the midst of a very heated debate regarding one area of international policy to beseech the administration to provide the needed leadership to stabilize this dollar and to recognize that economic leadership at home will not suffice if international leadership is

not stable, consistent, and strong. I believe the facts are beyond dispute.

I yield the floor.

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

The Senate continued with the consideration of the bill.

Mr. NUNN. Madam President, we have a few amendments that we can agree to now, I believe, on both sides. The Senator from Indiana is going to be here. I believe the Senator from Alaska has an amendment he is going to present, which is acceptable on my side of the aisle; I am not sure on the other side. There is an amendment by Senator HUTCHISON, the Senator from Texas, and I believe the Senator from Indiana will present that amendment.

I ask unanimous consent that the pending amendment be temporarily set aside so that other amendments may be offered.

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

#### AMENDMENT NO. 1853

Mr. COATS. Madam President, I send an amendment to the desk on behalf of Mrs. HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mrs. HUTCHISON, proposes an amendment numbered 1853.

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

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

The amendment is as follows:

At the appropriate place, insert:

#### SEC. . REVISIONS TO RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) CLERICAL AMENDMENTS.—Section 2820 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1894) is amended—

(1) in subsection (a), by striking out "1936" and inserting in lieu thereof "1956"; and

(2) in subsection (b)(1), by striking out "value" and inserting in lieu thereof "size".

(b) PAYMENT FOR SURVEY.—Subsection (c) of such section is amended by adding at the end the following: "The cost of the survey shall be borne by the State of Texas."

Mrs. HUTCHISON. Madam President, the purpose of my amendment is to make a technical correction to a provision of the Department of Defense Authorization Act for fiscal year 1994. The original provision was contained in the House-passed bill. The Senate concurred with the amendment during the joint conference. Unfortunately, the provision contained an error in drafting that needs to be corrected. The Department of the Army supports this change, and I urge its adoption.

Mr. COATS. I understand this amendment has been cleared on both sides. We have no objection.

Mr. NUNN. I urge the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1853) was agreed to.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. COATS. I move to lay that vote on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1854

(Purpose: To provide credit under small business subcontracting plans for purchases from central nonprofit agencies designated by the Committee for Purchase From People Who Are Blind or Severely Disabled)

Mr. NUNN. Madam President, I send an amendment to the desk on behalf of Senators BINGAMAN and SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, for himself, and Mr. SMITH, proposes an amendment numbered 1854.

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

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

The amendment is as follows:

On page 177, between lines 5 and 6, insert the following:

**SEC. 816. TREATMENT UNDER SUBCONTRACTING PLANS OF PURCHASES FROM QUALIFIED NON-PROFIT AGENCIES FOR THE BLIND OR SEVERELY DISABLED.**

(a) REVISION AND EXTENSION OF AUTHORITY.—Section 2410d of title 10, United States Code, relating to credit under small business subcontracting plans for certain purchases, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking out “and” at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof “; and”; and

(iii) by adding at the end the following new subparagraph:

“(C) a central nonprofit agency designated by the Committee for Purchase From People Who Are Blind or Severely Disabled under section 2(c) of such Act (41 U.S.C. 47(c)).”;

(B) by striking out paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking out “September 30, 1994” and inserting in lieu thereof “September 30, 1997”.

(b) CONFORMING AMENDMENT.—Section 2301(d) of such title is amended by striking out “approved commodities and services (as defined in such section)” and inserting in lieu thereof “commodities and services”.

Mr. BINGAMAN. Madam President, section 2301(d) of title 10, United States Code provides that it is the policy of Congress to provide opportunities for the blind or other severely handicapped to participate in defense procurements as subcontractors and suppliers. This policy is implemented in section 2410d of title 10, United States Code, which

provides that subcontracts with qualified nonprofit agencies for the blind or severely disabled may be counted by contractors in terms of meeting their subcontracting goals.

Section 2410d expires on September 30, 1994. The amendment sponsored by Senator SMITH and myself would extend this important provision for 3 years. In addition, it would enhance the effectiveness of this provision by including central nonprofit agencies for the blind or severely disabled—the National Industries for the Blind and the National Industries for the Severely Disabled. The amendment would also remove the administrative burden imposed by current law, which provides subcontracting credit only for commodities and services expressly approved by the Committee for Purchase from the Blind and Severely Disabled. Finally, the amendment would make conforming changes in the statement of congressional policy in section 2301(d) of title 10, United States Code.

I urge the adoption of the amendment.

Mr. NUNN. Madam President, I urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1854) was agreed to.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. COATS. I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1855

(Purpose: To transfer family housing located at a closed Air Force Radar Bomb Scoring Site in Holbrook, AZ, from the Air Force to the Department of the Interior)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. DECONCINI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DECONCINI, proposes an amendment numbered 1855.

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

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

The amendment is as follows:

At the appropriate place in title XXVII, Subtitle C of the bill, add the following section:

**SEC. . TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR BOMB SCORING SITE, HOLBROOK, ARIZONA.**

(A) TRANSFER AUTHORIZED.—As part of the closure of an Air Force Radar Bomb Scoring Site located near Holbrook, Arizona, the Secretary of the Air Force may transfer without reimbursement the administrative jurisdiction, accountability and control of the housing units and associated support facilities used in connection with the site to

the Secretary of the Interior for use in connection with the Petrified Forest National Park.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connections with the transfer of real property under subsection (a) as the Secretary considers appropriate.

Mr. DECONCINI. Madam President, I offer this amendment to the fiscal year 1995 Defense authorization bill transferring family housing located at a closed Air Force Radar Bomb Scoring Site near Holbrook, AZ, from the Air Force to the Department of the Interior. The purpose of this transfer is to provide badly needed housing for employees of the Petrified Forest National Park at no extra cost to the American taxpayer.

The 11 townhouses at Holbrook, which have been listed as surplus by the Air Force, have stood vacant for nearly 1 year. During this same period, officials at the Petrified Forest National Park have been forced to house their employees in antiquated structures built in the 1930's. Most people think of Arizona as a hot, dry, desert, however, the area around Holbrook is in the White Mountains near one of the West's best ski areas. It gets quite cold in the winter. Adoption of this amendment would ensure that our hard-working Interior Department employees have adequate, and warm, housing for their families.

This amendment, offered in the House of Representatives by my Arizona colleague, freshman Representative KARAN ENGLISH, was adopted by the full House during its consideration of the fiscal year 1995 Defense authorization bill. I appreciate the courtesy of the Chairman of the Senate Armed Services Committee and his staff in working with my staff on this amendment, and I urge its adoption by the Senate.

Mr. NUNN. Madam President, this amendment transfers jurisdiction of 11 family housing units and in support facilities at the former Air Force Radar Bomb Scoring Site near Holbrook, AZ, from the Air Force to the Department of the Interior.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1855) was agreed to.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. COATS I move to lay that on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1856

(Purpose: To authorize original appointments of limited duty officers of the Navy and the Marine Corps in grades in which such officers are serving on active duty pursuant to a temporary appointment)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SHELBY, proposes an amendment numbered 1856.

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

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

The amendment is as follows:

On page 124, between lines 4 and 5, insert the following:

**SEC. 506. ORIGINAL APPOINTMENTS OF LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS SERVING IN TEMPORARY GRADES.**

Section 5589 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Original appointments as regular officers of the Navy or Marine Corps may be made from among officers serving on active duty in a higher grade pursuant to a temporary appointment in that grade under section 5596 of this title. The grade in which an officer is appointed under this subsection shall be the grade in which the officer is serving pursuant to the temporary appointment. The officer's date of rank for the grade of the original appointment shall be the same as the date of rank for the grade of the temporary appointment.”

Mr. SHELBY. Madam President, I offer this amendment to give the Secretary of the Navy discretionary authority to redesignate certain “temporary” limited duty officers as “permanent” limited duty officers with the same grade and date of rank.

The Marine Corps has a number of officers designated as limited duty officers. These officers serve as “temporary” limited duty officers and as “permanent” warrant officers. Therefore, they compete for promotion both as limited duty officers and warrant officers.

This amendment would authorize the Secretary of the Navy to designate limited duty officers as “permanent” and to terminate their warrant officer status.

Mr. NUNN. Madam President, this amendment provides the Navy discretionary authority to redesignate certain “temporary” limited duty officers as “permanent.”

I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. LEAHY). The question is on agreeing to the amendment.

The amendment (No. 1856) was agreed to.

## AMENDMENT NO. 1857

(Purpose: To authorize the Secretaries of the military department to waive administratively imposed time-in-grade requirements for purposes of computing retired pay under the provision of law that prevents pay inversions)

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

The PRESIDING OFFICER (Mr. LEAHY). The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SHELBY, proposes an amendment numbered 1857.

Mr. NUNN. 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 138, between lines 11 and 12, insert the following new section:

**SEC. 634. COMPUTATION OF RETIRED PAY TO PREVENT PAY INVERSIONS.**

Section 1401a(f) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(f) PREVENTION OF PAY INVERSIONS.—”; and

(2) by adding at the end the following new paragraph:

“(2)(A) Subject to subparagraph (B), for the purpose of computing the monthly retired pay of a member or former member of an armed force under paragraph (1), the Secretary concerned may waive any provision of a regulation that, as such provision was in effect on the earlier date applicable to the member or former member under paragraph (1), required a member to serve for a minimum period in a grade as a condition for retirement in that grade.

“(B) Any waiver under subparagraph (A) shall apply in the case of a member or former member only to that part of the minimum period of service provided for a grade in the regulation that exceeds the minimum period of service in such grade that was authorized by a provision of this title to be required as a condition for retirement in that grade (as such provision of this title was in effect on the earlier date applicable to the member or former member under paragraph (1)).

“(C) The Secretary concerned may waive the provision of a regulation under subparagraph (A) in the case of a particular member or former member or for any group of members or former members.”

Mr. SHELBY. Mr. President, this amendment would protect the retired pay of certain military retirees who left military service in the 1970's.

An amendment known as the Tower amendment was enacted in 1975 and ensured that personnel who remained on active duty past their initial retirement eligibility date did not draw less retired pay than their peers who chose to retire. The Tower amendment was occasioned by adjustments to retired pay, that were based on the Consumer Price Indices, exceeding actual pay raises by substantial amounts.

The manner in which the Air Force applied the Tower amendment, though believed to be appropriate at the time,

has recently been found to be administratively incomplete. Without the amendment I have introduced today, the Air Force would be forced to conduct a costly and time-consuming bureaucratic exercise to grant over 4,000 individual waivers to individuals affected by the Tower amendment in order to ensure these retirees will have their retired pay reduced, through no fault of their own, beginning on October 1, 1994.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1857) was agreed to.

## AMENDMENT NO. 1858

(Purpose: To impose requirements regarding the management and budget responsibility for the space-based chemical laser program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. WALLOP, proposes an amendment numbered 1858.

Mr. COATS. 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 37, after line 25, add the following:

**SEC. 224. MANAGEMENT AND BUDGET RESPONSIBILITY FOR SPACE-BASED CHEMICAL LASER PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) In section 243 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1615) Congress directed the Secretary of Defense to transfer management and budget responsibility for research and development regarding far-term follow-on technologies from the Ballistic Missile Defense Organization unless the Secretary certifies that it is in the national security interest of the United States for the Ballistic Missile Defense Organization to retain that responsibility.

(2) For purposes of section 243 of such Act, a far-term follow-on technology was defined as any technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(3) The Secretary of Defense has recommended pursuant to section 243 of such Act that management and budget responsibility for chemical laser technology be retained in the Ballistic Missile Defense Organization.

(b) ASSIGNMENT OF RESPONSIBILITY.—Subject to subsection (c), the Ballistic Missile Defense Organization is authorized to retain management and budget responsibility for chemical laser technology programs.

(c) REQUIREMENTS.—(1) The Director of the Ballistic Missile Defense Organization shall ensure that, to the extent practicable, the

conduct of research and development related to space-based chemical lasers reflect appropriate consideration of a broad range of military missions and possible nonmilitary applications for such lasers.

(2) If, as a result of budgetary limitations, the Director of the Ballistic Missile Defense Organization is unable to program sufficient funds to ensure that the space-based chemical laser program remains an option for the acquisition process within the next fifteen years, the Secretary of Defense shall—

(A) establish a new high energy laser research and development program outside of the Ballistic Missile Defense Organization;

(B) transfer \$50,000,000 out of funds available for fiscal year 1995 for programs administered by the Ballistic Missile Defense Organization to the new high energy laser research and development program; and

(C) assign the duty to perform the management and budget responsibilities for the new program to the Secretary of the military department determined by the Secretary of Defense most appropriate to perform such responsibilities or, if the Secretary determines more appropriate, to the head of the Defense Agency of the Department of Defense that the Secretary determines most appropriate to perform such responsibilities.

Mr. WALLOP. Mr. President, this amendment would permit the ballistic missile defense organization to maintain management and budget responsibility for space-based lasers, subject to certain conditions.

The Senate Armed Services Committee had recommended in its report on the fiscal year 1995 Defense authorization bill the transfer of the laser program out of BMDO. In part, this recommendation was based on the fact that the Department of Defense had not yet submitted a recommendation on this matter, as required by last year's Defense Authorization Act. Since the committee issued its report, the Secretary of Defense has recommended that BMDO retain management of the laser program.

The committee was also concerned that, as a result of budgetary constraints, BMDO would not be able to adequately fund the laser program. I share this concern. As a result, I have proposed a solution that would allow BMDO to keep the laser program as long as the Director can continue to program sufficient funds to keep the laser program as a coherent effort that would allow us to make a decision within 15 years as to whether to allow the laser program to enter the acquisition process.

This solution takes into account the views of all concerned with the laser program and the BMDO technology base in general. I believe that it is acceptable. I urge its adoption.

Mr. COATS. Mr. President, this amendment would permit the ballistic missile defense organization to maintain management and budget responsibility for space-based lasers.

I understand that the amendment has been cleared by both sides, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mr. COATS. I move to reconsider the vote.

Mr. NUNN. I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1859

Mr. NUNN. 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 Georgia [Mr. NUNN], for Mr. SMITH, proposes an amendment numbered 1859.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE

Of the funds authorized to be appropriated to the Department of Energy under Section 3103, \$3,000,000 shall be available for the Department of Energy's Declassification Productivity Initiative.

Mr. SMITH. Mr. President this amendment seeks to address certain deficiencies within the Department of Energy's Office of Declassification. The amendment authorizes \$3 million to initiate the Department's Declassification Productivity Initiative which will introduce computer aided systems to improve productivity in declassifying documents.

The Department of Energy has reported that approximately 30 million documents are awaiting declassification review. Further the Department has received hundreds of request for information from specific documents that must go through this tedious review process. Because of the magnitude of classified and restricted documents, the Department's Office of Declassification is seriously constrained in time, money, personnel, and applicable technology to do the job in an efficient manner. Indeed, current declassification efforts entail only two specially trained declassifiers who laboriously review documents by manually checking them against the Department's 80 classification guidelines. These guidelines, which themselves are classified, enable the reviewer to decide what must remain classified.

While current efforts focus on individuals spending significant time and resources, the Declassification Productivity Initiative will increase the productivity of the review process through the introduction of incremental computer aided systems—most notable optical scanner systems—that will help the reviewers decisionmaking by reducing the amount of text they must

review. The specific goals of the DPI also include reducing the high cost of declassification, providing timely and efficient access to the declassified records, and ensuring the safety and security protocols for retaining necessary classified information. In addition, the DPI will continue to develop the expert systems, advanced optical scanning, and computer software that will ultimately lead to complete automation of the declassification review process.

The primary benefits anticipated from the DPI are substantial reductions in both the time and cost of the declassification process. Though the Initiative is targeted toward the Department of Energy, there would be obvious benefits to other Federal agencies, as well. In fact, the products developed under the DPI would have much broader uses. In addition to high-speed document declassification, the DPI will ultimately develop advanced hardware and software programs applicable to information and data intensive industries in the private sector, including health care, banking, and petrochemicals.

Finally, Mr. President, the DPI promotes the efforts of our Government and the Armed Services Committee to encourage technology diversification and reinvestment, create new applications in high performance computing, develop new information infrastructure, and help promote our industrial competitiveness.

Though \$3 million is a small investment for such a challenging task, it is a critically important first step. I am hopeful the Department of Energy will accelerate its efforts and increase resources for the DPI beyond the limited funds we provide in the bill. I would also hope that other Departments, including Defense, look toward the DPI as a model for framing their own declassification efforts.

Mr. President, I understand the amendment has been cleared on both sides. I thank my colleagues and staff for their assistance, and I move the amendment.

Mr. COATS. Mr. President, this amendment would require the Department of Energy to fund a \$3 million effort to create a computer program to declassify documents.

I understand that this has been cleared on both sides, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS] is recognized.

AMENDMENT NO. 1850

Mr. STEVENS. Mr. President, I ask unanimous consent that my amendment that was previously put aside be brought before the Senate again.

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

Mr. STEVENS. Mr. President, I do not want to delay the managers of the bill. I would be happy to at any time have the motion to consider this amendment. I know the Senator from Georgia wants to get finished quickly.

Yesterday, I advised the managers of the bill my intent to offer an amendment reducing the authorization for the federally funded research and development centers, known as FFRDC's.

This Senator discussed that matter on the floor, in reference to the need to find a way to restore the authorization for the National Defense Sealift Fund, and initiate procurement of the LHD-7 amphibious assault ship.

At this time, the amendment I have sent to the desk addresses the compensation provided the officers and employees of the federally funded research and development centers.

I reiterate my comments of respect and recognition for the contributions made by the FFRDC's to our national defense. At MITRE, Rand, the Aerospace Corp. and all the rest, dedicated people are working to support our national defense.

Their contributions though do not exceed, and cannot have priority over, the military, warfighting needs of our forces.

Most of the employees at FFRDC's are paid less than these amounts. Their pay still exceeds comparable experts within the Department of Defense and the national labs.

We should not provide financial incentives for people to engage in Government service, by providing quasi-governmental entities with superior pay and benefits—at taxpayer expense.

Again, this amendment is not an attack on the individuals who now manage and lead the FFRDC's. I know that many could command higher salaries in the private sector.

But that is my point—the FFRDC's are not part of the private sector. They are intimately involved in many aspects of our national defense policy—with much of their business obtained on a noncompetitive basis with the private sector.

Mr. President, this amendment represents only a first step to review and place the management and spending at FFRDC's on a rational level with other defense priorities.

I appreciate the managers' consideration of this amendment, and I join them in their efforts to ensure proper oversight of the federally funded research and development centers.

Despite the limited reductions in FFRDC spending initiated by the Appropriations Committees in 1989, these

centers have continued very generous compensation packages for top executives.

In a recent report by the publication Science & Government Report, the salaries of managers at Rand, MITRE, and the Institute for Defense Analyses were detailed.

My comments are not critical of these individuals—I know several of them, and respect them personally. But their pay and benefits must fit within the framework for all Federal entities.

I do not want to attack any of the individuals cited in this report directly. But according to that report, pay in the amounts of \$180,000, \$200,000, even \$295,000 is not uncommon.

This Senator does not accept, approve or countenance a pay system at these centers, derived from the defense budget, that exceeds the pay of the Secretary of Defense, Chairman of the Joint Chiefs, and the Chiefs of Staff of the military services.

In several instances, pay of FFRDC executives exceeds that even of the President of the United States.

The Department of Defense should not underwrite this practice.

We have sustained funding for the FFRDC's over the past 5 years at a level far above the overall cutbacks to our defense program.

I do not propose that the FFRDC's to bear an unfair burden of those cuts—I only suggest that they at least share in our defense drawdown.

All FFRDC's are not alike. Some provide written studies and analyses. Others assist in the design and engineering of weapons systems. Some are directly involved in the management of defense development and acquisition programs.

Because these functions are so different, this Senator has not proposed specifying the cut against each of these entities. That responsibility should rest with the Department of Defense.

Unfortunately, as of this week, the Department was unable to provide the Defense Appropriations Subcommittee with a detailed breakout of the 1995 funding for these centers.

That problem is reflected in the language included by the Armed Services Committee—which I again commend the Committee for including in the bill and report.

It is time that these centers begin to compete for funding with other defense priorities.

Mr. President, I ask unanimous consent to print in the RECORD an excerpt from the report of the committee pertaining to the subject of FFRDC's.

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

*Federally funded research and development centers*

The committee is pleased that the Department of Defense has begun to implement the management reforms which the Congress has demanded for DOD federally funded research

and development centers (FFRDCs) in recent years. The committee is also pleased that the individual FFRDCs are being managed to ceilings that collectively are less than the total ceiling imposed by the Congress for fiscal year 1994. The committee is aware that these individual ceilings were established by the Defense Department in accord with the general instructions provided by Congress for fiscal year 1994.

During the past year, the committee has become aware of two serious issues regarding the Defense Department's management of its FFRDC program. The first issue is the compensation of FFRDC employees, especially senior management. During the congressional review cycle last year, the committee proposed freezing the salary of FFRDC employees. This proposal was not enacted into law based on assurances from the Defense Department and from several top managers of individual FFRDCs that such a freeze would damage the FFRDCs and the Defense Department. Later in the year, the committee became aware of serious allegations that some FFRDCs had granted substantial raises to top management personnel while laying off lower ranking workers.

The second issue is the role of FFRDC derivative organizations in allowing FFRDCs to circumvent management ceilings and restrictions contained in sponsoring agency mission statements. Because contract awards to FFRDCs are exempted from the requirement for full and open competition, the creation of such entities, both as affiliated FFRDCs and non-FFRDCs, has resulted in an ambiguous legal, regulatory, organizational, and financial situation. For example, there have been allegations that government users granted inappropriate award preferences because they did not realize that a non-FFRDC affiliate of an FFRDC was not covered under the agency sponsorship agreement with the FFRDC.

In order to gain a better understanding of these two issues, the committee directs the Defense Department to provide a report identifying all FFRDCs and all affiliated entities, both FFRDCs and non-FFRDCs. The report shall include a discussion of the relationship between the statements of work of the original FFRDCs as well as those of their affiliated entities. The report shall also identify all sponsors and customers, the value of contracts with each, and approved and actual staffing levels for those entities over which the federal government has some cognizance. Finally, the report shall also include an analysis of the levels of compensation for FFRDC employees compared to their counterparts in similar for-profit companies. The portion of the report addressing FFRDCs and affiliated entities should be compiled from data from the organization's most recent fiscal year. The report should be submitted to the committee not later than April 1, 1995.

Based on the continuing decline in the Department of Defense budget for research and development and the fact that many FFRDCs will not reach funding ceilings in fiscal year 1994, the committee directs the Department to limit its funding for FFRDCs in fiscal year 1995 to \$1.3 billion, a reduction of just under 4 percent. The committee again directs the Department to ensure adequate funding for the smaller FFRDCs that provide studies and analysis support to the Department.

Mr. STEVENS. Mr. President, let me summarize by saying yesterday I did discuss on the floor an amendment to reduce the authorization for federally

funded research and development centers.

As pointed out here in my statement, I want to wait to pursue that until we see the committee's review of the various proposals that have been made to restore the initiative for sealift and the LHD-7. This is not that amendment. I just want to make sure there is no misunderstanding. This is not the amendment to reduce the authorization for FFRDC's. This is an amendment I offered at this time because of the statements made in the RECORD, and also because of the history of my concerns over the years with the compensation schedule for officers and employees of these FFRDC's.

I respect what they do, and I respect the fact that they are needed by the Department of Defense. But as I pointed out yesterday when we already reduced the procurement effort by 60 percent, to maintain the level of funding for these FFRDC's at the level set is not correct, and to allow these FFRDC's to set their salaries at levels far beyond the compensation schedule for Federal employees, to me, is wrong.

About 95 percent of the money these FFRDC's spend is taxpayers' money directly. I do not see any reason why we should allow the establishment of a system whereby Federal money is paid through an FFRDC to compensate people far beyond what they could receive if they were working within one of the agencies.

This amendment is for that purpose. It is to limit the total compensation for any officer or employee of FFRDC's to the executive level 1. Currently that is about \$148,000, Mr. President, more than the compensation of Members of the House and Senate. I see no reason why we should have people being compensated in excess of that level.

By a report that has been circulated rather extensively, pay in these areas is routinely in excess of \$200,000 and there are some even farther beyond that. As a matter of fact, several of these people are paid far in excess of the amount that we pay the President of the United States.

They are not just quasi-governmental, they are governmental. Primarily 95 cents on the dollar is taxpayer money.

Under those circumstances we should send the word to them that they are limited by the same schedule that applies to all people who are spending Federal taxpayers' money.

I have the full statement in the RECORD. That is the intent and purpose of this amendment.

I am aware this will cause a little consternation out there. I want to say to my good friend from Georgia, and I know Senator WARNER is going to be involved in this, and Senator THURMOND, when you get to conference I will understand and we all understand there has to be some fine-tuning of this

amendment. I do hope the Senate will maintain its position that the limitations on the compensation follow the Federal taxpayers' dollar.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, there will be some consternation on this amendment. There is some uneasiness by some Senators on this, I think, on both sides of the aisle, because the original concept of these laboratories was to remove them somewhat from Government and thereby have their salaries more competitive with the free enterprise system rather than governmental.

It is very difficult, if not impossible, to justify some of the salaries that are being paid. For that reason, I think the Senator from Alaska makes a valid point.

I urge the adoption of the amendment. We may hear more about this before the conference, and I am sure the Senator from Alaska will be willing to listen to reason on this from people who may be concerned on both sides of the aisle.

So I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Indiana.

Mr. COATS. Mr. President, it is my understanding that a Senator on our side wishes to speak on this amendment, and has been notified and is on his way. So I do not believe we are ready to move to adoption of the amendment at this particular time. The same reservations that were expressed by the Senator from Georgia are apparently held by the Senator from Virginia, and he wants to come and address that issue.

Mr. President, the latest flash from the front indicates that it would be acceptable to go ahead and accept the amendment at this particular time, with the reservation expressed by the Senator from Alaska and the Senator from Georgia that there is some controversy regarding this but it is something that can be resolved during the conference on this.

With that we can go ahead.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1850) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1841

Mr. HATFIELD. Mr. President, I am deeply appreciative of the concerns raised by my colleague, Senator FEINGOLD, who sought to delay funding for the Navy CVN-76 *Nimitz*-class carrier. Like him, I believe that defense

spending remains too high and that every military activity must be submitted to evaluation.

While I agree with the goal of reduced military spending and have spent my time in the Senate working for budget reductions, I respectfully disagreed with my colleague that delaying the aircraft carrier is in the best interest of the taxpayer.

As the ranking Republican on the Senate Appropriations Committee, I must evaluate Senator FEINGOLD's amendment in terms of funding as well. The Appropriations Committee has provided procurement funding for the CVN-76 for fiscal years 1993 and 1994. The Navy reported to Congress that the shipyard constructing this carrier states that a 1-year delay in the funding adds \$400-\$500 million to the cost, due to the necessity to reconstitute skills, facilities, and suppliers.

If I had more confidence that the carrier fleet would be reduced then I would have been sympathetic to Senator FEINGOLD's arguments. The decision to maintain a 12-carrier fleet, however, has been extensively considered. It has been determined that aircraft carriers are and will continue to be a valuable tool in our defense activities. Carrier task forces have proven themselves invaluable during times of war and also have served as a deterrent to hostilities.

Based upon the findings of the bottom-up review and continued support for the CVN-76 in Congress, I have concluded that a reduction in the carrier fleet is unlikely. Therefore, I believe it is incumbent that Congress achieve the greatest savings possible. For this reason I voted to continue funding the procurement of the CVN-76.

Mr. President, the Senate Armed Services Committee in its fiscal year 1995 authorization bill has included a provision which will strengthen oversight on nuclear weapons activities.

The provision, which was originally proposed in the House by Congresswoman ELIZABETH FURSE, assures that the Nation's nuclear weapons laboratories are receiving appropriate approval of nuclear weapons activities. As Congresswoman FURSE describes it, this provision puts sunshine on warhead activities.

This provision is a step forward in our effort to reduce our nuclear weapons activities. Although the Congress ended underground nuclear weapons testing nearly 2 years ago, I remain concerned that there does not exist a consensus on our weapons policy. Furthermore, because nuclear weapons activities undertaken by our Nation could have ramifications in our continuing efforts to achieve a Comprehensive Test Ban Treaty and the renewal of the Nuclear Non-Proliferation Treaty, I believe it is important that all nuclear weapons activities be approved by the Joint Nuclear Weapons Council.

In addition, I welcome the requirement that the Joint Nuclear Weapons Council provide a report to Congress annually. As the ranking Republican on the Subcommittee on Energy and Water Development, I believe this report will be valuable.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

#### HEALTH CARE

Mr. COATS. Mr. President, this morning's Washington Post feature story is headlined, "Health Bill Cleared for Floor Votes."

In a victory for the President, the House Education and Labor Committee approved a modified Clinton health bill yesterday that provides health insurance for all Americans and compels employers to pay 80 percent of the premiums for their workers.

"Today . . . for the first time ever, a committee in each House of Congress has reported a bill that guarantees universal coverage," President Clinton said, referring to a similar bill passed by the Senate Labor and Human Resources Committee 3 weeks ago.

Mr. President, at least according to the Washington Post, and at least according to the President of the United States and some others, the Clinton health plan is moving forward. Two committees now, one in the House and one in the Senate, have reported bills that are based on the same framework and very similar to what the President proposed in his Health Security Act. It was passed, admittedly, by two committees that are not deemed to have primary jurisdiction over health care, but it is touted on a front page article here today as a very important step forward for the President's health care bill.

I serve on the Senate Labor and Human Resources Committee. We spent three weeks analyzing, debating, and finally passing that bill. I did not support the passage of that bill, but it was passed by a pretty much partly line vote, with one exception.

I think it is fair to say that the bill that passed both the Senate Labor Committee and the House Education and Labor Committee represents the largest Government social experiment ever undertaken in this country. If passed and enacted into law, the Presi-

dent's plan, or something similar to the President's plan, will enact into law a sweeping new category of Government entitlements that far surpasses anything undertaken in the history of the United States.

I think it is ironic that this health care debate comes at a time when most now agree that the last great social experiment—welfare—has been a dismal failure. After 30 years and hundreds of billions of dollars, if not trillions of dollars, of Government expenditures, after all the planning and expertise this Congress and this Government could muster, our welfare system is a monument to failure. It is proof that programs can mean well and fail utterly. It is evidence that our best intentions can be transformed into an assault on human dignity.

Welfare, we were promised, will liberate us from want. Instead, we have seen children, so-called liberated children, "liberated" from the care of their parents; we have seen women "liberated" into dependence and destitution; whole communities "liberated" from order and hope.

And now, just at this moment, just at the moment when the conclusion, I think, on an almost universal basis—liberals, conservatives, people in between—just at this moment when we are concluding that this last great Government social experiment, designed and offered with all kinds of compassion and all kinds of hope, just when this is now being declared a dismal, miserable failure, just at this moment we are told the Government must now extend its reach into the lives of every American, determining their health care needs, controlling their health care costs, and making their health care choices.

We are sure that a health care utopia is just one law away, and the Washington Post this morning reports that that law is on a pretty fast track.

I think the question we have to ask is, where does this confidence come from? Where does this confidence that Government can, through social engineering, plan and dictate and lay out the solution to a problem that exists, one that affects every individual in this country, one that affects one-seventh of our economy?

Just a few weeks ago, I returned from a visit with members of the Armed Services Committee to Moscow. Our opening sessions were in a building that stands as a monument to the social, cultural, and economic failure that exists today in Russia.

I asked, as we walked in, "What building are we in?" They said, "This is the Office of Central Planning."

This was the building, this was the office, where, for decades, Government centrally planned the lives of nearly 200 million Russians and centrally planned the lives of all those other hundreds of millions that came under

the Soviet's sphere. What a dismal failure, that central planning; assembling the best minds of Government, assembling the best expertise they could, and saying: We can, by ourselves, within the confines of this building, make decisions for all of our people in a rational way that will provide an economic utopia. Instead, it has provided them economic failure.

Now, the details of the health care debate are important, but I want to begin back at the beginning because I question the assumption that Government knows best. I question it on the basis of three decades of costly experience. I question it because there have been many, many casualties to our compassion.

I could spend all afternoon here listing the problems I have with the Kennedy-Clinton health care bill. Instead, let me focus on a few key areas of concern.

The first is the bureaucracy that this bill will create. When President Clinton first introduced his health care plan, he listed "simplification" as one of his six goals. Despite that goal, it is clear that the President's Health Security Act, all 1,330 pages of fine print, and the Kennedy bill, which is essentially the Clinton Health Security Act with some modifications, both those efforts are bureaucratic nightmares.

They are based on the assumption that Government is more efficient than the private sector. Yet, anyone who has dealt with any Government agency knows this assumption is false.

One need only spend a short amount of time at the Department of Motor Vehicles or the Post Office to understand the absurdity of the assumption that Government can deliver services more efficiently and more effectively than the private sector.

We were promised simplification by the President. Yet, the Clinton bill and the Kennedy bill create a national health care bureaucracy supported by 20 new Federal agencies and commissions—not 1, but 20.

Let me detail some of these on this chart.

New Federal bureaucracies, outlined under the Clinton health care plan and framework, adopted now by the Senate Labor Committee and by the House Education and Labor Committee include:

A national health board with more than 240 new powers. I will outline some of them in a moment.

It includes:

A new National Center for Consumer Advocacy; a National Practitioner Data Bank; a Federal Aid Violation Reform Group; Home and Community-Based Services for People with Disabilities; a Long-Term Care Advisory Committee; Long-Term Care Screening Councils; National Council on Graduate Medical Education; the National Council on Graduate Nurse Education;

the National Institute on Health Care Workforce Development; Healthy Students/Healthy Schools Task Force; a National Quality Council; National Health Information System; National Privacy and Health Data Council; Commission on the Integration of Health Benefits; the Federal Mediation and Conciliation Service/Health Care Board of Inquiry; Federal Health Plan Review Board; the Advisory Commission on Regional Variations in Health Expenditures; Physicians Payment Review Commission; Prospective Payment Assessment Commission; and the National Transitional Health Insurance Risk Pool.

These are the new Federal agencies and commissions that will be created under the Clinton health care—Clinton-Kennedy health care plan.

Each one of those agencies will require a building here in Washington. Each one will require probably hundreds of employees. Each one will require a vast new bureaucratic set of decisionmaking that affects every aspect of our health care system.

This is not the granddaddy of all the new boards. The granddaddy is the National Health Board. The National Health Board is a Board that is going to be an all-knowing, all-powerful nine-member Board whose collective wisdom is supposed to replace that of 250 million Americans, whose influence is being equated to that of the Supreme Court.

The powers of this Board are so vast that it is not inconceivable that individuals would be seeking appointments to the National Health Board and turning down opportunities to serve on the Supreme Court. That may be an exaggeration, but when you look at the powers that flow to the nine-member National Health Board, they are staggering. We have gone through the bill and identified nearly 250 powers. I cannot get them all—I would have to stretch boards all the way across for anybody to read these. I put 140 of them on these two boards here.

I will spare those watching and those listening from reading down through the powers of the new National Health Board. But I ask individuals to look at these. We had to put them in small print in order to get half—roughly three-fifths of them on the boards that are displayed here for the Senate Gallery in the Senate Chamber.

Each one of these powers is going to require an office headed by a director who will hire staff who will hire outside consultants who will branch out and develop their own little bureaucracy in order to fulfill the decisions and the power making that the Board has.

The National Board will determine what is medically necessary with respect to the comprehensive benefits package. I will talk about that in a moment. But for each medical service,

and each prescription drug, and each procedure that is performed in a hospital and each procedure performed in a doctor's office that will have to be reimbursed—for every medical procedure this Board will have the power to determine whether or not it is medically necessary.

How many individuals are going to have to be hired to determine whether or not a particular procedure is medically necessary? And how many exceptions will there be to the rule of individuals who submit a particular, unique case only to have the Board say we do not believe that is medically necessary. That is one result. The other will be a vast bureaucracy, paperwork procedure, investigative procedure to render a decision whether or not that exception ought to be granted.

The National Board—instead of being a decision made between patient and doctor, the National Health Board will now determine what services and tests will be deemed medically necessary. The National Health Board will have the authority to expand or reduce the standard benefit package.

Can you imagine the individuals lining up outside the National Health Board to plead their case that their particular service—which is not yet covered under the Government comprehensive benefits package, guaranteed rights package, and therefore reimbursed—ought to be included in the package? Can you imagine the political pressure on Members of Congress saying "We are not in. Let us make our case." Can you imagine the response of Members of Congress? We will be standing here on the Senate floor arguing for including benefits that the National Health Board might not have considered or deemed medically necessary.

The National Health Board will have the authority to terminate a non-complying State system. We are going to have to review the systems for all 50 States to make sure they are in compliance. This means the National Health Board will direct the Secretary of Health and Human Services to take over a State health care system and it empowers the Secretary of the Treasury to impose a payroll tax on all workers and businesses in that State.

In other words, if a State is deemed by the Secretary or by the Board to be noncomplying for one reason or another, not meeting the test, not meeting all the Federal qualifications, the Secretary of Health and Human Services has the power to take over the role of the State and the Secretary of the Treasury has the power to impose a tax on the workers and businesses in that State because the revenues did not match the expenditures.

The National Health Board will establish by regulation additional classifications of so-called permanent resident aliens and prisoners. This will give the National Board the authority

to define population classifications currently under the jurisdiction of the Attorney General.

The National Health Board would establish such rules as may be necessary to carry out the act. Talk about a broad power, talk about a vague power—you have the power to establish such rules as may be necessary to carry out the act? This act governs one-seventh of the entire U.S. economy and this provision basically gives the National Health Board carte blanche to create any new rules it deems necessary to carry out the act or to manage one-seventh of the U.S. economy.

I saw the results firsthand. We have witnessed the results through the media, of what central planning has done for the Soviet Union and former States of the Soviet Union. Now we are going to give a national board, a central planning agency here in Washington, the decisionmaking power to control one-seventh of our economy.

I have just given 5 examples of the more than 250 examples of authority granted to the National Health Board under the Clinton plan and the Kennedy bill. The American people do want us to improve our current health care system. But what they do not want us to do is to improve it by supplanting it with a Government-run system.

I mentioned earlier I would talk about the standard benefits package because another problem with the bills that passed both the Education and Labor Committee, and the Senate Committee, is that Federal bureaucrats or Members of Congress will be the ones to determine what fits in the "one size fits all" package of benefits.

First of all, we are going to determine that a defined package of benefits is going to be available to all Americans regardless of whether or not they need them, regardless of age or family composition, illness, predisposition. "One size package fits all" and we are going to decide what fits in that one size package regardless of individual health care needs.

If Congress were to legislate such a package, you can be sure that future Congresses will expand it. Congress does not have a happy history of knowing when to draw the line and knowing when to say no. We are very good at saying yes. We are very poor at saying no.

Over the past year and a half or so all of us have been visited by representatives of various health provider groups. Each of them makes a very compelling case that their benefit must be included in the Government-mandated package. Some of them have been successful. The bill that was passed out of the Senate Committee expands the already generous package of benefits that the President proposed, which, as the Health and Human Services Secretary said, is a Fortune 500 company-plus package of benefits. It takes the

very best insurance coverage in America and it adds to it. That is in the President's plan as described by his Health and Human Services Secretary. And then the plan that Senator KENNEDY offered took that as its base and added a whole package of additional benefits.

That package was calculated to cost an additional \$32 billion over what the President's package has cost.

Last month, the House Education and Labor Subcommittee approved an amendment to extend preventive and diagnostic dental coverage to adults on the date of enactment rather than waiting, as the President had proposed, until the year 2001. This benefit alone will add an additional \$7 billion annually to the cost of the benefits package.

The Senate package increased coverage for women, children, people with disabilities, low-income while substantially increasing benefits for mental health and substance abuse. Later in the day the House committee that added the dental benefits adopted an amendment to add coverage of smoking cessation classes for pregnant women. All Americans—male, female, pregnant or not—will pay for those classes. Are these benefits worthwhile? Yes, some of them are, maybe all of them are. But so are countless other benefits that are excluded currently from the bill. And the question is not whether or not a particular benefit is a valid benefit, even a medically necessary benefit or a worthwhile benefit. The question is whether or not that benefit should be included in the package, how much it is going to cost, who is going to pay for it, and who decides which benefits Americans are to receive?

Under the Kennedy-Clinton bill, Congress and the National Health Board would decide which benefits Americans receive, which medical tests are appropriate, which treatments are medically necessary.

Under our current health care system, for all its flaws—and I do not claim it to be perfect—these decisions are made by market forces. The field of medicine is always changing. New tests supersede old ones, new treatments render old treatments obsolete and the market responds to these innovations. But under the Clinton bill and under the Kennedy bill, innovation would respond not to the market, not to demand and supply but to the Congress and the National Health Board.

Before a new test could become readily available to patients, a huge health care bureaucracy would have to meet to hammer out new rules and new regulations, advisory boards would convene, congressional committees would hold hearings and Federal departments and agencies would undertake studies. Meanwhile, the patient sits and waits and waits for the bureaucracy to approve a treatment on which his or her life may depend.

Health reform will work only if it spurs innovation. Such innovation not only saves lives but it can actually reduce health care spending. Our market-based system has helped produced thousands of innovations that has improved health care quality while curbing health care costs.

For example, a new drug called Capoten is now being used to treat patients with diabetic nephropathy. The use of the drug could reduce health care spending by \$2.4 billion over 10 years by keeping these patients from needing dialysis.

A sophisticated device known as the Pet scanner can cost several million dollars, but it provides physicians with information that can sometimes prevent open heart surgery which costs roughly \$30,000 to \$50,000 per surgery. And it could prevent a painful test for epilepsy that often costs more than \$20,000 per test.

The average cost of coronary artery surgery is \$41,000, but the annual cost to treat coronary artery disease with drug therapy is only \$1,000.

These are decisions that the National Health Board and that Congress is going to have to decide. I suggest to you that that decision will not be made on a rational cost-benefit basis or what we can afford or what the need is. It will be made on a political basis. There will be constituencies advocating support for a particular test or a particular procedure over the other, and we will be arguing in this body, or the National Health Board will be under the pressure, to make determinations to satisfy political concerns rather than allowing the market to work as it should and as it must in order to provide us with these innovations and provide patients with a choice.

Market-spur innovation: Bureaucracy strangles innovation in a web of redTape. The Kennedy-Clinton bill puts medical innovation and the quality of care that Americans have enjoyed for so long at the mercy of bureaucracy, and anyone who has had experience with the Federal bureaucracy understands what it is like to be at the mercy of the bureaucracy.

Mr. President, let us talk a little bit about costs, because one of the concerns that we need to talk about and one of the greatest concerns with the Clinton-Kennedy bill is the fact that no one has any idea how much this is going to cost.

Oh, it is wonderful to play Santa Claus. It is wonderful to go back home and say, "You want these benefits? Sure, you can have these benefits; you're entitled to these benefits. These are great new ideas, new treatments. Let's include everybody."

It is tough to stand here and say, "But how much does it cost and who is going to pay for it?"

The fundamental question of the Clinton-Kennedy health care proposal

is how much does it cost and who is going to pay for it. That question has not been answered by the White House, it has not been answered by Senator KENNEDY, it has not been answered by the Congress which loves to give benefits but hates to tell anybody how much it costs.

In that regard, I sat in the House Chamber the night the President said, and when we present our plan, we are going to present it with the costs as determined by the Congressional Budget Office, no more of this politically motivated and phony stuff coming out of the White House, we are not going to rely on the Office of Management and Budget, we are going to rely on the independent Congressional Budget Office.

Some doubt the independence of the Congressional Budget Office, but the President said at the very least we are going to rely on that.

Ordinarily, the Congressional Budget Office provides Congress with estimates of the costs of legislation before we vote on a bill. What household in America, what company in America would implement a new program without knowing how much it costs? It would be irresponsible.

On May 13, however, I received a letter from the Director of the Congressional Budget Office, Robert Reischauer, indicating that the Congressional Budget Office has not made any prepared estimates of the cost of the bill which the Senate Labor Committee, Senator KENNEDY's committee, was going to mark up. I have blown it up for those who are watching.

May 13, 1994, written to me:

DEAR SENATOR: The Congressional Budget Office has received your letter requesting CBO's estimates and analysis of the chairman's health reform mark released by the Committee on Labor and Human Resources on May 9. CBO does not have detailed specifications or draft legislative language for the proposal and has not prepared any cost estimate or analysis. Therefore, please understand that we will be unable to answer your inquiry within the time you requested.

ROBERT REISCHAUER,

Director.

With a copy to Senator KENNEDY, who is chairman of that committee.

Despite that, despite the Coats amendment which says we should not report out this bill and send it to the Senate floor until we at least know how much it is going to cost—how can we vote on a bill in good conscience and say, "Move it along. We don't know how much it is going to cost. We'll worry about that later?" Does that sound familiar? How many entitlements, how many benefits, how many programs has Congress enacted and said, "We'll figure out the costs later; we'll pay it later." We now have a \$4.6 trillion debt because we said we will not pay as we go, we will pay it later. It jeopardizes our economy and jeopardizes the future of every American, and it certainly imposes a debt

load on the shoulder of our children and grandchildren that is unconscionable.

Yet, here we go with the largest single expansion of Government in the history of this country and the Director of the Congressional Budget Office says, "I can't tell you how much it costs," and our committee says, "Well, we're going to go ahead anyway, we'll worry about the cost later."

We are told we have some of this information from the Congressional Research Service. So I wrote the Congressional Research Service: We have not had an opportunity to evaluate the bill, and we do not have the costs.

Then we are told, well, look to the Office of Management and Budget. That is the group the President derided in his speech to the Congress and said you cannot trust those guys. But someone said they have the answers.

So I wrote them and I got their letter back. They said:

\*\*\* we did not provide the staff with a full cost analysis of all the features of the proposal.

So the three entities in this city that are designed for the purpose of telling us how much something is going to cost all have said we do not know how much it is going to cost, we have not had time to study it so, consequently, we cannot begin to give you the results.

What do the three letters mean? It means, once again, Congress is acting irresponsibly. They mean we are promising people benefits whose costs we do not know, benefits we plan to pay for with probably new taxes or with severe cuts in Medicare and Medicaid that I do not think this Congress is prepared to make or will make.

Despite the fact that the chairman does not know how much the bill will cost, I was told in committee time and time again cost is a mere technical detail; we will worry about it sometime in the future.

With the staggering deficits staring us in the face, with ballooning Federal programs, with decades of runaway entitlement spending as a guide, I am appalled that the Congress is proceeding so irresponsibly. We need to be honest with the American people about the costs of the promises that the Congress is making.

If anyone doubts that Congress has acted irresponsibly, let me just give you the record on a few of our existing health care programs. Between 1984 and 1990, the Congress approved 24 new initiatives that substantially increased Medicaid spending. A study by the Health Care Finance Administration estimates that congressional expansion of the program—not health care inflation—accounted for more than half of the exploding Medicaid costs of the 1980's.

Do you see the circular logic here? The President of the United States and

the First Lady of the United States and the administration say we have to have health care reform written along our lines because the costs are exploding and we have to do this to control the costs. And yet the administration's own health care agency, the Health Care Finance Administration, says more than half of those exploding costs are because Congress has added benefits to the program.

And so Government is adding benefits, on the one hand, which drive up the costs and, on the other hand, they are saying we have to hold down the costs when we are our own worst enemy.

I doubt any more than a few Americans believe that Congress has a strong record for fiscal responsibility. And that skepticism is well placed. Even Senator KERREY commented not too long ago, "It's hard to make the case our Government can be trusted with a new entitlement program when we've let the old ones get so far out of control."

A perfect example is the Medicare Program. When Medicare was enacted in 1965, it was projected—someone stood up in Congress and said, should we not know how much this is going to cost the taxpayers? So they did a study, and they came back and reported the figures. It is in the CONGRESSIONAL RECORD; it was stated and printed. If Medicare was enacted in 1965, by 1990 it was going to cost the taxpayers \$9 billion a year.

Congress weighed those numbers and said, well, that is a lot of money, but that is way out in 1990; we will be able to afford it by then.

What were the actual expenditures? The actual expenditures were \$107 billion in 1990—not the \$9 billion Congress had projected. So even if these agencies gave us what they thought the health care plan would cost, does anyone think that after 5 years or 10 years or 20 years of Congress and the National Health Board capitulating to the demands of people and interest groups to expand we would be able to come in at the costs they suggested?

Now, the ones they have preliminarily estimated are bad enough. The President vastly underestimated the impact on the deficit with his original program.

But when we look at the examples of what has happened in the past, where a program that was estimated to cost \$9 billion a year actually cost \$107 billion, that ought to stagger us and give us more than pause. It ought to put a big red light up to say, wait a minute, do we really know what we are doing?

Way back in 1936, when we started the Social Security Program, the Social Security Board said, "12 years from now"—they actually printed this up and sent it out in a brochure to every American—"you and your employer will each pay 3 cents on each dollar you earn up to \$3,000 a year."

And this is the kicker. "That is the most you will ever have to pay," said the Social Security Board.

Social Security was originally financed with a 1 percent payroll tax. The Government said 1 percent. That is all you have to pay. The Clinton administration on health care, small business individuals, just a small, little percent. Well, if what happened to Social Security will happen to health care, I think it is going to be a staggering cost because today a self-employed person pays 15 percent of payroll, not the 1 percent the Social Security Board said "that is all you will ever have to pay." Today it is 15 percent. And while the Social Security Program began with only a payroll tax of 1 percent, Senator KENNEDY in his bill is proposing over 19 new taxes and tax increases to finance his health care bill, and these new taxes add up to a heck of a lot more than 1 percent of payroll.

I am putting up on the board now the new taxes under the plan passed by the Senate committee that the Washington Post this morning says is headed for a floor vote.

The chart lists 19 new taxes. Let me just read a few of them: A tax on employers of up to 12 percent of payroll—not 1 percent, 12 percent; a tax on employees of up to 3.9 percent of payroll, a 2-percent payroll tax on small employers who do not participate in the program; a 2.5-percent administrative expense allowance on premiums, a 1-percent surtax on all health care premiums, a \$1.25 increase on cigarette taxes.

These are just some of the 19 new taxes employed in the President's bill and the Kennedy bill. These taxes I suggest will decrease wages, eliminate jobs, and strangle research and development. But the one thing we know from experience is that they will not fully pay for the promised benefits, and this Congress will be back here saying, now, we just have to bump this up a couple percent, or we just have to add this because we are short.

We do that on a regular basis here, and the American people are getting taxed to death. When you add up Federal and State and local and excise and personal property and sales tax and all the other taxes—gasoline tax and airplane fuel tax and airport fees and all the other taxes—it is also said that individuals just pay a small percent of their income in taxes. The accumulated nature of taxes is such that we are now working well into May of every year just to cover taxes before we start earning anything for ourselves.

This Congress is renowned for overpromising and underfunding programs. But Americans are tired of Congress making promises it cannot keep. The President tells us we are going to have a lavish package of benefits, but the taxes he has proposed will not be nearly enough to pay for them. And we do

not even hear about how those benefits are going to be paid for. All we hear about is there is going to be an increase in cigarette taxes. So we are going to pay for new entitlements, we are going to pay for a comprehensive benefit package for every American, we are going to pay for a bureaucracy that—I cannot even post on the boards in small print because it will not fit—we are going to pay for by just charging everybody a little bit more on their cigarettes.

Madam President, let me talk just a minute about rationing. Rationing is not a word that we look upon kindly as an American public, but it is an underlying reality of the health care plan the President has proposed and the Senate has proposed through Senator KENNEDY's bill. Every State-sponsored health cooperative will have a budget established in Washington that is maintained by putting caps on insurance premiums. Those premiums eventually set the price of everything else in the system from tongue depressors to brain surgery. When prices are kept artificially low to meet a federally mandated budget, demand for health services chases a dwindling supply. The results are shortages and those shortages result in a rationing of care.

So we come to the reality of rationing, and rationing simply means that somebody loses. In England, for cost reasons, they deny kidney dialysis to anyone older than the age of 55. And so each year 1,500 patients in Great Britain die from treatable kidney ailments. In Canada, medical treatment is rationed with long waits—4 months for bypass surgery, 4 years for a cornea transplant. And while Canada was celebrating the Christmas season, the nation's hospitals closed their doors due to a lack of funds because it was near the end of the year. The rationing that results from Government price controls creates a health system that works well for everyone except the sick.

And so when rationing begins to occur, the inevitable pressure will come: Well, we cannot take this rationing; that is not what we are used to as Americans in health care, and so we are going to have to pick up some additional revenue and that means an increase in taxes.

Let us talk about quality of care. Under the bills that are being proposed, Federal bureaucrats will decide whether expensive technology should be used on the elderly. How about on premature babies with a slim chance of recovery? Who is going to make that decision? Are Government agencies really prepared to draw ethical lines on who gets treatment?

Under the administration's proposals, your choice of a doctor will be severely limited. More than likely, you will be forced into a managed-care situation. Under the Kennedy bill if passed, Federal bureaucrats and nu-

merous others will have broad access to your private medical records. Under that bill, Federal bureaucrats will determine how many specialists there will be and in what field doctors will practice. The bottom line is that the Kennedy bill will radically change the way Americans receive their health care.

Mr. President, there is much more I could say about this. We have a massive notebook detailing page after page after page the proposals, the benefits, the costs, the bureaucracy, the new commissions, the new boards, the new responsibilities, the new powers.

It goes on and on. I could spend the afternoon and the evening detailing the fine print. "The Devil is in the details." It sounds wonderful for the President to stand up and say we want a simpler system, one that gives every American the right to medicine. The details are going to kill the health care system as we know it. They are going to deny choice. They are going to result in a massive new bureaucracy, expansive new taxes, and I think rationed care and the diminution of the quality of care that we have come to expect in this country.

We have much to lose because we have a health care system that is the world's envy. It is not perfect, and it can be improved. We can improve our current system. But I do not have any faith that it can be replaced by the plans of a Government that has proven its incompetence in social engineering. People, real individuals, suffer from the Federal Government's good intentions.

Humility learned from three decades of failed social experimentation is a demand of our recent history, and that is where our debate should begin. We can provide reforms to our health care system, reforms that we can agree on, reforms that can work in the marketplace, that can be implemented and tested and modified, if necessary. But we do not need to reinvent the whole system. We do not need a centrally planned system to fundamentally change the way health care is delivered to Americans.

I cannot endorse a proposal that adds layers of bureaucratic Government rules and regulations, more taxes on American families and businesses, and particularly legislation that adds many new Federal entitlements without first understanding the cost.

The President's proposal, as embodied in the Kennedy proposal, is ambitious but deeply flawed. It tries to swim against the tide of market forces, but the market is never cheated for long. Instead of price controls, rationing, and taxes, we need to examine reforms that use markets, not destroy them. That would be a healthier approach in every sense of the word.

Much is at stake. We are coming to the decision point of the health care

debate. The next few weeks will be times of making determinations that will affect the lives of every American citizen. Americans need to understand what is in this health care proposal. We need to understand what the Congress is doing and imposing on them. If we will listen, if we will provide them with the information and listen to their response, I am convinced we will reject a Government plan, a one-size-fits-all, a centrally directed plan devised by the White House that reinvents the entire health care system, saying that the whole thing is rotten; throw it out; start all over; Government can do it better.

We will reject that approach, and we will proceed with sensible reforms that can bring more competition through the market, and provide and maintain the quality of health care for Americans that is the envy of the world.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Utah.

Mr. HATCH. Mr. President, I want to compliment my colleague from Indiana. I listened to much of what he has said. He has outlined, I think, some of the problems in the current health care debate as well as anyone, and I think the charts have really shown why what he is saying is so true. I think the American people are sick and tired of the prospects of Government-run health care.

I want to compliment him because he played a very significant role in the Labor and Human Resources Committee, and I think certainly made a very cogent number of statements here today.

(The remarks of Mr. HATCH pertaining to the introduction of S. 2240 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. Mr. President, I notice my friend and colleague from Nebraska is about to speak.

I yield the floor.

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

The Senate continued with the consideration of the bill.

Mr. EXON. Mr. President, will the Chair advise the Senator from Nebraska as to what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 1852 in the second degree to amendment No. 1851.

Mr. EXON. That is under the Defense authorization bill?

The PRESIDING OFFICER. That is correct.

Mr. EXON. Mr. President, I welcome this opportunity to describe in more detail some of the programmatic decisions and guidance contained in S. 2182,

which Chairman NUNN briefly highlighted earlier. The Subcommittee on Nuclear Deterrence, Arms Control, and Defense Intelligence, which I chair, encompasses a number of important Defense programs. Our subcommittee held 10 separate hearings on various defense issues prior to markup, and, on countless occasions, both members of the committee and the committee staff met with, were briefed by, or requested written information from Defense officials during the weeks preceding the committee's markup.

In the next few minutes, I want to outline for Members some of the major decisions taken by my subcommittee, decisions which have been ratified by the full committee, and are contained in the bill and report before the Senate today. Let me begin by covering the committee's action in two areas that have traditionally attracted considerable attention from Members—ballistic missile defenses, and heavy bombers.

In the areas of ballistic missile defenses [BMD], the subcommittee and full committee continued the new directions established during last year's conference. Chief among them were the need for the National Missile Defense Program to demonstrate a plan that would reduce the lead time to deployment of a thin, limited defense of the continental United States. The Congress mandated this because of the concern that we might suddenly discover that we do not have 10 or 12 years to develop a national missile defense [NMD]. The intelligence community's record for providing warning of developments a decade or more in advance is spotty, to say the least.

We also wanted to ensure that most of the BMD funding was directly concentrated on the half-dozen or so Theater Missile Defense [TMD] systems and components that comprise our near-term defense against the existing, relatively short-range missile threat—mostly Scuds and derivatives of Scuds. We have been telling the Ballistic Missile Defense Organization [BMDO] and the Secretary of Defense for several years to move the remnants of the old star wars—namely, research on high energy lasers, particle beams, and schemes like Brilliant Pebbles—out of BMDO and back into the tech base.

Let me now describe how the committee bill emphasizes this guidance. BMDO asked for \$3.25 billion in funding, of which only \$2.18 billion was allocated to the mainstream NMD and TMD programs. That meant that over \$1 billion of the request was still programmed for technology explorations, management, and supporting research activities. The committee properly regarded that as an unacceptable reflection of its guidance. Therefore, the committee transferred \$170 million in specific programs from BMDO to other service or agency managers, and reduced the overall BMDO request by an

additional \$251 million. This results in total BMD funding of \$2.8 billion, a reduction of \$421 million from the request. However, of the \$2.8 billion, no less than \$2.1 billion is directed to the high-priority NMD and TMD programs—the real defenses that Congress is seeking. The committee reduced the follow-on technologies request by \$139 million, cut BMDO's management request by \$70 million, and cut the research and support activities by \$100 million.

The NMD program was reoriented, by directing BMDO to abandon its proposed technology readiness program in favor of an effort to build upon the successful technology demonstrations already achieved in the ERIS and LEAP programs. The objective is to build on this base, and to demonstrate on end-to-end intercept capability against strategic reentry vehicles at the earliest possible date consistent with an NDM funding level of \$400-\$500 million per year, which appears to be about all that will be made available during the future year defense program [FYDP].

In the TMD area, the committee bill fully funds all the mainstream TMD programs—patriot PAC-3, including ERINT; THAAD; the Navy Lower-Tier program; the GBR-T radar from PAC-3 and THAAD; the necessary battle management and C-CUBED; and the ongoing Hawk upgrades. The committee also fully funded the request for the three candidates TMD follow-ons—the Army's Corps SAM, the Navy's Upper Tier program, and the Air Force's Boost Phase Intercept program. Finally, the committee bill provides an additional \$75 million in risk-reduction funds, which can be used either within the PAC-3 program, or to accelerate progress on the three TMD follow-ons, which appear collectively to be somewhat underfunded.

The committee bill also requires the Department of Defense [DOD] to do the brilliant eyes compliance report again, as their first effort is unsatisfactory, and the committee provides its views on the urgency it attaches to early THAAD flight tests.

I believe the results of the committee's actions are to produce a lean and mean Ballistic Missile Defense program one keenly focused on early deployment of effective missile defenses.

Mr. President, in the bomber area, the committee found the administration's message confused and inconsistent, as Senator NUNN has already noted. DOD's budget plan, to maintain only 100 nonstealthy bombers in fiscal year 1995 and eventually reduce that further down to 80 nonstealthy bombers in the outyears, is at variance with no less than their own Bottom-Up Review, the Air Force's earlier bomber roadmap plan, and at least four other independent studies confirmed our concerns. A classified briefing to the committee by DOD and Joint Chiefs of

Staff [JCS] witnesses on the Bottom-Up Review analysis was painfully inept. It provided no quantitative analysis of bomber requirements, and the only reason this Senator could find for its classification appeared to be to avoid embarrassing its authors.

The committee has great skepticism about the proposed DOD bomber plan, which, frankly, appears to be budget-driven rather than requirement-driven. Since there are several important activities like the administration's nuclear posture review and the independent roles and missions commission deliberations that are currently under way, the committee determined that it was not in a position to resolve future bomber force structure and bomber weapons issues in this bill. Accordingly, and because of that dilemma, the committee has acted to keep all options open for at least a year—by prohibiting DOD from sending any bombers to the scrapyard, by directing them to plan to install conventional weapons upgrades on all bombers to be retained, by preserving the bomber industrial base for a year, and by acquiring interim precision weapons over the next 2 years for whatever mix of bombers emerges as the preferred force structure. The committee bill also sets in motion several new analyses on various aspects of the bomber issue, to ensure that the committee and the Congress, and hopefully DOD itself, will have adequate information by this time next year to take definitive actions. Mr. President, now let me turn to some other highlights in the strategic area. I recommended strongly, and recommend strongly in the committee, and I recommend strongly today on the floor of the Senate that the Milstar satellite program be continued but that it be transferred from the Air Force to the Navy. Three years ago, the Armed Services Committee decided to terminate the Milstar program unless the Department of Defense drastically restructured the program to: First, remove unneeded features designed for fighting a prolonged nuclear war; second, increase the satellite's capabilities to support our tactical, conventional forces; and third, reduce total program costs substantially.

The Secretary of Defense accepted the committee's position and restructured the Milstar program accordingly. While meeting the need for assured communications to our strategic forces, Milstar is now primarily a tactical program, providing high-volume communications to our tactical field commanders that cannot be jammed and that are difficult to intercept.

One outcome of the restructure of Milstar was to drop plans to place Milstar terminals on all our strategic bombers. At that point, the Air Force began to lose interest in the program. The Air Force operates from bases that are generally far removed from the

front lines of battle. Air Force bases from which our tactical fighters would operate in wartime therefore enjoy a kind of sanctuary and do not face a jamming threat to their communications. The Air Force has, therefore, concluded that it does not need the capabilities that Milstar now provides.

It is very different for our ground and naval forces, which must operate right up against the enemy, and frequently do. These are the tactical forces that will benefit from the Milstar Program the most. All the regional combatant commanders, the Joint Chiefs of Staff, and the Secretary of Defense, and others similarly situated, all firmly support the Milstar Program strongly because of this support for ground and naval forces which I emphasize once again has been the welcome change at the suggestion of the committee that has been instituted by the Department of Defense. The Air Force, however, would prefer to see the money spent on more Air Force fighter aircraft, and I would simply say from the Air Force point of view I fully understand what they are trying to do because they, like all of the other members of our great Armed Forces, are being extremely pinched under the reduced budget. The committee believes, however, that there is an important roles and missions issue involved in this decision to transfer the Milstar Program. The Air Force has always been the lead service for space programs. Now, however, the Air Force is proposing in the major roles and missions review that the committee required in last year's bill, to become the sole acquirer, the one and only part of our armed services intricately involved in these operations, and the Air Force also wish to become the operator of space systems. Yet, here we have a space program that is needed by the Department of Defense as a whole, and the Air Force is advocating that it be terminated and let down—that is the Milstar Program. The Armed Services Committee does not believe that this Air Force position will inspire confidence that the Air Force can be solely trusted with a monopoly on space programs that support the other military services.

On other space issues, the committee supported the administration's emerging strategy to eliminate excess capacity in the space launch industrial base and to develop a family of space boosters by upgrading an existing system. The committee hopes that by reducing the number of different booster types, we can achieve more efficient production and launch rates. If this is successful, the costs of space access should decline and our industry should be more competitive in the international market. The committee also increased funds for technology development.

**CHEMICAL AGENT AND MUNITIONS DESTRUCTION**  
The committee included a provision in the fiscal year 1993 Defense bill re-

quiring the Army to submit a report to Congress on the potential alternatives to the baseline technology for the disposal of the chemical stockpile. In April, the Army submitted its report to the Congress endorsing many of the recommendations by the National Research Council.

Based on these recommendations and testimony before the committee, the committee recommended the obligation of \$25 million of fiscal year 1994 funds for research and development of alternative technologies for the destruction of the U.S. chemical weapons stockpile.

In support of Army recommendations to implement updated risk assessments for storage, handling, and disposal activities at each site, enhancement of the stockpile surveillance program and a public outreach program, the committee recommended an \$8 million increase to the operation and maintenance account.

The committee also recommended \$22.5 million for procurement of carbon filtration systems and ancillary equipment for the pollution abatement system at Tooele Army Depot and for equipment modification design for all sites.

Lastly, in response to concerns raised by civilians in the communities surrounding the chemical storage depots, the committee recommended that up to \$2 million in funds available in the research and development account be used to demonstrate programs for the detection of low-level exposure to chemical agent and for other pollution abatement technologies associated with chemical weapons destruction, such as reusable aerogels for toxic gas collection and stack emissions reduction.

#### NUNN-LUGAR

On the very important matter of Nunn-Lugar that was basically an initiative of the Armed Services Committee, the committee approved the budget request of \$400 million for the cooperative threat reduction programs, also known as Nunn-Lugar programs, for the states of the former Soviet Union, subject to the program categories and notification and report requirements specified in last year's Defense Authorization Act. While expressing confidence that these programs will promote U.S. national security interests, the committee directed that subsequent budget requests for cooperative threat reduction be made as part of a comprehensive, multiyear strategy for assisting the states of the former Soviet Union to denuclearize and demilitarize.

#### DEPARTMENT OF ENERGY

With regard to the many programs that we administer in the Armed Services Committee, and particularly my subcommittee, in the Department of Energy, I think it is worthy to point out a few and the direction we are

going and initiative that we are taking.

The overall funding for the national security program at the Department of Energy, including environmental restoration and waste management, infrastructure maintenance, and weapons dismantlement, is \$10.3 billion, a reduction of \$220 million below the request.

As the Department of Energy dismantles nuclear weapons retired from the inventory, it recovers plutonium that must be stored and ultimately disposed. Management and storage of weapons-grade plutonium and disposition of the excess weapons grade material is a difficult challenge facing DOE. To assist the Department, we have created a separate line item for fissile materials disposition and have provided \$50 million for this effort. In addition, the bill contains a provision that would make statutory the Office of Fissile Materials disposition recently established by the Department of Energy.

The bill contains a provision that would transfer responsibility for new sources of tritium that might be required in the years beyond 2008, from the Department of Energy to the Defense Nuclear Agency. Fiscal year 1995 would become a transition year to ensure that the transition from DOE to DNA was smooth.

The bill includes a provision that would strengthen the role of the Nuclear Weapons Council, the joint DOD-DOE body responsible for nuclear weapons policy, to ensure that work undertaken by the DOE and direction provided by DOD is fully coordinated through the council.

To ensure improved financial management at the DOE, the bill contains a provision that would require the DOE to track spending on a fiscal year basis. In addition, the bill contains a provision that would require DOE to submit a conceptual design report for each construction project before DOE submits a request for funding for the construction project. This would improve the long-term planning for DOE construction projects and force a more complete understanding of the nature and scope of the project before it is begun.

The bill contains a third provision designed to improve financial management and accounting at DOE. This provision would restrict the DOE from spending 10 percent of the funds authorized and appropriated to the DOE until the DOE complies with existing law and prepares a 5-year budget plan. This would bring the DOE more in line with the financial management at the DOD. The DOD prepares an annual spending plan for the out years. This would help ensure that the DOE long-term spending decisions are sound.

The bill provides authorization for environmental restoration at the funding level requested, \$5.235 billion. This level of funding represents a very

slight increase over the fiscal year 1994 level of \$5.182 billion. To keep the funding at this level, DOE has committed to find \$900 million in savings during 1995.

Mr. President, this is but a summary of some of the highlights of the actions of the subcommittee and the Armed Services Committee as a whole. I hope other members of the committee will be able to address this later on. I hope that our colleagues on both sides of the aisle will realize and recognize the extraordinary work that has gone into the preparation of these budget recommendations in the bill before us and approve the actions that we have taken, with great pain and with a lot of scrutiny, to present the defense authorization bill to the Congress for its approval.

I thank the Chair and I yield the floor.

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

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

The Senator from the State of Alaska [Mr. STEVENS], is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2243 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. 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. 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.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 409, S. 687, the product liability fairness bill; that immediately upon the reporting of the bill, Senator ROCKEFELLER, or his designee, be recognized to offer a cloture motion on the bill; that the cloture vote on that motion occur at 7 p.m. on Tuesday, June 28, with the mandatory live quorum being waived; that if a second cloture vote is needed, it occur on Wednesday, June 29, at 10 a.m., with the mandatory live quorum being waived; that if cloture is not invoked after that vote, that the bill be returned to the calendar and that no other bills, amendments, or motions

relating to the subject matter of S. 687 be in order for the remainder of this Congress; that when the Senate completes its business today, it stand in recess until 1 p.m., Monday, June 27; that the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of S. 687 immediately following the prayer.

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

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, before proceeding, I want to state that it is my intention to proceed to consideration of the foreign operations appropriations bill on next Wednesday upon the disposition of the product liability fairness bill.

I also wish to make clear that the provision in the unanimous-consent request just approved, relating to no other bills, amendments, or motions relating to the subject matter of S. 687 be in order for the remainder of this Congress, does not apply to the aviation liability legislation and related amendments thereto, which the Senate acted on earlier this year.

Further, Mr. President, I wish to advise Senators that the Senate will be in session on Monday from 1 p.m. on to debate the product liability bill and to give Senators who wish to do so the opportunity to offer amendments to that bill on that day.

There will be no rollcall votes on Monday, and any rollcall votes required on amendments offered on Monday will be stacked to occur beginning at 10 a.m. on Tuesday, June 28.

The Senate will then have the entire day on Tuesday within which to receive, debate, and consider amendments which any Senator who wishes to do so may offer on that day.

So there will be 2 full days for Senators who wish to do so to offer amendments to the product liability bill—Monday, all day, beginning at 1 p.m. and extending for as long as Senators wish to offer amendments; and then Tuesday, beginning after any votes which occur at 10 a.m.

Next, I wish to make clear that the procedure which has just been agreed to by the Senate for the handling of this bill was based upon a proposal I made in an attempt to accommodate the competing interests of the Senators on the two sides of the issue. I met separately with Senators in groups—those who support the bill; those who oppose it. And after hearing their request for how best to proceed, I made this proposal which accommodates both, but also requires both to accept something other than the procedure that they would have preferred. That is to say, it is a compromise, and I think it represents the best and most

reasonable way to proceed under the circumstances.

Finally, I wish to say that I earlier stated the Senate will complete action on certain measures before we leave for the Fourth of July recess at the end of next week. I wish to restate that now and to expand briefly on my remarks. Those measures include certain nominations, the product liability bill, the foreign operations appropriations bill, the energy appropriations bill, and the Defense Department authorization bill, which, of course, we have begun and been debating during this week, which will now be set aside for these other matters, and we will return to it later next week. I believe we can do this if Senators are present and voting on the days required. We are not going to be able to do it if Senators do not attend.

Earlier today, I commented on the catch-22 situation in which the Senate found itself today. That is a situation where a certain number of Senators leave the Nation's Capital and then prevail upon some Senators who remain not to permit any votes to occur during the absence of those absent Senators. The result is that the Senate is unable to dispose of any of its pending business.

The only alternative I have, since I cannot compel a Senator to be present in the Senate, and since I cannot compel a vote on a substantive matter under the Senate's rules, is to compel votes on procedural matters. Two such votes were held today.

But I hereby give notice to all Senators that from now until the rest of the year, if we are in a comparable situation, there will be no limit to the number of procedural votes which will occur. So that if a Senator takes it upon himself or herself to leave the Nation's Capital while the Senate is in session, there may be 6, 8, 10, 12 procedural votes which that Senator will miss in that circumstance.

As all Senators know, the number of procedural votes which have occurred since I have been majority leader have been very few—far fewer than at any previous time since I have been in the Senate. But we now have just a few months to go before this legislative session ends, and we have a very large amount of important business to act upon. Therefore, no alternative remains to me but to take whatever action is necessary to compel the presence of Senators so that we can act on that important business in the limited time available.

Therefore, I want it clearly understood that if we get a situation again as we had today, there will be no limit on the number of procedural votes which occur, and a Senator who leaves under those circumstances henceforth runs the risk of missing as many as 10 or 12 votes a day.

Mr. STEVENS. Mr. President, will the distinguished leader yield for just one comment?

Mr. MITCHELL. Yes.

Mr. STEVENS. I did note the listing of items that must be completed by next Thursday, if we are to have the recess as scheduled, and I am constrained to remark as I think my colleague did in the Chamber last night that we have reservations to go home for the Fourth of July, but we were told today that they are extremely limited. In other words, I do hope somehow or other we can get some certainty as to when we will be able to plan to leave Washington to go home for that holiday.

I do understand what the leader is saying. I count 9 weeks, Mr. President, that we will be in Washington according to the current schedule, and that is a very difficult proposition. But my real reason for inquiring is, does the leader still intend that we would finish by Thursday evening?

Mr. MITCHELL. Mr. President, under the previously announced schedule, the recess is scheduled to begin at the close of business on Friday.

Mr. STEVENS. Close of business on Friday.

Mr. MITCHELL. On Friday, July 1. Now, if we can somehow complete action on these items prior to that, then we will leave as soon as we complete action. I think it is possible, but, of course, it requires a degree of cooperation which has not existed.

I wish to make clear here, Mr. President, what I have been describing is not a matter of partisanship. Presence or absence is unrelated to party affiliation. I am not suggesting that the problems we encountered today have anything to do with either party. It is a problem that exists across the entire Senate.

We could have, for example, Mr. President—my colleague is here and I am—we could have disposed of important amendments today, but what happened, as the Senator knows, several Senators left and the Senators who were here, who had amendments to offer, would not offer them, or those who did would not permit a vote to occur on their amendments because they said, well, other Senators are not here. So the departures trigger a self-fulfilling prophecy of inaction.

If that is permitted to continue, as it did today, then 9 weeks would not be enough to do any bills. So what I am saying is that in this busy time it takes some cooperation, and it means a very busy week next week. But I believe we can get it done, Mr. President. I am advised that on both of the appropriations bills, the managers hope and expect that they can be completed in a relatively short period of time. I know they are important, and they may have some controversial aspects to them, but most of them are things we have debated many times before. As the Senator knows, we tend to debate the same issues year after year after year. And with the defense authorization bill, I

know the managers hope with two or three major amendments—frankly, I had hoped we would have disposed of one of them today, but we did not—once we do those, they can complete action hopefully rather swiftly on the bill.

Mr. STEVENS. May I inquire, Mr. President, of the leader, is it the intent to go back to the defense authorization bill on Tuesday at any time?

Mr. MITCHELL. No.

Mr. STEVENS. It will not be until Wednesday now?

Mr. MITCHELL. It may be even later. What we hope to do is to complete action on the product liability bill by not later than Wednesday morning, then go to the foreign ops appropriations bill, then the energy appropriations bill, and then return to and complete action on the defense authorization bill.

Mr. STEVENS. That will be the last bill.

Mr. MITCHELL. That will be the last bill, yes. And we will stay until we finish it. As I said, I talked with the managers today and talked with the managers of both the foreign operations appropriations bill and the energy appropriations bill, and they are working very hard now and will early next week to try to limit the number of amendments and the length of time devoted to both bills, and they were reasonably hopeful that they could do so.

Mr. STEVENS. I thank the leader.

#### MODIFICATION OF ORDERS FOR MONDAY

Mr. MITCHELL. Mr. President, the life span of these agreements can often be relatively short. I obtained what I thought was the agreement of the principal proponents and opponents of this bill to the agreement I have just stated, but in the few minutes since the agreement has been obtained, I am advised that the proponents of product liability now do not wish to begin consideration of the bill at 1 p.m. on Monday but have asked for an hour's delay. I will, of course, accommodate that request.

I therefore now ask unanimous consent that on Monday, June 27, there be a period for morning business not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator BENNETT recognized for up to 30 minutes, and that at 2 p.m. the Senate resume consideration of S. 687.

The PRESIDING OFFICER. Without objection, it is so ordered. The modification is agreed to.

#### PRODUCT LIABILITY FAIRNESS ACT

Mr. MITCHELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MITCHELL. Is it now in order for the clerk to report S. 687 and to recognize Senator ROCKEFELLER or his designee?

The PRESIDING OFFICER. That is the regular order. The clerk will report.

The assistant legislative clerk read as follows.

A bill (S. 687) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

The Senate proceeded to consider the bill.

#### CLOTURE MOTION

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Senator ROCKEFELLER is not present and has asked me to offer the cloture motion on the bill, and to accommodate him and in his behalf I do so.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 409, S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law:

Jay Rockefeller, J. Lieberman, John Glenn, Clairborne Pell, Bob Kerrey, J.J. Exon, Harlan Mathews, Slade Gorton, Orrin G. Hatch, Strom Thurmond, Daniel Coats, Judd Gregg, Dirk Kempthorne, Pete V. Domenici, Larry Pressler, Kay Bailey Hutchison, Frank H. Murkowski.

Mr. MITCHELL. Mr. President, if I can amplify my earlier remarks, I want everyone to understand that the procedure we are pursuing with respect to this bill is one which I proposed in an attempt to reach a compromise to accommodate the conflicting demands of the two sides.

The proponents of the bill did not want a cloture motion filed immediately on the bill, wanting to permit some time to occur for amendments. In view of the large number of bills pending and the short amount of time next week in which to do it, and in view of the fact that they had anticipated, and I believe all had anticipated, that there would have to be a cloture motion on the motion to proceed which is obviously not now necessary, they have agreed to this compromise with respect to having the cloture motion filed now but having 2 full days next week, Monday and Tuesday, within which amendments can be offered, debated, and voted on.

Mr. President, does my colleague have any further comments?

Mr. STEVENS. Mr. President, I thank the majority leader. I am waiting for the clearance to have the bill

we introduced on a bipartisan basis to be placed on the calendar. I have not any at this time. But I would request that that request be considered if it is properly cleared at a later time today.

Mr. MITCHELL. Mr. President, I therefore 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. 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.

#### MORNING BUSINESS

#### TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. JOHNSTON. Mr. President, I would like to take this opportunity to say a few words about former First Lady Jacqueline Kennedy Onassis, a woman whom I admire greatly. Many Senators have risen over the last few days to pay tribute to this wonderful woman who has had such a great impact on the lives of so many Americans, and I would like to recognize Mrs. Kennedy for the contributions she made to a field very dear to me, that of historic preservation in the United States.

We often take for granted the numerous monuments, memorials, and historic buildings found throughout Washington, DC, but many of these structures are here today in no small part because of the efforts of Mrs. Kennedy. The Old Executive Office Building, the Renwick Gallery of Art, and other buildings lining Lafayette Square all owe their continued existence to Jackie Kennedy, and her lasting contributions to renovations in the White House are viewed by thousands every week. As Richard Moe, president of the National Trust for Historic Preservation, observed,

Jackie Kennedy had a greater effect on the shape and spirit of the historic heart of the nation's capital than any architect or developer \* \* \*. For more than any resident of the White House since Thomas Jefferson, she had a vision of what architecture and the arts can mean. In the end, she may be one of the more important preservationists in Washington's history.

It was Jackie Kennedy who, in 1962, convinced the chairman of the National Trust for Historic Preservation and Commission of Fine Arts, David Finley, not to replace the historic buildings surrounding Lafayette Park with modern highrise office towers. As a result, the Blair House, Decatur House, Dolley Madison's House, and the Renwick Gallery of Art are enjoyed by thousands of visitors to our Nation's Capital today. In addition, Mrs. Kennedy's plans for Lafayette Square be-

came a model for future urban planning and development in the District of Columbia.

Who among my colleagues can forget Jacqueline Kennedy's redecoration of the White House and the television tour of her efforts. And Mrs. Kennedy ensured that her restorative endeavors would be continued after she left the White House by helping to establish a permanent curator's position there.

Jacqueline Kennedy's commitment to historic preservation did not cease after she left Washington. As a resident of New York City, she vigorously opposed the demolition of Penn Station. As a trustee of New York's Municipal Arts Society, she fought city officials all the way to the Supreme Court to save Grand Central Station. The Court's decision to uphold Grand Central terminal's status as a landmark building is often seen as a turning point in historic preservation in America.

I have always appreciated the inroads Mrs. Kennedy made in the field of historic preservation, an area to which my wife, Mary, and I have long been committed. I do not think it would have been possible to locate a National Center for Historic Preservation Technology in Natchitoches, LA, had Jackie Kennedy not brought the issue of historic preservation to the forefront of American consciousness. The construction of a Jazz Park in New Orleans to preserve jazz music and structures such as Armstrong Park associated with it and the preservation of the Cane River area in northern Louisiana both owe a great deal to the efforts of this former First Lady, who understood the importance of saving historic structures for future generations to learn from and enjoy.

As we remember Jacqueline Kennedy Onassis in the weeks and months following her death, I hope my colleagues will join with me in thinking of her whenever we travel on Pennsylvania Avenue between the Capitol and the White House or enjoy the beauty of the historic structures around Lafayette Park and will consider the fights she led to preserve America's heritage and remember the boost she gave to the historic preservation movement in this country. Although Mrs. Kennedy's death is a tragic loss for America, she will continue to live on through the lasting contributions she made to the preservation of America's heritage.

#### JACQUELINE KENNEDY ONASSIS

Mr. ROTH. Mr. President, there is not a lot that can be said about Jacqueline Kennedy Onassis that has not already been said in these past few weeks. Certainly the place this woman held in the consciousness of America was—and remains—somewhere very near our heart. Those who knew her cared deeply for her. We have heard

many of their heart-warming remembrances. Those who did not know her personally admired from afar as she brought grace and elegance to a period Americans came to know as Camelot.

Indeed, she was a fitting Guenivere, a beautiful and noble woman who enriched the lives of those around her; a woman who believed in her husband and his vision—and who supported that vision in a quiet, regal way. In the process, she forever changed the role of First Lady and even the character of Washington.

About the same time America's political story was beginning, the German poet, Friedrich von Schiller was writing about the importance of art, beauty, and aesthetic education on democracy. A part of his conclusion was that, "Art is the daughter of Freedom \* \* \*". If man is ever to solve the problem of politics in practice, he will have to approach it through the problem of the aesthetic, because it is only through Beauty that man makes his way to Freedom."

In a profound yet subtle way, Jacqueline Kennedy understood this, that "it is aesthetic culture that leads to moral nobility, and moral nobility is the precondition of a truly free society." Her successful efforts to bring art and culture to Washington forever bless our Nation. Not only was it ennobling, but at a very critical time in our history, it eased the realpolitik of the tense cold war with softness, beauty, and joy.

It would be a grave mistake, however, to appreciate Jacqueline Kennedy Onassis only for the artistic contributions she made. Indeed, she did so much more. In fact, I believe it was in crisis that Americans fell in love with their First Lady. None who were alive and old enough to understand, will ever forget the courage of this woman as she stood beside Lyndon Johnson aboard Air Force One as he took the oath of office only hours after the assassination of her husband. At that moment, Jackie became a legend. And the life she led thereafter as a mother, concerned about living, nurturing, and raising her children beneath the stark glare of media light, only confirmed what we had already come to understand: This was an exceptional woman.

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

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Thursday, June 23 at the close of business, the Federal debt stood—down to the penny—at exactly \$4,598,157,611,751.62. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,598 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 598 billion, 157 million, 611 thousand, 751 dollars, and 62 cents.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Item Nos. 939, 941, 942, 943, and 1002.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that, upon confirmation, the motions to reconsider be laid upon the table en bloc; and, that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF THE TREASURY

Philip N. Diehl, of Texas, to be Director of the Mint for a term of five years.

#### FEDERAL RESERVE SYSTEM

Alan S. Blinder, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1982.

Alan S. Blinder, of New Jersey, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

#### DEPARTMENT OF STATE

David Elias Birenbaum, of the District of Columbia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

#### DEPARTMENT OF JUSTICE

Jerry J. Enomoto, of California, to be United States Marshal for the Eastern District of California for the term of four years.

#### INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 22, the International Convention on the Elimination of All Forms of Racial Discrimination; that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that the three reservations, an understanding, a declaration, and a proviso, recommended by the committee be considered as having been agreed to; that no other amendments, conditions, reservations, understandings, declarations, or provisos be in order; that any statements be inserted in the CONGRESSIONAL RECORD as if read; that the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and, that following disposition of the treaty, the Senate return to legislative session.

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

Mr. MITCHELL. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor, please stand. Those opposed, likewise please stand.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly on December 21, 1965 and signed on behalf of the United States on September 28, 1966 (Executive C. 95-2), subject to the following Reservations, Understanding, Declaration and Proviso:*

I. The Senate's advice and consent is subject to the following reservations:

(1) That the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

(2) That the Constitution and laws of the United States establish extensive protec-

tions against discrimination, reaching significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in private conduct, however, are also recognized as among the fundamental values which shape our free and democratic society. The United States understands that the identification of the rights protected under the Convention by reference in Article 1 to fields of "public life" reflects a similar distinction between spheres of public conduct that are customarily the subject of governmental regulation, and spheres of private conduct that are not. To the extent, however, that the Convention calls for a broader regulation of private conduct, the United States does not accept any obligation under this Convention to enact legislation or take other measures under paragraph (1) of Article 2, subparagraphs (1)(c) and (d) of Article 2, Article 3 and Article 5 with respect to private conduct except as mandated by the Constitution and laws of the United States.

(3) That with reference to Article 22 of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

II. The Senate's advice and consent is subject to the following understanding, which shall apply to the obligations of the United States under this Convention:

That the United States understands that this Convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the state and local governments. To the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

III. The Senate's advice and consent is subject to the following declaration:

That the United States declares that the provisions of the Convention are not self-executing.

IV. The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be deposited by the President:

Nothing in this Convention requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

#### CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION

Mr. PELL. Mr. President, the International Convention on the Elimination of All Forms of Racial Discrimination, which we are now considering, is one of several instruments designed by the international community to implement the human rights articles of the U.N. Charter. The Convention was adopted unanimously by the U.N. General Assembly in December 1965. It is a widely accepted treaty, with more than 135 States as parties.

The Convention is rooted in Western legal and ethical traditions. For the most part, its provisions are consistent with existing U.S. law.

The United States signed the convention in September 1966, shortly after it came into force. The Carter administration transmitted it to the Senate in February 1978. The Foreign Relations

Committee held a hearing on the convention but unfortunately, domestic and international events at the end of 1979 prevented the committee from moving to a vote on it.

Neither the Reagan nor the Bush administrations supported ratification of the convention. Fortunately the Clinton administration has taken a different view. The administration supports ratification of the convention with a limited number of conditions: three reservations, one understanding, and one declaration. In many respects, these are similar to the conditions proposed by the Carter administration.

The Foreign Relations Committee held a hearing on the convention and the administration's proposed conditions on May 11, 1994. Although some of the public witnesses questioned some of the conditions, all of those who testified before the committee strongly supported ratification.

On May 25, the committee voted unanimously to report favorably to the Senate the convention with a resolution of ratification containing the reservations, understanding, and declaration proposed by the Clinton administration and a proviso offered by Senator HELMS. This proviso clarifies the relationship between the convention and the U.S. Constitution. Since this relationship is a matter of U.S. domestic law, the proviso will not be included in the instrument of ratification deposited by the President. The proviso is identical to the Helms proviso adopted by the committee last year during consideration of the International Covenant on Civil and Political Rights.

The convention is an important instrument in the international community's struggle to eliminate racial and ethnic discrimination. As a nation which has gone through its own struggle to overcome segregation and discrimination, we are in a unique position to lead the international effort. Our position and the credibility of our leadership will be strengthened immeasurably by ratification of this convention—ratification, I might add, that is long overdue. Moreover, ratification will also enable the United States to participate in the work of the Committee on the Elimination of Racial Discrimination established by the convention to monitor compliance.

Mr. President, this is a good treaty and one that the United States can be proud of ratifying. I urge all of my colleagues to support ratification of this treaty.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### REPORT ON THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT—PM 129

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

##### To the Senate of the United States:

Upon transmitting the Chemical Weapons Convention (CWC) to the Senate November 23, 1993, I indicated that the Administration was reviewing the impact of the Convention on Executive Order No. 11850, of April 8, 1975, which specifies current U.S. policy regarding the use of riot control agents (RCAs) in war, and would submit the results of that review separately to the Senate. The purpose of this letter is to inform the Senate of the outcome of that review.

Article I(5) of the CWC prohibits Parties from using RCAs as a "method of warfare." That phrase is not defined in the CWC. The United States interprets this provision to mean that:

—The CWC applies only to the use of RCAs in international or internal armed conflict. Other peacetime uses of RCAs, such as normal peacekeeping operations, law enforcement operations, humanitarian and disaster relief operations, counter-terrorist and hostage rescue operations, and non-combatant rescue operations conducted outside such conflicts are unaffected by the Convention.

—The CWC does not apply to all uses of RCAs in time of armed conflict. Use of RCAs solely against non-combatants for law enforcement, riot control, or other noncombat purposes would not be considered as a "method of warfare" and therefore would not be prohibited. Accordingly, the CWC does not prohibit the use of RCAs in riot control situations in areas under direct U.S. military control, including against rioting prisoners of war, and to protect convoys from civil disturbances, terrorists, and paramilitary organizations in rear areas outside the zone of immediate combat.

—The CWC does prohibit the use of RCAs solely against combatants. In addition, according to the current international understanding, the CWC's prohibition on the use of RCAs as a "method of warfare" also precludes the use of RCAs even for humanitarian purposes in situations where combatants and non-combatants are intermingled, such as the rescue of downed air crews, passengers, and escaping prisoners and situations where civilians are being used to mask or screen attacks. However, were the international understanding of this

issue to change, the United States would not consider itself bound by this position.

Upon receiving the advice and consent of the Senate to ratification of the Chemical Weapons Convention, a new Executive order outlining U.S. policy on the use of RCAs under the Convention will be issued. I will also direct the Office of the Secretary of Defense to accelerate efforts to field non-chemical, non-lethal alternatives to RCAs for use in situations where combatants and noncombatants are intermingled.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 23, 1994.

#### MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4602. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4602. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

#### MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

S. 2243. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country whenever the United States considers that fee to be inconsistent with international law, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary for the Senate reported that on June 24, 1994, she had presented to the President of the United States, 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-528. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

##### "ASSEMBLY JOINT RESOLUTION No. 19

"Whereas, the safety and soundness of the banking system within the United States is

important to the well-being and financial security of businesses and individuals in all the states; and

"Whereas, the State of California and the federal government, through a system of state and federal bank regulation, oversee the safety and soundness of the state and national banks in California; and

"Whereas, the commercial banks of California rate as being among the best managed and best capitalized in the United States; and

"Whereas, sound economic growth in the communities of California is desirable and needed; and

"Whereas, restrictive laws and government regulations, such as documentation and policy requirements governing real estate lending, have resulted in increased compliance costs and often inappropriate requirements for California financial institutions which have decreased the availability for credit for California businesses and individuals; and

"Whereas, many borrowers, including women and communities of color, are finding it more difficult or impossible to obtain credit from California's banks because of unnecessary government regulations; and

"Whereas, lending to women and communities of color is an important action directly leading to improving the economy in areas of traditionally high unemployment and job displacement; and

"Whereas, economic growth can best be encouraged and maintained by reducing the costs of borrowing money and allowing more reasonable credit to be extended to all businesses and individuals; and

"Whereas, the viability and the safety and soundness of the banking system would not be harmed by eliminating many unneeded laws and regulations; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature urge the United States Congress to review those laws which regulate the banking system; to repeal those laws found to be unduly restrictive, burdensome, and unnecessary to protect the safety and soundness of the banking system; to further direct the federal agencies responsible for banking regulations to review regulations that may inhibit lending to small businesses, women, communities of color, and agricultural borrowers; and to modify and rescind those regulations; and be it further

*Resolved,* That the President of the United States is urged to use the authority of the executive branch of the federal government to reduce overregulation of the banking system by administrative act and to seek necessary legislative changes; 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, and to each Senator and Representative from California in the Congress of the United States."

POM-529. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Banking, Housing, and Urban Affairs.

#### "HOUSE RESOLUTION

"Whereas, the One Dollar Coin Act of 1993 (H.R. 1322) under consideration in the United States Congress would, if enacted in its present form, mandate the elimination of the one dollar bill, and the replacement of the bill with a one dollar coin; and

"Whereas, the Commonwealth of Massachusetts has, for over 100 years, produced the paper from which U.S. currency, including

the one dollar bill, is made, and takes great pride in the product; and

"Whereas, the elimination of the one dollar bill would have a severely negative impact on the local economies of the western region, to include job cutbacks, and on the Commonwealth's economy in general; and

"Whereas, the economies of the western region have suffered greatly in past years due to manufacturing job reductions and attendant economic impacts; and

"Whereas, the "benefits" claimed by proponents of the dollar coin are highly suspect, and would come at the overall expense of the people of the Commonwealth; and

"Whereas, the paper from which currency is made comes from renewable resources and recycled industrial products, while the metals to produce coins come from environmentally damaging hardrock mining; and

"Whereas, the prices of coin operated machines will likely rise with the replacement of the dollar bill with a dollar coin, thereby negatively impacting those least able to afford such price rises; and

"Whereas, the overwhelming majority of Americans have consistently opposed replacing the dollar bill with a dollar coin; therefore be it

*Resolved,* that the Massachusetts House of Representatives calls upon the members of its Congressional delegation to withdraw any support of H.R. 1322, and to work actively to defeat such legislation or any other measure which mandates elimination of the one dollar bill; and be it further

*Resolved,* that a copy of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-530. A resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Banking, Housing, and Urban Affairs.

#### "SENATE CONCURRENT RESOLUTION 10

"Whereas, billions of board feet of unprocessed logs are exported annually from United States ports to other nations; and

"Whereas, it has been calculated that each one million board feet of unprocessed logs exported represents an estimated 3 to 4 jobs potentially lost from the domestic manufacturing economy; and

"Whereas, unprocessed logs are being exported from the port of Portsmouth, New Hampshire and other eastern ports including Portland, Maine, Providence, Rhode Island and Albany, New York and that it is projected that the volume of exported unprocessed logs will continue to increase; and

"Whereas, states west of the 100th meridian are authorized under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended to regulate the export of unprocessed logs from state, county, or municipal lands; and

"Whereas, the people of the state of New Hampshire have long been staunch advocates of states' rights, now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring,* That the general court of New Hampshire hereby urges the United States Congress to authorize states east of the 100th meridian to regulate the export of unprocessed logs from state, county and municipal lands, pursuant to authority provided under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended which now exists for states west of the 100th meridian; and

"That the general court further urges the United States Congress to extend the ban

which now exists on exports of unprocessed logs from federal lands west of the 100th meridian to federal lands east of the 100th meridian, also pursuant to authority under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended; and

"That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM-531. A resolution adopted by the Senate of the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

#### "SENATE RESOLUTION NO. 41

"Whereas, the Space Station program will provide a research facility in space for materials science, biotechnology, and fundamental sciences, as well as life sciences research in operation medicine and life support system development; and

"Whereas, it is critical that America improve its competitive advantage in the global economy by having a strong educational program in the fields of science and math; and

"Whereas, America needs to stimulate interest in the pure sciences to improve its educational system, and the Space Station program will inspire young Americans to excel by illustrating future employment opportunities in the fields of science and math; and

"Whereas, the Space Station program is the largest international venture in science and technology ever undertaken, with 12 countries—including 9 countries in the European Space Agency, as well as Japan, Russia, and Canada—having already contributed more than \$3 billion to the program and having agreed to contribute more than \$8 billion to the program; and

"Whereas, the Space Station program has more than 500 suppliers in 37 states, and employs tens of thousands of people in highly skilled, and well-paid manufacturing positions; and

"Whereas, the Space Station program has created more than 4,500 jobs in California and more than \$600,000,000 has been spent annually in the state in connection with the program; and

"Whereas, the aerospace industry is one of America's most competitive and vibrant industries, generating more than \$30 billion in surplus international trade annually; and

"Whereas, some members of the Congress of the United States are unwisely considering eliminating funding for the Space Station program; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Legislature hereby expresses its support for the continued funding of the Space Station program; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the President pro Tempore of the United States Senate, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-532. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Commerce, Science, and Transportation.

## "HOUSE JOINT RESOLUTION NO. 371

"A resolution to urge the United States Congress to regulate the sale of violent and offensive video games.

"Whereas, it is a lawful purpose of the United States Congress to enact laws to protect and promote the general welfare, health, safety, and morals of the citizens of this great nation; and

"Whereas, Congress is empowered to enact such laws pursuant to the Constitution; and

"Whereas, violence has become an all too common occurrence in our daily lives; and

"Whereas, violence is invading our homes through a variety of sources and affecting our most precious resource—our children; and

"Whereas, video games depicting violent acts, offensive behavior, and degrading actions are readily available for purchase; and

"Whereas, such games provide no educational, emotional, or ethical benefit; now, therefore,

"Be it resolved by the House of Representatives of the Ninety-Eighth General Assembly of the State of Tennessee, the Senate Concurring, That we strongly urge the Congress of the United States to regulate the sale of violent, offensive and degrading video games.

"Be it further resolved, That copies of this resolution be sent to President Bill Clinton, Vice President Al Gore, each member of the Tennessee Congressional Delegation, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate."

POM-533. A resolution adopted by the Chamber of Commerce of the City of Ketchikan, Alaska relative to Federal lands; to the Committee on Energy and Natural Resources.

POM-534. A joint resolution adopted by the Legislature of the Commonwealth of the Northern Marianas; to the Committee on Energy and Natural Resources.

## "SENATE JOINT RES. NO. 9-6

"Finding, that Section 901 of the Covenant (approved by U.S. Public Law 94-241, 90 Stat. 263), provides for the appointment or election of a Resident Representative to the United States;

"Finding, that the current status of Commonwealth-federal relations, which is marred by miscommunication, misinterpretation, and misinformation is further exacerbated by the lack of a constant and vigilant Commonwealth voice and presence in the House of Representatives and its various committees and subcommittees;

"Taking note that the Covenant negotiating history makes it clear that Section 901 does not preclude the Government of the Northern Marianas from requesting that the Resident Representative be given non-voting delegate status in the Congress of the United States;

"Finding further that Article V, Section 2, of the Commonwealth Constitution as amended by Constitutional Amendment 24, provides that the United States may confer the status of non-voting member delegate in the United States Congress on the Resident Representatives;

"Observing that P.L. 3-92 (Title 1, CMC, Division 4, §4101) provides that the Resident Representative shall function pursuant to Article V of the Constitution and the terms and conditions set forth in Division 4;

"Observing further that P.L. 3-92, §2(b)(Title 1, CMC, Division 4, §4202(b)) prescribes the following duties for the Resident Representative: "To represent the Commonwealth and the people of the Commonwealth

on a full-time basis before the Congress of the United States, its committees and subcommittees. . . ."

"Holding it to be true that non-voting delegate status for the Resident Representative would neither diminish the full force and effect of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America nor in any sense abrogate, qualify, or release rightful claims to local self-government contained in Article I, Section 103 of the Covenant; it is

"Resolved by the Senate of the Ninth Northern Marianas Commonwealth Legislature, the House of Representatives concurring, That the United States of America:

"(a) Confer the status of non-voting delegate in the United States Congress on the Resident Representative;

"(b) Provide that the Resident Representative for the Northern Mariana Islands receive the same compensation, allowance, and benefits as a member of the United States House of Representatives, and be entitled to at least those same privileges and immunities granted to the non-voting Delegate from the Territory of Guam;

"(c) Work closely with the present Resident Representative in the drafting of federal legislation necessary to confer non-voting delegate status; and

"Resolving further, That the President of the Senate and the Speaker of the House shall certify and the Senate Legislative Secretary and the House Clerk shall attest to the adoption of this Resolution and thereafter transmit certified copies to the Honorable Bill Clinton, President of the United States; the Honorable Froilan C. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands; the Honorable Thomas Foley, Speaker of the U.S. House of Representatives; the Honorable Al Gore, Vice President of the United States of America and President of the U.S. Senate; the Honorable Bruce Babbitt, Secretary of the United States Department of the Interior; the Honorable J. Bennett Johnston, member of the House of Representatives, United States Congress; the Honorable George Miller, member of the House of Representatives, United States Congress; the Honorable Ron de Lugo, member of the House of Representatives, United States Congress; and the Honorable Leslie Turner, Assistant Secretary, Office of Territorial and International Affairs, U.S. Department of the Interior."

POM-535. A resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Energy and Natural Resources.

## "RESOLUTION

"Whereas, the National Park Service is considering consolidating its ten regional offices into six centers in order to streamline its operations and cut employees, thereby creating a consolidated "super region" in the northeast with Philadelphia as the headquarters; and

"Whereas, professionals in Boston provide critical services to the parks and national treasures in New England and New York State, and without a regional office in Boston, all park units in New England would have to be served from Philadelphia; and

"Whereas, many of the best of the regional office staff of two hundreds and fifty people would lose their jobs or be forced to work out of an office in Philadelphia which would be serving up to one hundred parks instead of forty-two, and a population area of sixty-four million people; and

"Whereas, park support would be more cumbersome and difficult and contrary to the decentralizing concepts at the core of Vice President Gore's National Performance Review; and

"Whereas, the Boston Office is considered a center of innovation and National Park Service sites now served from Boston draw over thirty million people per year and construction projects managed from the Boston office total over sixty million dollars; and

"Whereas, many of the sites now rely on the regional office for considerable help with administration, training, law enforcement, and public information, and by virtue of its location in Boston, the North Atlantic Regional Office has provided a high level of service to communities, especially in New England, engaging local grassroots initiatives in protecting what New Englanders feel is important; and

"Whereas, the regional office currently has well over five hundred formal partnerships with State, local and nonprofit organizations, more than any other region of the National Park Service and last year, one million dollars in National Park Service funding leveraged over three and one-half million dollars in this region; now therefore be it

"Resolved, That the Massachusetts General Court urges the Department of the Interior to retain the National Park Service Regional Headquarters in Boston, Massachusetts; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to Bruce Babbitt, Secretary of the Department of the Interior and to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-536. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Energy and Natural Resources.

## "SENATE CONCURRENT RESOLUTION NO. 1628

"Whereas, the national security of the United States of America is threatened by the ever-increasing reliance on imported offshore crude oil and the sharp decline in domestic production within the producing states; and

"Whereas, the United States' annual energy import bill is about \$55 billion and projected to be over \$100 billion by the year 2000, creating a huge negative balance of trade; and

"Whereas, conservation of America's finite oil resources is dependent on our oil producers receiving a fair price; and

"Whereas, along with the current national crisis relating to crude oil production throughout the United States, as a result of current devastating crude oil price decrease, the infrastructure consisting of drilling rigs, equipment, and jobs relating directly to the industry is quickly disappearing and is no longer readily available; and

"Whereas, the employment in the United States oil and gas exploration and production industry has decreased 50% over the past six years, from 700,000 to 350,000 today; and

"Whereas, increasing regulation by the federal and individual state governments is contributing to this national crisis in crude oil production by mandating implementation of new and expanded regulations and shifting the cost of these regulations to domestic operators; and

"Whereas, failure by national, state and congressional political leadership to take corrective action to stimulate crude oil production and ensure price stability with tax

incentives, minimum price guarantees, import duties on crude oil and refined products or other appropriate means has, is and will continue to allow the domestic oil producing industry to collapse to the point where the industry will no longer be a viable national industry able to contribute to the well-being of its citizens; and

"Whereas, any program designed to conserve and maximize the production of domestic oil reserves must be in the national interest; Now, therefore,

"Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, Urges the President of the United States, the Secretary of the United States Department of Energy and Congress to take immediate action to help alleviate a national crisis in crude oil production and price stability; and

"Be it further resolved, That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the Secretary of the United States Department of Energy and each member of the United States Congress."

POM-537. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

#### "SENATE RESOLUTION No. 947

"To express the concern of the Senate of Puerto Rico with respect to the allegations of irregularities and fraud in the electoral process in the Dominican Republic and thus notify this matter to the President of that country.

"The Senate of Puerto Rico is deeply concerned about the allegations of irregularities and fraud in the electoral process of the Dominican Republic.

"According to reports from international observers and as acknowledged by the Central Electoral Board of the Dominican Republic, a large number of qualified voters were excluded from the electoral lists, a decisive fact in an electoral process which will be decided by a lesser number of votes than the number of electors that have been excluded.

"The Congressional Hispanic Caucus and the Congressional Black Caucus of the United States have reacted to this situation by stating that: 'Given the reliable reports of widespread and systematic fraud throughout the country \* \* \* it is our opinion that the true will of the Dominican people is, at present, unknown \* \* \*'

"On its part, the National Democratic Institute, an organization of great prestige linked to the Democratic Party of the United States, concluded that 'the delegation has observed a sufficiently large degree of disenfranchisement to cause serious concern \* \* \* The pattern of disenfranchisement suggest the real possibility of a deliberate effort to alert the electoral process.'

"The Senate of Puerto Rico, as an institution committed to democratic values, establishes as a basic principle the absolute respect to the electoral will, through processed free of tarnish and suspicion.

"Be it resolved by the Senate of Puerto Rico: "Section 1.—To express to the President of the Dominican Republic, Dr. Joaquin Balaguer, our deep concern about the circumstances in which the elections recently held there were conducted.

"Section 2.—The Senate of Puerto Rico calls upon the Central Electoral Board of the Dominican Republic to investigate and correct the allegations of irregularities and fraud without disregarding the possibility of

new elections, whether partial or total, should it be necessary to obtain clear and unchallengeable results.

"Section 3.—A copy of this Resolution shall be remitted to Dr. Joaquin Balaguer, President of the Dominican Republic and to Dr. Manuel Garcia Lizardo, Chairman of the Central Electoral Board of that country."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1513. A bill entitled "Improving America's Schools Act of 1993" (Rept. No. 103-292).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2144: A bill to provide for the transfer of excess land to the Government of Guam, and for other purposes (Rept. No. 103-293).

#### 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. PRYOR (for himself and Mr. SASSER):

S. 2239. A bill to implement pharmaceutical marketplace reform, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 2240. A bill entitled the "Rape Victims' Protection Act"; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 2241. 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; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. PELL, Mrs. BOXER, Mr. DURENBERGER, Mr. JEFFORDS, Mr. REID, Mr. SARBANES, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. BUMPERS):

S. 2242. A bill to establish a National Institute for the Environment, to improve the scientific basis for decisionmaking on environmental issues, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself, Mrs. MURRAY, Mr. GORTON, Mr. MURKOWSKI, and Mr. PACKWOOD):

S. 2243. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country whenever the United States considers that fee to be inconsistent with international law, and for other purposes; ordered held at the desk.

By Mr. BRYAN:

S. 2244. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 204. A joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding; 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. MITCHELL:

S. Res. 233. A resolution to authorize representation of Members of the Senate in *Bahre v. Butler*, Case No. 9410917-05 (Super. Ct. Cobb County, GA); considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. SASSER):

S. 2239. A bill to implement pharmaceutical marketplace reform, and for other purposes; to the Committee on Finance.

#### THE PHARMACEUTICAL MARKETPLACE REFORM ACT OF 1994

Mr. PRYOR. Mr. President, today, along with the distinguished Senator from Tennessee [Mr. SASSER], I am introducing comprehensive legislation that will ensure that older Americans pay fair prices for vital prescription medications. I am introducing the Pharmaceutical Marketplace Reform Act of 1994. For the past 5 years as chairman of the Special Committee on Aging, I have focused much of my attention on prescription drug prices. I have particularly studied the impact of rapidly escalating medication prices on older Americans. I have recited over and over again these very disturbing statistics for my colleagues:

For three out of four older Americans, prescription drugs are their highest out-of-pocket medical cost;

In order to meet the costs of prescription drugs, 13 percent of older Americans have had to go without food;

Nearly half of all older Americans completely lack coverage for payment of their prescription drugs;

Drug manufacturers charge citizens of other industrialized nations much lower prices for their prescription drugs. In fact, a recent General Accounting Office report found that citizens of the United Kingdom pay 60 percent less for the same drugs purchased by citizens of the United States.

But now, Mr. President, the time for talk is over, and the time for action is upon us. In this very important year of health care reform, we can finally ensure that, once and for all, Americans pay fair prices for medications. Let me state that I support a market-based approach to containing drug costs. And, the key to an efficient marketplace is good, up-to-date information.

Unfortunately, information about drug costs has been sorely lacking in our health care system. Therefore, this bill will ensure that all purchasers of prescription drugs—Medicare, Medicaid, HMO's, hospitals, community pharmacies, chain pharmacies, and others—are given the information that they need to make good purchasing decisions.

I can predict the reaction of the drug industry to this bill. They will call this bill, like they call any other bill that attempts to inject fairness into the prescription drug market, movement toward price controls. Let me make it clear that this bill does not impose any price controls on drugs. In fact, I have said time and time again that I do not believe that price controls work.

When market economics proves effective in containing drug costs, I believe the market should be allowed to function on its own. However, when the market fails to restore skyrocketing drug prices to a stable equilibrium, I believe that we have a responsibility to ensure that drugs are priced reasonably and fairly for people who depend on medications.

I have not been convinced that the market can work to contain drug costs, and particularly the costs of new, breakthrough drugs. Because generic substitutes for these kinds of drugs do not exist, forces of competition that typically work to contain prices are ineffective. We therefore need another way to ensure that these drugs are priced reasonably. This bill will provide information to buyers about these new, breakthrough medications so that more informed purchasing decisions can be made.

In addition, the drug industry has refused to negotiate discounts or price breaks with large community and chain pharmacy buying groups. While a hospital or HMO will pay \$1 for an inhaler, a community pharmacy might pay \$20 for the very same product. This is market distortion at its worst, since many of these community pharmacy buying groups purchase millions of dollars worth of drugs each year. This bill would try to address this type of distortion of the market.

The legislation also recognizes the expanded role that pharmacists should have in any reformed health care system. Pharmacists are the most underused health professionals in our Nation. In OBRA 90 we recognized the pharmacists' role in educating Medicaid recipients on how to use their medications properly. This was a good start. This bill would provide that all health care plans—including Medicare—make patient counseling and other pharmacy services an integral part of the benefits that they offer.

Mr. President, I know that we have many twists and turns in the long road ahead toward health care reform. No one said that it would be easy. But I

want to work with my colleagues on enacting a major health care reform bill this year. I hope that the proposals put forth in this legislation provide some food for thought to my colleagues as we move through the health reform process and make important decisions about pharmaceutical coverage. I encourage my colleagues to review the bill, and join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCE TO ACT; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Pharmaceutical Marketplace Reform Act of 1994".

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; reference to Act; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

**TITLE I—MEDICARE PROGRAM**

**Subtitle A—Covered Outpatient Prescription Drugs and Rebates**

Sec. 101. Covered outpatient prescription drugs.

Sec. 102. Rebates for covered outpatient drugs.

**Subtitle B—Drug Use Review**

Sec. 111. Medicare drug use review.

**Subtitle C—Effective Date**

Sec. 121. Effective date.

**TITLE II—MEDICAID PROGRAM**

Sec. 201. No Federal financial participation with respect to certain innovative multiple source drugs.

Sec. 202. Rebate for certain covered outpatient drugs.

Sec. 203. State regulation of outpatient prescription drug benefits covered by health care plans.

**TITLE III—COMMISSIONS**

Sec. 301. Pharmaceutical Marketplace Information Commission.

Sec. 302. Prescription Drug Payment Review Commission.

**TITLE IV—ADDITIONS TO THE MASTER AGREEMENT**

Sec. 401. Equal access to discounts.

Sec. 402. Provision of information to the Pharmaceutical Marketplace Information Commission.

Sec. 403. Conforming amendments.

Sec. 404. Effective date.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) any medicare outpatient prescription drug benefit should be structured to take advantage of market forces and should use the

same principles as other managed care pharmacy benefit programs;

(2) there is a lack of information in the health care system about the price and quality of pharmaceutical products, resulting in a significant level of market distortions and a lack of price competition;

(3) the availability of more information about price and quality of medications would make the pharmaceutical marketplace more competitive, and minimize the need for more regulatory pharmaceutical cost containment mechanisms;

(4) in the absence of competing new pharmaceutical products in the market, there is a need for the health care system to have information about the price of new pharmaceutical products to assure that the prices are reasonable;

(5) price concessions and discounting offered by pharmaceutical manufacturers have not been offered on equal terms to all purchasers, resulting in higher prices for pharmaceutical products at the retail level, and ultimately for consumers; and

(6) under health care reform, all Americans should have access to high quality drug use review and coordinated pharmaceutical care services.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to establish the medicare outpatient prescription drug program as a pharmaceutical care benefit using principles of managed care;

(2) to improve the quality and timeliness of information provided in the health care marketplace about the relative price and value of currently marketed and new pharmaceutical products;

(3) to assure that prices for new breakthrough pharmaceutical products in the United States are reasonable;

(4) to provide that all pharmaceutical buyers have access to manufacturer price discounts and concessions on equal terms and conditions; and

(5) to assure that drug use review and pharmaceutical care becomes an integral part of the delivery of prescription drugs in health care programs.

**TITLE I—MEDICARE PROGRAM**

**Subtitle A—Covered Outpatient Prescription Drugs and Rebates**

**SEC. 101. COVERED OUTPATIENT PRESCRIPTION DRUGS.**

(a) **COVERED OUTPATIENT DRUGS AS MEDICAL AND OTHER HEALTH SERVICES.**—

(1) **IN GENERAL.**—Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended to read as follows:

“(J) covered outpatient drugs;”

(2) **DEFINITION OF COVERED OUTPATIENT DRUGS.**—Section 1861(t) (42 U.S.C. 1395x(t)), as amended by section 13553(b) of the Omnibus Budget Reconciliation Act of 1993 (hereafter in this subtitle referred to as “OBRA-1993”), is amended—

(A) in the heading, by adding at the end the following: “; Covered Outpatient Drugs”;

(B) in paragraph (1), by striking “paragraph (2)” and inserting “the succeeding paragraphs of this subsection”; and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) The term ‘covered outpatient drugs’ means—

“(A) drugs and biologicals (which cannot, as determined in accordance with regulations, be self-administered) furnished as incident to a physician’s professional service, of

kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physician's bill;

"(B) prescription drugs used in immunosuppressive therapy furnished to an individual who receives an organ transplant for which payment is made under this title, but only in the case of drugs furnished—

"(i) before 1995, within 12 months after the date of the transplant procedure,

"(ii) during 1995, within 18 months after the date of the transplant procedure,

"(iii) during 1996, within 24 months after the date of the transplant procedure,

"(iv) during 1997, within 30 months after the date of the transplant procedure, and

"(v) during any year after 1997, within 36 months after the date of the transplant procedure;

"(C) erythropoietin—

"(i) for dialysis patients competent to use such drug without medical or other supervision with respect to the administration of such drug, subject to methods and standards established by the Secretary by regulation for the safe and effective use of such drug; and

"(ii) administered in a renal dialysis facility.

"(D) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer chemotherapeutic agent for a given indication, and containing an active ingredient (or ingredients), which is the same indication and active ingredient (or ingredients) as a drug which the carrier determines would be covered pursuant to subparagraph (A) or section 1861(s)(2)(B) if the drug could not be self-administered; and

"(E) any other outpatient drug or biological described in section 1927(k) for which payment may be specially allowed."

(3) CONFORMING AMENDMENTS.—(A) Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 13553 of OBRA-1993, is amended—

(i) in subparagraph (A), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)";

(ii) by adding "and" at the end of subparagraph (O),

(iii) by amending subparagraph (P) to read as follows:

"(P) items related to the administration of erythropoietin.", and

(iv) by striking subparagraph (Q).

(B) Section 1861(b)(1)(C) (42 U.S.C. 1395rr(b)(1)(C)), as amended by section 13566(a) of OBRA-1993, is amended by striking "section 1861(s)(2)(P)" and inserting "section 1861(t)(3)(C)(i)".

(b) ADDITION OF MEDICARE TO MASTER PLAN REQUIREMENTS.—Section 8126(a)(4) of title 38, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", or"; and

(3) by adding at the end the following new subparagraph:

"(D) the Medicare program under title XVIII of the Social Security Act."

#### SEC. 102. REBATES FOR COVERED OUTPATIENT DRUGS.

(a) IN GENERAL.—Part B of title XVIII is amended by adding at the end the following new section:

##### "REBATES FOR COVERED OUTPATIENT DRUGS

"SEC. 1849. (a) REQUIREMENT FOR REBATE AGREEMENT.—In order for payment to be available under this part for a covered outpatient drug of a manufacturer dispensed on

or after January 1, 1995, the manufacturer must have entered into and have in effect a rebate agreement with the Secretary meeting the requirements of subsection (b).

##### "(b) TERMS, IMPLEMENTATION, AND ENFORCEMENT OF REBATE AGREEMENT.—

###### "(1) PERIODIC REBATES.—

"(A) IN GENERAL.—A rebate agreement under this section shall require the manufacturer to pay to the Secretary for each calendar quarter, not later than 30 days after the date of receipt of the information described in paragraph (2) for such quarter, a rebate in an amount determined under subsection (c) for all covered outpatient drugs of the manufacturer described in subparagraph (B).

"(B) DRUGS INCLUDED IN QUARTERLY REBATE CALCULATION.—Drugs subject to rebate with respect to a calendar quarter are covered outpatient drugs which are dispensed by a pharmacy during such quarter to individuals (other than individuals enrolled with an eligible organization with a contract under section 1876) eligible for benefits under this part, as reported by such pharmacies to the Secretary.

###### "(2) INFORMATION FURNISHED TO MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary shall report to each manufacturer, not later than 60 days after the end of each calendar quarter, information on the total number, for each covered outpatient drug, of units of each dosage form, strength, and package size dispensed under the plan during the quarter, on the basis of the data described in paragraph (1)(B) reported to the Secretary.

"(B) AUDIT.—The Comptroller General may audit the records of the Secretary to the extent necessary to determine the accuracy of reports by the Secretary pursuant to subparagraph (A). Adjustments to rebates shall be made to the extent determined necessary by the audit to reflect actual units of drugs dispensed.

###### "(3) PROVISION OF PRICE INFORMATION BY MANUFACTURER.—

"(A) QUARTERLY PRICING INFORMATION.—Each manufacturer with an agreement in effect under this section shall report to the Secretary, not later than 30 days after the last day of each calendar quarter, on the average manufacturer retail price for each dosage form and strength of each covered outpatient drug for the quarter.

"(B) BASE QUARTER PRICES.—Each manufacturer of a covered outpatient drug with an agreement under this section shall report to the Secretary, by not later than 30 days after the effective date of such agreement (or, if later, 30 days after the end of the base quarter), the average manufacturer retail price, for such base quarter, for each dosage form and strength of each such covered outpatient drug.

"(C) VERIFICATION OF AVERAGE MANUFACTURER RETAIL PRICE.—The Secretary may inspect the records of manufacturers, and survey wholesalers, pharmacies, and institutional purchasers of drugs, as necessary to verify prices reported under subparagraph (A).

###### "(D) PENALTIES.—

"(1) CIVIL MONEY PENALTIES.—The Secretary may impose a civil money penalty on a manufacturer with an agreement under this section—

"(I) for failure to provide information required under subparagraph (A) on a timely basis, in an amount up to \$10,000 per day of delay;

"(II) for refusal to provide information about charges or prices requested by the Sec-

retary for purposes of verification pursuant to subparagraph (C), in an amount up to \$100,000; and

"(III) for provision, pursuant to subparagraph (A) or (B), of information that the manufacturer knows or should know is false, in an amount up to \$100,000 per item of information.

Such civil money penalties are in addition to any other penalties prescribed by law. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(ii) SUSPENSION OF AGREEMENT.—If a manufacturer with an agreement under this section has not provided information required under subparagraph (A) or (B) within 90 days of the deadline imposed, the Secretary may suspend the agreement with respect to covered outpatient drugs dispensed after the end of such 90-day period and until the date such information is reported (but in no case shall a suspension be for less than 30 days).

###### "(4) LENGTH OF AGREEMENT.—

"(A) IN GENERAL.—A rebate agreement shall be effective for an initial period of not less than one year and shall be automatically renewed for a period of not less than one year unless terminated under subparagraph (B).

###### "(B) TERMINATION.—

"(i) BY THE SECRETARY.—The Secretary may provide for termination of a rebate agreement for violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 60 days after the date of notice of such termination. The Secretary shall afford a manufacturer an opportunity for a hearing concerning such termination, but such hearing shall not delay the effective date of the termination.

"(ii) BY A MANUFACTURER.—A manufacturer may terminate a rebate agreement under this section for any reason. Any such termination shall not be effective until the calendar quarter beginning at least 60 days after the date the manufacturer provides notice to the Secretary.

"(iii) EFFECTIVE DATE OF TERMINATION.—Any termination under this subparagraph shall not affect rebates due under the agreement before the effective date of its termination.

"(iv) NOTICE TO PHARMACIES.—In the case of a termination under this subparagraph, the Secretary shall notify pharmacies and physician organizations not less than 30 days before the effective date of such termination.

###### "(c) AMOUNT OF REBATE.—

"(1) BASIC REBATE.—Each manufacturer shall remit a basic rebate to the Secretary for each calendar quarter in an amount, with respect to each dosage form and strength of a covered outpatient drug (except as provided under paragraph (5)), equal to the product of—

"(A) the total number of units subject to rebate for such quarter, as described in subsection (b)(1)(B); and

"(B) the greater of—

"(i)(I) in the case of a single source and innovator multiple source drugs (as defined in section 1927(k)(7)), 17 percent of the average manufacturer retail price for the calendar quarter;

"(II) in the case of a noninnovator multiple source drug (as defined in section 1927(k)(7)) that has an average manufacturer retail price which is greater than 50 percent of the

average manufacturer retail price of the corresponding innovator multiple source drug, 11 percent of the average manufacturer retail price for such noninnovator multiple source drug for the calendar quarter;

"(i) the amount determined pursuant to paragraph (2); or

"(ii) the amount determined pursuant to paragraph (3).

**"(2) NEGOTIATED REBATE AMOUNT FOR NEW DRUGS.—**

"(A) IN GENERAL.—The Secretary may negotiate with the manufacturer a per-unit rebate amount, in accordance with this paragraph, for any covered outpatient drug (except as provided under paragraph (5)) first marketed after June 30, 1993, if one of the following criteria apply:

"(i) The medicare program will be a primary payer for the drug or biological in the outpatient market or will incur significant expenditures for the drug or biological.

"(ii) The Drug Use Review Board (established under section 1850(b)) determined that the drug (whether or not a new chemical entity) is a significant clinical or therapeutic advance over other drugs on the market to treat a particular medical condition.

"(iii) The manufacturer has provided insufficient evidence to the Drug Use Review Board that the drug is cost-effective at the current price charged by the manufacturer.

"(iv) The price of the drug is higher in other industrialized nations as compared with the price in the United States.

"(v) The Federal Government had a substantial role in the research and development of the drug.

"(B) AGREEMENT TO NEGOTIATE REBATE FOR SUBSEQUENT NEW DRUGS.—Any manufacturer entering into an agreement with the Secretary under this paragraph for any covered outpatient drug shall agree to enter into good-faith negotiations for the rebate amount under this paragraph for any other covered outpatient drug which is first marketed after such drug.

"(C) OPTION TO EXCLUDE OR LIMIT COVERAGE.—If the Secretary is unable to negotiate with the manufacturer an acceptable rebate amount with respect to a covered outpatient drug pursuant to this paragraph, the Secretary may—

"(i) exclude such drug from coverage under this part; or

"(ii) limit the use of the drug based on treatment or protocol guidelines (as recommended by the Drug Use Review Board).

"(D) EFFECTIVE DATE OF EXCLUSION OR LIMITATION FROM COVERAGE.—An exclusion or limitation of a drug pursuant to subparagraph (C) shall be effective on and after the earlier of—

"(i) the date 6 months after the effective date of marketing approval of such drug by the Food and Drug Administration (but in no event earlier than July 1, 1996), or

"(ii) the date the manufacturer terminates negotiations with the Secretary concerning the rebate amount.

"(3) HIGHER NEGOTIATED REBATES.—The Secretary shall have the authority to negotiate with a manufacturer a per-unit rebate amount on an annual basis for any covered outpatient drug (except as provided under paragraph (5)) that is greater than the per unit rebate amount determined under clause (i) or (ii) of paragraph (1)(B)(i).

"(4) ADDITIONAL REBATE.—Each manufacturer shall remit to the Secretary, for each calendar quarter, an additional rebate for each dosage form and strength of a covered outpatient drug (except as provided under paragraph (5)), in an amount equal to—

"(A) the total number of units subject to rebate for such quarter, as described in subsection (b)(1)(B), multiplied by

"(B) the amount (if any) by which—

"(i) the average manufacturer retail price for the covered drug of the manufacturer, exceeds

"(ii) the average manufacturer retail price of the covered drug for the base quarter, increased by the percentage by which the Consumer Price Index for all urban consumers (United States city average) for the month before the month in which the calendar quarter begins exceeds such index for the last month of the base quarter.

"(5) NO REBATE REQUIRED FOR CERTAIN GENERIC DRUGS.—Paragraphs (1) through (4) shall not apply with respect to a covered outpatient drug that is a noninnovator multiple source drug which is not described in paragraph (1)(B)(i)(II).

"(6) DEPOSIT OF REBATES.—The Secretary shall deposit rebates under this section in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"(d) CONFIDENTIALITY OF INFORMATION.—Notwithstanding any other provision of law, information disclosed by a manufacturer under this section is confidential and shall not be disclosed by the Secretary, except—

"(1) as the Secretary determines to be necessary to carry out this section,

"(2) to permit the Comptroller General to review the information provided, and

"(3) to permit the Director of the Congressional Budget Office to review the information provided.

"(e) GENERIC DISPENSING INCENTIVES.—

"(1) ESTABLISHMENT OF DISPENSING POLICY.—The Secretary shall establish a generic-only dispensing policy for any drug described in subparagraph (A), subject to Federal upper limit for each such drug described in subparagraph (B), which shall ensure that expenditures for innovator multiple source drugs (determined after taking into account any rebates with respect to such drugs under this section) account for no more than 10 percent of the total expenditures made under this part for multiple source drugs (determined after taking into account any rebates with respect to such drugs under this section).

"(A) GENERIC-ONLY POLICY APPLICABLE.—A drug described in this paragraph is any covered outpatient drug which is a multiple source drug (as defined in section 1927(k)(7)) for which there are three or more therapeutically and pharmaceutically equivalent brands of the drug sold and marketed in the United States.

"(B) FEDERAL UPPER LIMIT.—The Secretary shall establish a Federal upper limit for each drug described in subparagraph (A) by using the prices of each of the therapeutically and pharmaceutically equivalent brands of such drug that is sold and marketed in the United States.

"(2) DESCRIPTION OF GENERICS-ONLY POLICY.—The Secretary shall exclude from payment under section 1862(a)(17) any innovator version of a multiple source drug described in paragraph (1)(A) unless—

"(A) a written prescription for the drug contains, in the handwriting of the physician or other person prescribing the drug, the phrase "brand medically necessary" indicating that the particular brand of the innovator drug product must be dispensed; and

"(B) at the option of the Secretary, a medical justification is provided for the covered outpatient drug described in subparagraph (A).

The Secretary may require prior authorization for payment for any innovator version of a multiple source drug described in paragraph (1)(A) unless the net cost of the innovator multiple source drug to the program under this part is less than or equal to the Federal upper limit (as established by the Secretary under paragraph (1)(B)).

"(3) PUBLICATION OF INFORMATION.—The Secretary shall publish on no less than a semiannual basis a prescription resource guide for physicians and pharmacists for the outpatient prescription drugs most commonly prescribed for medicare beneficiaries. The guide would indicate when generics are available for a particular brand name drug and indicate the net cost to the medicare program for the furnishing of each drug in the therapeutic class of such drug. Such information shall also be available on any electronic claims prescription processing system established by the Secretary.

"(f) PRIOR AUTHORIZATION PROGRAM.—The Secretary may establish, as a condition of coverage or payment for a covered outpatient drug for which payment is available under this part, a system which requires the approval of the drug before its dispensing for any medically accepted indication (as defined in section 1927(k)(6)) but the system providing for such approval must—

"(A) provide a response by telephone or other telecommunication device within 24 hours of a request for prior authorization; and

"(B) provide for the dispensing of at least a 72-hour supply of a covered outpatient prescription drug in an emergency situation (as defined by the Secretary).

"(g) DEFINITIONS.—For purposes of this section:

"(1) AVERAGE MANUFACTURER RETAIL PRICE.—The term "average manufacturer retail price" means, with respect to a covered outpatient drug of a manufacturer for a calendar quarter, the average price (inclusive of discounts for cash payment, prompt payment, volume purchases, and rebates (other than rebates under this section), but exclusive of nominal prices) paid to the manufacturer for the drug in the United States for drugs distributed to the retail pharmacy class of trade.

"(2) BASE QUARTER.—The term "base quarter" means, with respect to a covered outpatient drug of a manufacturer, the calendar quarter beginning October 1, 1993, or, if later, the first full calendar quarter during which the drug was marketed in the United States.

"(3) MANUFACTURER.—The term "manufacturer" means, with respect to a covered outpatient drug, the entity holding legal title to or possession of the National Drug Code number for such drug.

"(4) NOMINAL PRICE.—The term "nominal price" means any price which is less than 10 percent of the average manufacturer's retail price for the covered outpatient drug of the manufacturer for the calendar quarter."

(b) EXCLUSIONS FROM COVERAGE.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended—

(1) by striking "or" at the end of paragraph (15),

(2) by striking the period at the end of paragraph (16) and inserting "; or", and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) in the case of a covered outpatient drug (as described in section 1861(t)) which—  
 "(A) is furnished during a year for which the drug's manufacturer does not have in effect a rebate agreement with the Secretary that meets the requirements of section 1849 for the year,

"(B) is excluded from coverage during the year by the Secretary pursuant to subparagraphs (C) and (D) of section 1849(c)(2) (relating to negotiated rebate amounts for certain new drugs), or

"(C) is not furnished in accordance with treatment protocols developed by the Secretary (based on recommendations from the Drug Use Review Board)".

(c) CONFORMING AMENDMENTS TO MEDICAID PROGRAM.—Section 1927(a) (42 U.S.C. 1396r-8(a)) is amended—

(1) in the first sentence of paragraph (1), by striking "and paragraph (6)" and inserting "paragraph (6), and (for calendar quarters beginning on or after January 1, 1995) paragraph (7)"; and

(2) by adding at the end the following new paragraph:

"(7) REQUIREMENT RELATING TO REBATE AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICARE PROGRAM.—A manufacturer meets the requirements of this paragraph if the manufacturer has in effect an agreement with the Secretary under section 1849 for providing rebates for covered outpatient drugs furnished to individuals under title XVIII during the year."

#### Subtitle B—Drug Use Review

##### SEC. 111. MEDICARE DRUG USE REVIEW.

Part B of title XVIII is further amended by adding at the end the following new section:

#### "MEDICARE DRUG USE REVIEW

"SEC. 1850. (a) DRUG USE REVIEW.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the Secretary shall provide, by not later than January 1, 1996, for a drug use review program for covered outpatient drugs which—

"(i) meets the requirements of paragraph (2), and

"(ii) assures that prescriptions for covered outpatient drugs are appropriate, medically necessary, and not likely to result in adverse medical results.

"(B) DRUG USE REVIEW ALLOWANCE.—Not later than 180 days after the date of the enactment of the Pharmaceutical Marketplace Reform Act of 1994, the Secretary shall establish a methodology to provide payment to pharmacists for prospective drug review and pharmaceutical care activities required under subparagraphs (A) through (H) of paragraph (2).

"(C) TREATMENT OF NURSING FACILITIES.—The Secretary is not required to provide for drug use review with respect to drugs dispensed to residents of nursing facilities which are in compliance with the requirements of subsections (b)(4)(A)(iii) and (c)(1)(D) of section 1819.

"(2) REQUIREMENTS OF PROGRAM.—

"(A) PROSPECTIVE DRUG USE REVIEW.—

"(i) IN GENERAL.—The drug use review program shall provide for a review of drug therapy before each prescription for a covered outpatient drug is filled or delivered to an individual receiving a covered outpatient drug. The review shall be designed to identify potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

"(ii) STANDARDS FOR COUNSELING BY PHARMACISTS.—As part of the prospective drug use review program, the Secretary (in consultation with the Drug Use Review Board) shall establish standards for counseling by phar-

macists of individuals receiving covered outpatient drugs. Such standards shall include, at a minimum, the following:

"(I) The pharmacist must offer to discuss (in person, face-to-face whenever practicable, or through access to a telephone service which is toll free for long-distance calls) with each individual receiving covered outpatient drugs or caregiver of such individual who presents a prescription, matters which in the exercise of the pharmacist's professional judgment (consistent with any applicable State law respecting the provision of such information), the pharmacist deems significant, which may include the following:

"(aa) The name and description of the medication.

"(bb) The dosage form, dosage, route of administration, and duration of drug therapy.

"(cc) Special directions and precautions for preparation, administration, and use by the patient.

"(dd) Common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur.

"(ee) Techniques for self-monitoring drug therapy.

"(ff) Proper storage.

"(gg) Prescription refill information.

"(hh) Action to be taken in the event of a missed dose.

"(II) A reasonable effort must be made by the pharmacist to obtain, record, and maintain at least the following information regarding individuals receiving benefits under this title:

"(aa) Name, address, telephone number, date of birth (or age) and gender.

"(bb) Individual history where significant, including disease state or states, known allergies and drug reactions, and a comprehensive list of medications and relevant devices.

"(cc) Pharmacist comments relevant to the individual's drug therapy.

Nothing in this clause shall be construed as requiring a pharmacist to provide consultation when an individual receiving benefits under this title or caregiver of such individual refuses such consultation.

"(B) RETROSPECTIVE DRUG USE REVIEW.—The program shall provide for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacists and individuals receiving benefits under this title, or associated with specific drugs or groups of drugs.

"(C) STANDARDS.—

"(i) IN GENERAL.—The program shall, on an ongoing basis, assess data on drug use against explicit standards determined by the Secretary upon the recommendations of the Drug Use Review Board (using the sources described in clause (ii) as the basis for determining the standards for such assessment). Such assessment shall include monitoring for therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug-drug interactions, incorrect drug dosage or duration of drug treatment, and clinical abuse or misuse, and introduce remedial strategies in order to improve the quality of care and to conserve program funds or personal expenditures.

"(ii) SOURCES.—The sources described in this clause are the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information, the American Medical Association Drug

Evaluations, peer-reviewed medical literature as approved by the Secretary, and other sources as determined by the Secretary in consultation with the Drug Use Review Board.

"(D) EDUCATION AND INTERVENTION.—The program shall provide for, either directly or through contracts with accredited health care educational institutions, medical societies or pharmacists' associations or societies, or other organizations as specified by the Secretary, and using data provided by the Drug Use Review Board on common drug therapy problems—

"(i) ongoing educational outreach programs to educate practitioners on common drug therapy problems with the aim of improving prescribing or dispensing practices; and

"(ii) ongoing interventions for physicians and pharmacists targeted toward common drug therapy problems or individuals identified in the course of retrospective drug use reviews performed under this subsection, including, in appropriate instances, at least the following:

"(I) Written, oral, or electronic reminders containing patient-specific or drug-specific (or both) information and suggested changes in prescribing or dispensing practices, communicated in a manner designed to ensure the privacy of patient-related information.

"(II) Use of face-to-face discussions between health care professionals who are experts in rational drug therapy and selected prescribers and pharmacists who have been targeted for educational intervention, including discussion of optimal prescribing, dispensing, or pharmacy care practices, and follow up face-to-face discussions.

"(III) Intensified review or monitoring of selected prescribers or dispensers.

"(E) HIGH RISK INDIVIDUALS.—The program shall provide for case management of drug therapy (under protocols established by the Secretary) for individuals receiving covered drugs who are identified as being at high risk for potential medication-related problems.

"(F) INTERCHANGEABLE PHARMACEUTICALS.—The program shall when appropriate provide for the interchange of therapeutically equivalent pharmaceutical products by a pharmacist after approval of the prescribing physician.

"(G) PATIENT INCENTIVE COMPLIANCE PROGRAMS.—The program shall provide for the management of patient incentive compliance programs.

"(H) OTHER SERVICES.—The program shall contain such other services that the Secretary finds to be standard of pharmacy practice consistent with the provision of pharmaceutical care.

"(b) DRUG USE REVIEW BOARD.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Drug Use Review Board (hereafter in this subsection referred to as the 'DUR Board') without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) MEMBERSHIP.—

"(A) COMPOSITION.—The DUR Board shall consist of 9 members of whom—

"(i) 4 are individuals who are practicing physicians;

"(ii) 4 are individuals who are practicing pharmacists; and

"(iii) 1 is an individual who receives benefits under this title.

"(B) TERMS.—Members of the DUR Board shall first be appointed by no later than July 1, 1995, for a term of 3 years, except that the Director may provide initially for such

shorter terms as will ensure that (on a continuing basis) the terms of no more than 4 members expire in any 1 year.

"(3) CHAIR AND VICE CHAIR.—The DUR Board shall select a Chair and Vice Chair from among its members.

"(4) MEETINGS.—

"(A) IN GENERAL.—The DUR Board shall meet at the call of the Chair.

"(B) INITIAL MEETING.—No later than 30 days after the date on which all members of the DUR Board have been appointed, the DUR Board shall hold its first meeting.

"(C) QUORUM.—A majority of the members of the DUR Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(5) DUTIES OF THE DUR BOARD.—The DUR Board shall—

"(A) recommend policies and procedures to the Secretary for the operation of the outpatient prescription drug program for the purpose of optimizing therapeutic outcomes in individuals who receive benefits under this part;

"(B) suggest appropriate model criteria and standards of prescribing and dispensing of covered outpatient prescription drugs (prioritized by medical relevance) through an evaluation of the FDA approved labeling of the covered outpatient drug, the medical literature, other clinical data available from pharmaceutical manufacturers, and expert advice;

"(C) categorize covered outpatient drugs by therapeutic class, and evaluate the relative efficacy and cost-effectiveness of new and existing pharmaceuticals within established and new therapeutic classes of drugs for the outpatient drug program under this part;

"(D) make recommendations, based on the clinical literature, of classes of pharmaceuticals or specific pharmaceuticals that should be added to or deleted from the list of excludable drugs for the medicare program under section 1927(d);

"(E) recommend to the Secretary those covered outpatient drugs which, based on data collected about the potential for the drug's clinical misuse, abuse, or economic impact on the medicare program under this title should be subject to prescribing protocols or treatment guidelines;

"(F) assist in the development of pharmaceutical care programs for recipients of outpatient drugs under this part; and

"(G) suggest operational and evaluative performance standards for the drug use review program under this section and the State drug use review programs under title XIX.

"(6) REPORTS.—

"(A) ANNUAL REPORTS.—Not later than July 1, 1996, and annually thereafter on July 1, the DUR Board shall deliver an annual report to Congress, the Secretary, the States, and other interested parties which shall contain recommendations for appropriate administrative and legislative action that will—

"(i) ensure the cost-effectiveness and quality of care of drug therapy provided under this title and title XIX; and

"(ii) improve the effectiveness of the drug use review program under this title and the State drug use review programs under title XIX.

"(7) SPECIAL REPORTS.—The DUR Board shall deliver special reports on any of the matters under paragraph (5) at the request of Congress.

"(8) CERTAIN PROVISIONS APPLICABLE.—Section 1845(c)(1) shall apply to the DUR Board in the same manner as it applies to the Physician Payment Review Commission.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection."

#### Subtitle C—Effective Date

#### SEC. 121. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this title shall apply to items and services furnished on or after January 1, 1995.

#### TITLE II—MEDICAID PROGRAM

#### SEC. 201. NO FEDERAL FINANCIAL PARTICIPATION WITH RESPECT TO CERTAIN INNOVATOR MULTIPLE SOURCE DRUGS.

(a) IN GENERAL.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following new paragraphs:

"(15) with respect to an innovator multiple source drug unless—

"(A) a written prescription for the drug contains, in the handwriting of the physician or other person prescribing the drug, the phrase 'brand medically necessary' indicating that a particular brand of the innovator drug product must be dispensed; and

"(B) the physician or other person prescribing the drug provides a medical justification to the State agency for prescribing such drug; or

"(16) with respect to expenditures made by the State for the dispensing of innovator multiple source drugs (determined after taking into account any rebates with respect to such drugs under section 1927) that exceed an amount equal to—

"(A) for 1995, 15 percent, and

"(B) for 1996 and succeeding years, 10 percent,

of the expenditures made by the State for the dispensing of all multiple source drugs (determined after taking into account any rebates with respect to such drugs under section 1927)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for calendar quarters beginning on or after January 1, 1995.

#### SEC. 202. REBATE FOR CERTAIN COVERED OUTPATIENT DRUGS.

(a) IN GENERAL.—Section 1927(c)(3)(B) (42 U.S.C. 1396r-8(c)(3)(B)) is amended to read as follows:

"(B) APPLICABLE PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (A)(i), the 'applicable percentage' for rebate periods beginning—

"(I) before January 1, 1994, is 10 percent, and

"(II) after December 31, 1993, is 11 percent.

"(ii) SPECIAL RULE.—For purposes of subparagraph (A)(i), if a covered outpatient drug is a noninnovator multiple source drug and the average manufacturer price of such drug does not exceed 50 percent of the average manufacturer price for the corresponding innovator multiple source drug, the 'applicable percentage' for rebate periods beginning—

"(I) after December 31, 1994, and before January 1, 1996, is 9 percent,

"(II) after December 31, 1995, and before January 1, 1997, is 7 percent, and

"(III) after December 31, 1996, is 5 percent."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for rebate periods beginning after December 31, 1994.

#### SEC. 203. STATE REGULATION OF OUTPATIENT PRESCRIPTION DRUG BENEFITS COVERED BY HEALTH CARE PLANS.

(a) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1931 as section 1932; and

(2) by inserting after section 1930 the following new section:

"STATE REGULATION OF OUTPATIENT PRESCRIPTION DRUG BENEFITS COVERED BY HEALTH CARE PLANS

"SEC. 1931. No payment shall be made to a State under section 1903 for any calendar quarter in which such State fails to have in effect regulations requiring each health care plan offered in such State that covers outpatient prescription drugs—

"(1) to establish a pharmacy and therapeutics committee or drug use review board consisting of physicians and pharmacists which shall make recommendations to the plan in order to assure that outpatient prescription drugs used by individuals enrolled in the plan are medically appropriate and likely to result in positive medical outcomes;

"(2) to establish a therapeutic formulary of outpatient prescription drugs which are approved by the pharmacy and therapeutics committee or drug use review board for use by individuals enrolled in the plan;

"(3) to establish a pharmaceutical care services program which shall ensure that services provided by a pharmacist licensed to practice in the State result in positive medical and therapeutic outcomes and which shall include—

"(A) drug use review including—

"(i) prospective review consisting of counseling provided by pharmacists to individuals enrolled in the plan on the appropriate use of outpatient prescription drugs and identification and avoidance of potential adverse medication-related outcomes before an outpatient prescription drug is dispensed to an individual enrolled in the plan;

"(ii) retrospective review consisting of an organized process to collect and analyze data concerning the drug use patterns of individuals enrolled in the plan and provider prescribing and dispensing patterns under the plan; and

"(iii) education of, and interventions for, health care professionals to provide for optimal use of outpatient prescription drugs among individuals enrolled in the plan;

"(B) management of drug therapy and case management of patients that are identified as at high risk for potential medication-related problems;

"(C) preapproved or protocol-approved interchange of pharmaceutical products;

"(D) management of patient compliance incentive programs; and

"(E) other services that are consistent with standard pharmacy practice and consistent with providing pharmaceutical care; and

"(4) to establish a system under which any pharmacist who provides outpatient prescription drugs to individuals enrolled in the plan is provided payment for services required to comply with any requirements imposed on such pharmacist by this section."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall be effective for calendar quarters beginning on or after January 1, 1996.

(2) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State which the Secretary determines requires State legislation (other than legislation authorizing or

appropriating funds) in order to comply with the amendments made by subsection (a), the State shall not be regarded as failing to comply with such amendments solely on the basis of its failure to meet the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

### TITLE III—COMMISSIONS

#### SEC. 301. PHARMACEUTICAL MARKETPLACE INFORMATION COMMISSION.

Part A of title XI (42 U.S.C. 1301 et seq.), as amended by section 13581(a) of the Omnibus Budget Reconciliation Act of 1993, is amended by adding at the end the following new section:

##### "PHARMACEUTICAL MARKETPLACE INFORMATION COMMISSION

###### "SEC. 1145. (a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary shall provide for the appointment of the Pharmaceutical Marketplace Information Commission (in this section referred to as the 'Commission'), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) MEMBERSHIP.—The Commission shall consist of 9 individuals. The membership of the Commission shall include recognized experts in the fields of pharmacoeconomics, industrial cost accounting, medicine, pharmacy, and science, a consumer, a representative of a patient advocacy group.

"(3) TERMS.—Members of the Commission shall first be appointed by no later than July 1, 1995, for a term of 3 years, except that the Director may provide initially for such shorter terms as will ensure that (on a continuing basis) the terms of no more than 4 members expire in any 1 year.

"(4) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members.

###### "(5) MEETINGS.—

"(A) IN GENERAL.—The Commission shall meet at the call of the Chair.

"(B) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

"(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(b) DUTIES OF THE COMMISSION.—The Commission shall have the following duties:

###### "(1) DOMESTIC PHARMACEUTICAL PRICES.—

"(A) PUBLICATION OF PRICING INFORMATION.—The Commission shall annually publish the weighted average price of each dosage form and strength of each single source drug and innovator multiple source drug sold to all purchasers of such drug in the United States and the average manufacturer's price for each such drug distributed to the retail class of trade.

"(B) INFORMATION SOURCE ON PRICE CONCESSIONS.—The Commission shall—

"(i) serve as a source of information for purchasers on the policies and procedures of drug manufacturers concerning the terms under which manufacturers provide rebates, discounts and other price concessions to pharmaceutical purchasers; and

"(ii) receive and investigate information (provided by purchasers) relating to in-

stances in which manufacturers are not offering and providing products on similar terms and conditions to all purchasers.

"(2) INTERNATIONAL PHARMACEUTICAL PRICES.—The Commission shall monitor, analyze, and publish price information relating to currently marketed and new pharmaceutical prices for drugs, biologicals, and vaccines in other industrialized nations, including those nations described in section 802(b)(4)(A) of the Federal Food, Drug, and Cosmetic Act. Such information shall include the average price in all classes of trade, and the average price sold to the retail class of trade in each country. The Commission shall also monitor mechanisms used by other industrialized nations to contain pharmaceutical expenditures.

"(3) PRICES OF CERTAIN PHARMACEUTICALS.—

"(A) IN GENERAL.—The Commission shall review the price of drugs and biologicals and provide information to purchasers to determine whether the price of the drug or biological is reasonable if such drug or biological product—

"(i)(I) is a new drug or biological which is a significant clinical advance or breakthrough over pharmaceutical products currently available to treat a particular condition, whether or not the product is a new chemical or biological entity;

"(II) a new drug or biological which has received a designation of 1-AA or 1-P by the Food and Drug Administration;

"(III) is an orphan drug product;

"(IV) is a currently marketed drug for which there are no other therapeutic alternatives on the market; or

"(V) the Federal Government had a substantial role in the development of the drug or biological, and such support was essential to the approval of the drug by the Food and Drug Administration; and

"(ii) a request is made to review the price of such drug or biological by—

"(I) the Secretary;

"(II) a member of the Commission;

"(III) not less than 3 groups representing consumers or patient advocates, or

"(IV) not less than three health plans providing such drug or biological, where such plans present evidence that the price is excessive.

"(B) GUIDELINES FOR DETERMINATION.—The Commission shall use the following information to determine whether the price of the drug or biological is reasonable:

"(i) DOMESTIC COMPARISON.—The Commission shall compare the price of the drug or biological with the price of drugs or biologicals in the same therapeutic class used to treat similar therapeutic conditions in the United States.

"(ii) INTERNATIONAL COMPARISON.—The Commission shall compare the price of the drug or biological with the price of the drug or biological in section 802(b)(4)(A) of the Federal Food, Drug, and Cosmetic Act.

"(iii) MANUFACTURER INFORMATION.—The Commission shall consider the following information provided by the manufacturer of the drug or biological:

"(I) The manufacturer's costs of manufacturing, researching, and developing the product.

"(II) The anticipated revenue from the sales of the product in the United States and international markets.

"(III) The manufacturer's anticipated costs of marketing and advertising for the product.

"(IV) Anticipated revenue from off-label uses of the product.

"(V) Extraordinary circumstances that justify the price charged in the United States market.

"(VI) the expected period of patent life or market exclusivity for the product.

"(VII) Profit expected by the manufacturer as a result of the sales of the product in the United States and other industrialized nations.

"(VIII) Other relevant factors that the manufacturer would like the Commission to consider.

"(iv) INVESTIGATIONS PAID FOR BY FEDERAL GOVERNMENT.—Funds expended by the Federal Government either directly or indirectly to support investigations that were significant to the application made to the Food and Drug Administration to approve the drug or biological.

"(v) COST-EFFECTIVENESS.—The cost-effectiveness of the pharmaceutical relative to other medical treatment alternatives, including nonpharmaceutical treatments, such as devices.

"(vi) QUALITY OF LIFE IMPROVEMENT.—The improvements in the quality of life offered by the product, including the ability to return to work and other appropriate measures of improvement in the quality of life.

###### "(C) DETERMINATION.—

"(i) HEARING.—The Commission shall hold a public hearing to collect information and data from groups interested in the price of the drug or biological before making a report described in subparagraph (B).

"(ii) REPORT.—The Commission shall publish a report on the reasonableness of a drug or biological as determined under this paragraph, with all available information and justification for its findings.

"(iii) APPEAL.—The Commission shall develop a process for an interested party to appeal the report of the Commission.

"(iv) NO BINDING EFFECT.—No report of the Commission issued under this subparagraph shall have binding effect upon any manufacturer or purchaser.

"(D) CONFIDENTIALITY OF PROPRIETARY INFORMATION PROVIDED TO THE COMMISSION.—Any proprietary information provided by a manufacturer to the Commission under this subsection shall be held confidential.

"(4) UTILIZATION OF GENERIC PHARMACEUTICALS.—The Commission shall—

"(A) monitor the rate of dispensing generic drugs in the United States;

"(B) publish (at least semiannually) and make available to health care providers information about the availability and relative costs of generic drugs compared to the costs for the equivalent innovator versions of these drugs; and

"(C) monitor the pricing patterns of generic drugs, and the extent to which domestic and international trade policies affect the ability of generic pharmaceutical manufacturers to obtain materials for the purpose of manufacturing and selling generic drugs in the United States.

"(5) PHARMACEUTICAL PATENT EXTENSIONS.—Not less than 90 days before the expiration of a pharmaceutical patent for which the holder of the patent has sought an extension of that patent, the Commission shall provide to the Congress and the Office of Patents and Trademarks an analysis of the feasibility and desirability of extending the patent as provided in the terms of the Drug Price Competition and Patent Term Restoration Act of 1984.

"(6) PHARMACOECONOMIC AND COST-EFFECTIVENESS ANALYSIS.—The Commission shall—

"(A) develop a standard methodology for the purpose of conducting pharmacoeconomic and cost-effectiveness analyses of pharmaceutical and biological products; and

"(B) collect and disseminate information to purchasers about the relative cost-effectiveness and cost-benefit of various pharmaceutical products as compared to other pharmaceutical products and other medical technologies, including making evaluations of the new savings to the health care system as a result of new pharmaceutical and biological products.

"(C) CERTAIN PROVISIONS APPLICABLE.—Section 1845(c)(1) shall apply to the Commission in the same manner as it applies to the Physician Payment Review Commission.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

#### SEC. 302. PRESCRIPTION DRUG PAYMENT REVIEW COMMISSION.

Part A of title XI (42 U.S.C. 1301 et seq.), as amended by section 301, is amended by adding at the end the following new section:

##### "PRESCRIPTION DRUG PAYMENT REVIEW COMMISSION

"SEC. 1146. (a) ESTABLISHMENT.—The Director of the Congressional Office of Technology Assessment (in this section referred to as the 'Director' and the 'Office', respectively) shall provide for the appointment of a Prescription Drug Payment Review Commission (in this section referred to as the 'Commission') without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

##### "(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Commission shall consist of 11 individuals with expertise in the provision and financing of prescription drugs under federally funded health care programs.

"(2) TERMS.—Members of the Commission shall first be appointed by no later than July 1, 1995 for a term of 3 years, except that the Director may provide initially for such shorter terms as will ensure that (on a continuing basis) the terms of no more than 4 members expire in any 1 year.

"(3) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members.

##### "(c) MEETINGS.—

"(1) IN GENERAL.—The Commission shall meet at the call of the Chair.

"(2) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

"(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

##### "(d) DUTIES OF THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall—

"(A) monitor the scope of coverage, reimbursement, expenditure levels, and financing of prescription drugs under Federal health care programs;

"(B) monitor the prices for prescription and nonprescription drugs (on the retail level and manufacturer level) used in Federal health care programs;

"(C) recommend modifications and changes in cost containment measures and payment and reimbursement rates under Federal health care programs;

"(D) monitor and analyze the extent to which pharmaceuticals and pharmacy services are available to specific populations, including citizens in rural areas of the United States;

"(E) evaluate technologies available for efficient administration of Federal health care

programs and other third party prescription drug programs; and

"(F) determine the annual cost of dispensing a prescription for various classes of pharmacies to assist in the development of reimbursement and payment rates to providers.

##### "(2) REPORTS.—

"(A) ANNUAL REPORTS.—Not later than July 1, 1996, and annually thereafter on July 1, the Commission shall deliver an annual report to Congress which shall contain the findings and conclusions of the Commission, on each of the matters under paragraph (1).

"(B) SPECIAL REPORTS.—The Commission shall deliver special reports on any of the matters under paragraph (1) at the request of Congress.

"(e) CERTAIN PROVISIONS APPLICABLE.—Section 1845(c)(1) shall apply to the Commission in the same manner as it applies to the Physician Payment Review Commission.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

#### TITLE IV—ADDITIONS TO THE MASTER AGREEMENT

##### SEC. 401. EQUAL ACCESS TO DISCOUNTS.

(a) IN GENERAL.—Section 8126(a) of title 38, United States Code, as amended by section 101(b), is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4)(A) each manufacturer of single source and innovator multiple source drugs (as described in section 1927(k) of the Social Security Act) shall offer such pharmaceuticals for sale to every purchaser on equal terms and conditions including any rebates, free merchandise, discounts, and other similar adjustments (excluding any terms offered to the Department of Veterans Affairs, the Department of Defense, entities that receive funding under the Public Health Service, any other entity receiving discounts under section 340(b) of the Public Health Service Act, and any other Federal or State government agency that directly procures pharmaceuticals);

"(B) each manufacturer of single source and innovator multiple source drugs may only offer rebates, free merchandise, discounts, and other similar adjustments, if the manufacturer experiences savings as a result of efficiencies in purchasing, such as volume buying (including programs to increase volume buying through influencing physician prescribing practices or by making an agreement to place drugs on a formulary), prompt delivery, single-site delivery, and prompt payment;

"(C) each manufacturer of single source and innovator multiple source drugs shall make information describing the terms and conditions described in subparagraph (A) available to the public and the Pharmaceutical Marketplace Information Commission (established under section 1145 of the Social Security Act); and

"(D) each manufacturer that knowingly violates the requirement under the preceding subparagraphs shall be subject to a civil fine of not more than \$100,000 per violation; and".

##### SEC. 402. PROVISION OF INFORMATION TO THE PHARMACEUTICAL MARKETPLACE INFORMATION COMMISSION.

(a) IN GENERAL.—Section 8126(a) of title 38, United States Code, as amended by sections 101(b) and 401, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5)(A) each manufacturer of a single source and innovator multiple source drug (as defined in section 1927(k) of the Social Security Act) shall report to the Pharmaceutical Marketplace Information Commission (established under section 1145 of the Social Security Act) such information as the Commission may require to compile the data necessary to publish the domestic pricing information described in section 1145(b)(1)(A) of the Social Security Act and the international pricing information described in section 1145(b)(2) of such Act no later than 30 days after the end of each calendar quarter, and

"(B) each manufacturer shall make available to the Pharmaceutical Marketplace Information Commission any additional information required by the Commission; and".

##### SEC. 403. CONFORMING AMENDMENTS.

(a) ADDITIONAL REQUIREMENTS FOR PARTICIPATION.—Section 8126(a)(6) of title 38, United States Code, as redesignated in section 402(a)(2), is amended by striking ", and (3)" and inserting "(3), (4), and (5)".

(b) AMENDMENTS TO EFFECTIVE DATE PROVISIONS.—

(1) MEDICAID.—Section 1927(a) is amended—

(A) in paragraph (5)—

(i) in subparagraph (D), by striking "title VI of the Veterans Health Care Act of 1992" and inserting "the Pharmaceutical Marketplace Reform Act of 1994"; and

(ii) in subparagraph (E), by striking "immediately after the enactment of this paragraph" and inserting "immediately after the enactment of the Pharmaceutical Marketplace Reform Act of 1994"; and

(B) in paragraph (6)—

(i) in subparagraph (B), by striking "title VI of the Veterans Health Care Act of 1992" and inserting "the Pharmaceutical Marketplace Reform Act of 1994"; and

(ii) in subparagraph (C), by striking "immediately after the enactment of this paragraph" and inserting "immediately after the enactment of the Pharmaceutical Marketplace Reform Act of 1994".

(2) PUBLIC HEALTH SERVICE.—Section 340B(d) of the Public Health Service Act is amended by striking "the Veterans Health Care Act of 1992" and inserting "the Pharmaceutical Marketplace Reform Act of 1994".

(3) VETERANS' AFFAIRS.—Section 8126(g) of title 38, United States Code, is amended—

(A) in paragraph (1), by inserting ", except that such reference shall include any amendments to the Social Security Act made by the Pharmaceutical Marketplace Reform Act of 1994" before the period at the end; and

(B) in paragraph (2)—

(i) by striking "this section" and inserting "the Pharmaceutical Marketplace Reform Act of 1994"; and

(ii) by striking "date of the enactment of this section" and inserting "date of the enactment of the the Pharmaceutical Marketplace Reform Act of 1994".

##### SEC. 404. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this title shall apply on and after December 31, 1994.

#### SUMMARY OF PROVISIONS

##### TITLE I—MEDICARE PROGRAM

###### *Medicare covered outpatient prescription drugs*

This section would incorporate managed care principles into Medicare's mechanism for covering outpatient prescription drugs. It

would provide for prudent pharmaceutical cost containment mechanisms and the development of standards for drug use review and pharmaceutical care for Medicare beneficiaries.

(I) Medicare Drug Program cost containment

This section would provide Medicare—the largest purchaser of medications in the United States—with the same pharmaceutical cost containment management tools currently used by a wide variety of fee-for-service and managed care plans.

As a condition of coverage for their products under Medicare, brand name pharmaceutical manufacturers would be required to pay a rebate or a discount to Medicare of 17 percent off the average manufacturers retail price (AMRP). Manufacturers could negotiate higher rebates with the Secretary of Health and Human Services (HHS), and physicians would be encouraged to utilize these higher rebated drugs for Medicare beneficiaries when medically appropriate. No rebate would be required for generic drugs except where the price of the generic drug is greater than 50 percent of the price of the innovator's brand of the drug. In such cases the manufacturer of the generic drug would pay an 11-percent rebate.

The Secretary of HHS would be permitted to negotiate rebates with manufacturers of new drugs that are covered by Medicare. These negotiations would occur if (1) the Medicare program is a primary payer for the new drug, (2) the new drug is not cost effective at the price the manufacturer is charging, (3) the new drug is less expensive in other major industrialized countries, or (4) the federal government had a substantial role in developing the new drug. If a manufacturer will not negotiate in good faith with the Secretary, the Secretary has the option not to cover the new drug or to require prior authorization before the new drug can be used.

Generic versions of brand name drugs would be dispensed to Medicare beneficiaries when they are available, but only if the Food and Drug Administration (FDA) has determined the generic version to be equivalent to its brand name counterpart.

The brand name version of a drug with generic equivalents would still be available if the physician writes "brand medically necessary" on the prescription. The Secretary of HHS has the option to require medical justification from the prescribing physician for requiring use of the brand name drug.

The Secretary could utilize prescribing protocols or guidelines for any drug covered under Medicare.

(II) Drug use review and coordination pharmaceutical care

The legislation develops a program to optimize the user of medications among Medicare beneficiaries and to improve therapeutic outcomes.

Standards are established for drug use review (DUR) and pharmaceutical care programs for Medicare beneficiaries. Under the DUR program, Medicare beneficiaries would be counseled by pharmacists on how to use medications properly. Pharmacists would be required to check prescriptions before dispensing in order to prevent purchasers from experiencing adverse reactions. A program would be established to provide feedback to physicians and pharmacists about the use of drugs by Medicare beneficiaries.

Under the pharmaceutical care program, pharmacists would be utilized to monitor and manage the drug therapy of certain Medicare beneficiaries that are identified as at

high risk for potential medication problems. The Secretary would be required to develop a methodology to compensate pharmacists for these cost-saving services.

A Medicare DUR Board consisting of physicians and pharmacists would be established. The Board would be responsible for recommending policies and procedures to the Secretary for the operation of the Medicare drug program. The Board's recommendations would work toward the maximization of medication outcomes in Medicare beneficiaries.

TITLE II—MEDICAID PROGRAM

*Modifications to the Medicaid Prescription Drug Program*

Although the Medicaid program may eventually be incorporated into the overall reformed health care system, the provisions in this legislation would produce Medicaid savings over the next few years by maximizing the use of generic medications.

This section would allow brand name medications that have generic equivalents to be dispensed only when the physician has indicated in his own handwriting on the prescription that the brand name drug is "medically necessary" for the patient, and has provided medical justification to the state Medicaid agency.

In addition, it would require that the state Medicaid program increase its expenditures on generic pharmaceuticals (as a percentage of all multiple source drug expenditures by the state) to 85 percent in 1995 and 90 percent in 1996 and thereafter. (Currently, the rate of generic dispensing in Medicaid is only about 70 to 75 percent, costing Medicaid millions of dollars each year.) State Medicaid agencies would lose part of their federal matching funds if they exceeded the allowable rate of brand name dispensing.

If the price of a generic drug is more than 50 percent of the price of the brand name drug, the rebate to Medicaid for the generic drug would be 11 percent. For other generics, the rebate would decrease from 11 percent in 1994 to 9 percent in 1995, 7 percent in 1996, and 5 percent in 1997 and thereafter.

*Standards for pharmaceutical care provisions related to outpatient prescription drug benefits*

As a condition of receiving federal Medicaid matching funds, states must require that all health care plans in the state meet minimum standards for providing pharmaceuticals to their enrollees. These standards would require plans to:

Use therapeutic drug formularies;  
Establish a Pharmacy and Therapeutics Committee to develop the therapeutic formulary and provide oversight regarding drug use in the plan; and

Develop a program of pharmaceutical care to optimize the use of prescription medications among plan enrollees. This program would include DUR to ensure that enrollees know how to use their medications properly and to help avert potential adverse reactions.

Pharmacists would be utilized to monitor and manage the drug therapy of certain Medicare beneficiaries that are identified as high risk for potential medication problems. The plans would compensate pharmacists for performing these cost-saving services.

TITLE III—COMMISSIONS

*Establishment of the Pharmaceutical Marketplace Price Information Commission*

A critical component in helping the pharmaceutical marketplace work more effectively is providing buyers with information about prices. To date, a lack of good, reliable

price information in the pharmaceutical marketplace has hindered buyers from making the best possible purchasing decisions. To assist buyers in purchasing pharmaceuticals prudently, a nine-member "Pharmaceutical Marketplace Price Information Commission" would be established within HHS.

The Commission would have the following responsibilities:

To provide general information about pharmaceutical prices in the United States market;

To provide general information about pharmaceutical prices in international, industrial-based markets, such as England and Japan;

To provide information to buyers about whether the prices of new drugs are "reasonable" based on: the prices of similar drugs in this country, the prices of the new drug in other countries, information about the costs of making the drugs, the improvements that the use of the drug make in an individual's quality of life, and the cost-effectiveness of the drug;

To monitor the utilization and prices of generic drugs; and

To make recommendations to Congress concerning the desirability of extending patents on certain pharmaceutical products.

The Commission would act purely as an information source. It would not have the authority to regulate or control drug prices.

*Prescription Drug Payment Review Commission*

An 11-member Prescription Drug Payment Review Commission would be established with functions similar to those assigned by Congress to the Prospective Payment Commission (ProPAC), and the Physician Payment Review Commission (PPRC). These Commissions were established to monitor the Medicare Part A program (hospital services) and the Medicare Part B program (physician services), respectively. The Commission would monitor Medicare drug program operations, conduct studies, and make recommendations to Congress on the operation of the Medicare drug program in general.

TITLE IV—ADDITIONS TO THE VA MASTER AGREEMENT

*Equal access to pharmaceutical manufacturers' discounts*

This section would require drug manufacturers to treat all buyers of their products equitably and fairly when negotiating price concessions and price discounts. It would require manufacturers to offer price concessions on the same terms and conditions to all purchasers. Any purchaser meeting the manufacturer-specified terms would have access to the discounted prices. In addition, these terms could be offered only if they result in savings to the manufacturers based on volume purchase, prompt pay, or prompt delivery terms.

Currently, drug manufacturers tend to negotiate price concessions with buyers based on the "class of trade" to which the buyers belong, rather than economic savings that the buyers produce for the manufacturer. Under this proposal, manufacturers could no longer provide preferential pricing or discounts based solely on the "class of trade" to which the buyer belongs.

Discounts could be provided for institutions and purchasers that use drug formularies as long as the formulary results in an increase in volume of drugs bought by the purchaser and the terms under which the manufacturer gives these discounts are provided on an equal basis to all purchasers.

Mr. SASSER. Mr. President, I rise today in strong support of the Pharmaceutical Marketplace Reform Act of

1994. I would like to congratulate my good friend from Arkansas, Senator PRYOR, on his work in bringing this important legislation to the floor of the Senate. I am honored to join him today as an original cosponsor of this timely measure.

As most of my colleagues are aware, the distinguished chairman of the Senate Special Committee on Aging has worked long and hard to make this body and the general public aware of the many pressing issues facing senior citizens today. The bill we are introducing in the Senate today, in my view, addresses a critical problem which disproportionately affects older Americans. That problem is the high and rapidly rising cost of prescription drugs.

I will not repeat the facts and statistics so concisely reviewed by my colleague from Arkansas. They speak for themselves. But I want my colleagues to know that when I go home to Tennessee and talk about prescription drugs, the statistics do not surprise my older constituents.

Senior citizens in my State—and probably across the entire Nation—know that most of their older friends and loved ones have no insurance coverage for prescription drugs. And, of course, Medicare does not presently pay for outpatient prescription medicines.

They know—as Senator PRYOR stated—that prescription medicines are far and away the highest out-of-pocket medical expense facing older Americans.

Practically to the person, each of them, or an older family member or friend, have had to choose between buying food, paying utility bills, or purchasing the medications prescribed by their doctor.

And Mr. President, they become angry and upset when I talk about the unfair prices they have to pay.

They do not understand how we here in Washington can allow drug makers to charge Americans 50 or 60 percent more than citizens of Britain, Canada, and other countries for the same drugs.

They don't understand how drug companies can charge their community pharmacist 10 times more for a heart drug than they charge the hospital down the highway.

And they don't understand why inflation for prescription drugs at the producer level has been 4½ times the inflation rate of other producer prices for the last 14 years.

Mr. President, the legislation we bring before the Senate today provides a moderate and commonsense approach to this urgent problem facing older Americans and all of our constituents. What consumers want is simple and reasonable. They want fair prices for prescription drugs. And they want the information they need to make sound, economical decisions.

Our bill will ensure that all payers—Medicare and Medicaid, hospitals, nursing homes, local supermarkets and drug stores—and individual buyers of prescription drugs—have the cost information they need, but previously have found unavailable.

Senator PRYOR has gone through the specifics of the legislation, so I will just focus on two of the provisions that I consider particularly important.

First is the title relating to any future Medicare prescription drug benefit. I want to state clearly today that I support the inclusion of outpatient prescription drugs for Medicare beneficiaries in the health care reform legislation we will consider later this year.

Today, without drug coverage from either Medicare or private insurance, too many seniors either go broke trying to pay for medicines, or do without them because they cannot afford the high prices. Many seniors have told me they will buy a month's supply of pills, and stretch them out to 2 months by taking one a day instead of two a day, as prescribed by their doctor. Some will cut tablets in half instead of taking a whole tablet, as indicated on their prescription. And as we all know, when people don't take their medicines as prescribed, their condition may deteriorate. It goes without saying that costs for hospitalization and physician services—Medicare payments, insurance payments, out-of-pocket payments—all go up when people get sicker or don't get well because they can't afford their prescription medicines.

So providing an outpatient Medicare prescription drug benefit is the right thing to do, and it makes sense for the program and its beneficiaries. But if we are going to provide prescription drugs under Medicare, we must make sure the program includes the proper cost-containment mechanisms needed to ensure this benefit is affordable.

This bill gives Medicare the same cost-containment tools currently used by many private insurance companies and managed care plans. It requires brand name drug manufacturers to pay a 17-percent rebate or discount to Medicare. Generic drugs would cost Medicare no more than half of the price of the comparable brand name drug, or be subject to an 11-percent rebate. The Secretary of Health and Human Services would be able to negotiate rebates with manufacturers of new drugs that are covered by Medicare.

Importantly, the Medicare Program would ensure the full participation of pharmacists in counseling patients, monitoring and managing the drug therapy of high risk beneficiaries, and helping establish utilization review policies and procedures for the drug program.

The Medicare provisions included in our legislation will improve medical outcomes, and add substantially to the

value and cost-effectiveness of the prescription drug benefit.

I would note that recent studies have shown that these types of cost-containment mechanisms will reduce the cost of a Medicare drug benefit by more than half.

The second provision I would like to highlight here today is the requirement on drug manufacturers to treat all buyers of their products in a fair and equitable manner with regard to pricing practices.

Presently, drug makers negotiate prices with buyers based on what is generally referred to as the class of trade to which they belong, rather than on economic savings the purchasers produce for the manufacturer. Retail pharmacists—both chain drug stores and independent pharmacists—are forced to pay far more than hospitals, managed care plans, mail order firms, and other buyers for the same volume of products shipped under identical conditions. The result of current drug manufacturers' discriminatory pricing policies is a distortion of the market. Examples of this problem make the case for our provision:

Community pharmacies are charged \$48.31 for 100 60-milligram tablets of the common blood pressure medicine, Inderal, made by the Wyeth Co. Non-community pharmacies receive a discounted price on the same package of \$4.12. So a neighborhood pharmacy may pay 1,073 percent more for the same drug made by the same company bought under the same conditions.

Searle makes another heart medicine, Calan. The price difference is \$22.91 for community pharmacies and \$3.90 for institutional pharmacies. That difference is 487 percent.

Our measure would require manufacturers to offer price concessions on the same terms and conditions to all purchasers. It's that simple. Any purchaser that buys the same quantity of a particular product, pays as promptly, and takes the same prompt delivery, gets the same discount. No longer would drug companies be able to use the class of trade distinction as a means to unfairly overcharge community pharmacies for drugs. I believe this provision will serve to restore a level playing field to the prescription drug market and provide all of our citizens with a fair price for the prescription drugs they need.

So Mr. President, let me conclude by once again commending my colleague from Arkansas for his work in this area and in crafting this badly needed legislation. I pledge to work with him to ensure that our legislation receives full consideration by the Senate and ultimately passes into law.

By Mr. HATCH:

S. 2240. A bill entitled the "Rape Victims' Protection Act"; to the Committee on the Judiciary.

## RAPE VICTIMS' PROTECTION ACT

Mr. HATCH. Mr. President, I rise today to introduce legislation to remedy an unacceptable and outrageous development for women across this country as reported in the Washington Post this morning.

This week, the YWCA chapter in Springfield, MA, was ordered by a Massachusetts court to turn its rape counseling files over to the defense attorney of an accused rapist. The rape counseling center had previously refused to turn over the files. The lower court ordered that if they did not turn over the files, the then-current board of directors, all volunteers, would each have to pay \$500 per day until they turned over those files. They ultimately had to do because none of those citizens who were acting as volunteers on the board had the money or the wherewithal to be able to pay the \$500 a day to uphold the principle that these types of files should not be disclosed to the perpetrator of the crime, or at least, in this case, the alleged perpetrator of the crime.

Mr. President, as a result of this decision, women seeking rape counseling will do so knowing that everything they say to their counselor is, in effect, available ultimately to an alleged attacker.

By the way, the lower court decision yesterday was upheld by the supreme court of the State of Massachusetts. This is one of the more liberal States of the Union.

I am basically shocked by the decision. But I have to add a caveat here. The court may not have had any choice because the State of Massachusetts may not have provided for a privilege against such action by the defense attorney on behalf of the rape crisis counseling center and counselors not to have to disclosed the confidential remarks and counseling that the victim had with them.

The impact on women is obvious. Rape counseling services offered by the YWCA or other organizations offer an invaluable service to women victimized by sexual assaults. There are at least 300 YWCA's across this country offering these wonderful services to women who have nowhere else to turn. And our own rape crisis center, our own YWCA organization out in Salt Lake City, just to single one out—we have them in a number of cities—has converted the whole YWCA into helping these battered and tortured and abused women, many of whom have suffered from rape.

They provide an invaluable service to women, and in many respects it is the only kind of counseling these unfortunate women are going to get. These counselors are professionals. They are effective. But there can be no question that the removal of any confidentiality between the rape victim and her counselor will discourage these women from seeking desperately needed help in a time of real need and distress.

Mr. President, the bill I am introducing today is direct and straightforward. It provides that.

In any criminal or civil action for rape or sexual assault, no court, State or Federal, shall order the disclosure of the records of rape counseling or battered women centers, or shall compel testimony from the agents or employees of such centers with respect to the substance of their counseling, unless the moving party demonstrates a compelling need for such records or testimony.

It is not a total privilege. But we do provide the highest legal standard. They would have to show a compelling need for such records or testimony before any court could order this. This would be an inestimable protection to women and these centers and these counselors as we go into the future.

As counsel for the Springfield YWCA pointed out in the Washington Post article this morning, currently rape counseling records must be turned over if the judge finds them relevant. According to the article, she advocates that defendants should face a higher standard in order to obtain rape crisis files.

We believe this bill will provide that higher standard. It is imperative that we act swiftly in this area as we all understand rape and sexual assault are seriously unreported crimes. Victims of such crimes deserve to know that they can reach out to a professional for badly needed assistance, and they deserve no less.

Mr. President, I am very concerned about this subject, because I see more and more of this type of treatment of women across the country. I have seen plenty of it over the years. I have nothing but respect for these YWCA's that provide this voluntary counseling for the women who have nowhere else to turn, to live, or to go, and in many cases who are brutalized by husbands or boyfriends, or whomever. In the case of rape victims, I think there is little or no reason to not invoke a privilege on the part of, or on behalf of, the rape crisis center, or the counseling center, from having to give those types of records to the courts; and especially they should not have to give them to the counsel for the alleged perpetrator of the crime.

Mr. President, I ask unanimous consent that the article entitled "YWCA, Ordered To Release Rape Counseling Files To Seek New Law," by Christopher B. Daly, a special to the Washington Post, be printed in the RECORD.

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

[From the Washington Post, June 24, 1994]

**YWCA, ORDERED TO RELEASE RAPE COUNSELING FILES, TO SEEK NEW LAW**  
(By Christopher B. Daly)

BOSTON.—The YWCA, an organization that has provided rape and domestic violence counseling to millions of American women, said today it now must warn clients their records may not be confidential after the

state's highest court ordered it to turn over files in a rape case.

But the group's national leadership vowed to fight in Congress and state legislatures for laws that would cloak rape counseling files with legal confidentiality.

"Women are raped, beaten and murdered every day in this country. If courts will not protect them, the YWCA will," said executive director Prema Mathai-Davis. "To ask for confidential files is sending a dangerous message to girls and women everywhere—that if you are raped, you have no place to turn to."

Late Wednesday, the YWCA chapter in Springfield, about 100 miles west of Boston, reluctantly surrendered counseling files to the defense attorney representing accused rapist Luis Figueroa. YWCA officials said they had no choice after the state Supreme Court upheld a trial court's contempt order that imposed \$500 daily fines.

Figueroa was indicted in January. Shortly before trial was to begin earlier this month, the defense subpoenaed the alleged victim's file from the local YWCA.

When the YWCA refused the papers, citing the victim's constitutional right to privacy, Superior Court Judge Constance Sweeney found the group in contempt on June 9 and imposed a \$500 daily fine. Effective today, the fine also would have applied to the local YWCA's 12 board members personally.

The YWCA immediately sought relief from the state Appeals Court, which refused. The state Supreme Judicial Court, acting through a single justice, upheld the contempt ruling Wednesday morning.

Andrew Klyman, head of the Springfield public defender's office, said his staff, which represents Figueroa, was following a court-ordered procedure for obtaining relevant documents.

"What we're looking for is whether the alleged victim is telling the same story to everybody," Klyman said. "If she's telling the truth, she's got nothing to worry about."

Mary Reardon Johnson, executive director of the YWCA of Western Massachusetts, said the Springfield chapter had "used all the resources and means available to us." She said any further resistance to the court order could be so costly that it would jeopardize the group's other activities.

"We've lost the battle but not the war. We're not done," Johnson said, adding that three legislators have agreed to seek a new state confidentiality law.

The Springfield YWCA's attorney, Wendy Murphy, said the case is important because, while legal advocates have been seeking and winning legal protections for rape counselors in recent years, only a handful of states grant them a legal confidentiality comparable to that of a doctor or priest.

"Rape crisis centers can't function without confidentiality," Murphy said. She said the YWCA was not seeking an absolute privilege.

Now, she said, defense attorneys may request the files and judges must order their release if the judge finds them "relevant." Instead, Murphy said, defendants should face a higher standard and be able to obtain rape crisis files only if they can show a "material need" to have the documents.

"In effect, the rule forces victims to choose between prosecution and healing. If they choose prosecution, they must suffer in silence," Murphy said. The lower standard allows defense attorneys to seek "victory by intimidation," she said.

The attorney also complained that the private, nonprofit YWCA would have faced nearly \$250,000 in fines during the year it

would take to have the organization's views heard through a formal appeal.

YWCA officials said more than 1 million girls and women receive counseling for rape and domestic violence at more than 300 YWCAs annually.

By Mr. MITCHELL:

S. 2241. 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; to the Committee on Environment and Public Works.

THE GULF OF MAINE ACT OF 1994

Mr. MITCHELL. Mr. President, today I am introducing the Gulf of Maine Act of 1994. This legislation is identical to a bill introduced by Representatives ANDREWS and STUDDS in the House of Representatives.

The Gulf of Maine is a semienclosed sea bordered by the States of Maine, Massachusetts, and New Hampshire, and the Provinces of New Brunswick and Nova Scotia.

My home State of Maine has over 3,000 miles of coastline bordering the gulf. Commercial fishing is an important part of Maine's economy and way of life. Recreational fishing and wildlife dependent tourism activities are becoming increasingly valuable to the region. Here are some facts about the Gulf of Maine:

Commercial fisheries in the gulf are valued at over \$800 million each year;

The value of the aquaculture industry in the gulf region is about \$60 million and rapidly increasing;

Some 75 million people live within 1 day's drive of the gulf;

Approximately \$6 billion is spent by about 10 million tourists visiting the region each year;

The gulf region contains three national parks and one marine sanctuary;

The gulf supports a wide range of species: 100 species of birds, 73 species of fish, and 26 types of whales, porpoises, and seals, including 30 federally listed endangered and threatened species such as the humpback whale and the bald eagle.

All these statistics would lead one to believe that the Gulf of Maine is a pristine and healthy ecosystem. In many ways, it is one of the most productive marine ecosystems in our Nation. Unfortunately, there is growing evidence of environmental contamination, loss of habitat, and species decline in the Gulf of Maine. Unusually high levels of toxins in the tamale of lobsters, PCB's and heavy metals in the sediments gulf-wide, decreased harvests of shellfish in Downeast Maine, and increased coastal development all threaten the environmental and economic health of the region.

I have long been concerned about coastal and marine issues. As a member of the Environment and Public Works Committee, I held hearings on environmental trends in the Gulf of

Maine in 1987 and 1988. I have sponsored marine research and coastal protection legislation. I have worked with the fishing community in Maine to ensure that Maine families will continue to benefit from the bounty of the Gulf of Maine. I have authored wetlands conservation and oilspill prevention legislation.

But although much good work has been done in the gulf by a variety of interests, it is becoming clear that a better coordinated strategy for the Gulf of Maine is necessary. The legislation I am introducing today provides a coordinating mechanism for the various entities in the region working toward protecting the environment quality and economic resources of the Gulf of Maine.

The legislation authorizes a Gulf of Maine Council to be comprised of representatives appointed by the Governors of the three States and ex-officio representatives of the two Canadian Provinces. The council will develop a Gulf of Maine agreement which will establish general goals and priorities to guide efforts to protect and manage the gulf over a 10-year period.

The council will facilitate coordination among governments and non-government organizations regarding management of the gulf in four key subject areas:

**Environmental assessment and management.**—The legislation establishes a program to coordinate environmental assessment and management efforts in the gulf.

**Economic assistance.**—The legislation creates an Economic Development Board to coordinate sustainable economic development activities in the Gulf of Maine region. The Board will identify projects and activities with the greatest potential of furthering the economic and environmental health of the region.

**Fisheries management.**—The council will make recommendations to the New England Fisheries Management Council and provide the management council with relevant information being collected by other entities working under the umbrella of the Gulf of Maine Council.

**Marine research.**—The council will work with the existing Gulf of Maine Regional Marine Research Board to integrate its research efforts with related management efforts.

The legislation also will facilitate environmental education activities in the gulf and creates a citizen advisory group to ensure broad input into council activities.

Citizens and governments of the Gulf of Maine region need a mechanism through which they can express their diverse opinions and set forth a vision for an environmentally and economically healthy Gulf of Maine region. I hope that my colleagues, particularly my colleagues from the Gulf of Maine

region, will join me in supporting this legislation.

Mr. President, 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. 2241

*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 "Gulf of Maine Act of 1994".

**SEC. 2. FINDINGS.**

(a) **ECONOMIC FINDINGS.**—Congress makes the following findings regarding economic activities in the Gulf of Maine region:

(1) The Gulf provides significant commercial benefits to the United States and Canada. The commercial fishing industry of the Gulf is valued at more than \$800,000,000. Approximately 20,000 United States and Canadian citizens fish the marine resources of the Gulf.

(2) The Gulf is an important recreational resource because the Gulf—

(A) is within 1 day's drive of 75,600,000 people;

(B) contains 3 United States and Canadian national parks and 1 United States national marine sanctuary; and

(C) attracts approximately 10,000,000 visitors annually.

(3) The Gulf provides diverse livelihoods ranging from tourism-based employment to seaweed harvesting.

(b) **ECOLOGICAL FINDINGS.**—Congress makes the following findings regarding the ecological status of the Gulf of Maine region:

(1) The Gulf supports a wide diversity of marine life, including 100 species of birds, 73 species of fish, and 26 types of whales, porpoises, and seals, including 30 federally listed endangered species including the bald eagle, sea turtle, humpback whale, and sperm whale.

(2) The Gulf of Maine region is experiencing environmental problems, including—

(A) high levels of toxic contaminants in deep basin sediments of the Gulf, as well as in organisms within the Gulf of Maine ecosystem, including the bald eagle and the American lobster;

(B) concerns about human health that have resulted in the closure of about 1/3 of Gulf shellfish beds, resulting in economic losses in communities around the Gulf;

(C) the increasing loss of habitat in the Gulf region, which results in diminished coastal and estuarine habitats important to migratory waterfowl and commercially valuable fish species; and

(D) the escalating impact of recreational use on the Gulf ecosystem.

(c) **MANAGEMENT FINDINGS.**—Congress makes the following findings regarding the management of the Gulf of Maine region:

(1) The natural resources of the Gulf are interconnected, forming an ecosystem that transcends political boundaries and that is a public resource that needs national attention.

(2) The efforts of the States of Maine, Massachusetts, and New Hampshire, and of the Canadian Provinces of Nova Scotia and New Brunswick, to form a Gulf of Maine Council on the Marine Environment have laid a foundation for future efforts to protect and conserve the Gulf.

(3) There is a need to continue and expand the research, monitoring, management, and

development activities within the Gulf and to coordinate the activities.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGREEMENT.—The term "Agreement" means the Gulf of Maine Agreement developed under section 4(c)(1).

(3) COMMISSION.—The term "Commission" means the St. Croix International Waterway Commission established under chapter 8 of title 38 of the Maine Revised Statutes.

(4) GULF OF MAINE COUNCIL.—The terms "Gulf of Maine Council" and "Council" mean the Gulf of Maine Council established under section 4.

(5) GULF OF MAINE REGION.—The term "Gulf of Maine region" means the Bay of Fundy, the Gulf of Maine, including Georges Bank, and the streams, rivers, lakes, and other bodies of water, and the associated land mass of the bodies of water, within the drainage basin of the Gulf of Maine, together with the ecological community of the Gulf of Maine.

(6) MANAGEMENT COUNCIL.—The term "Management Council" means the New England Fishery Management Council established under section 302(a)(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

### SEC. 4. GULF OF MAINE COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is authorized to be established a Gulf of Maine Council to promote the environmental and economic health of the Gulf of Maine region.

(2) PURPOSE.—The purpose of the Gulf of Maine Council shall be to facilitate the coordination of governmental and nongovernmental activities related to the Gulf of Maine region, including—

(A) economic development, including the coordination and prioritization of applications for assistance submitted under section 5;

(B) environmental assessment and management;

(C) fisheries habitat improvement and management;

(D) marine research; and

(E) education and understanding concerning ecological and cultural resources.

(3) INITIAL ORGANIZATION.—On receiving a written agreement of the Governors of Maine, Massachusetts, and New Hampshire, and the Premiers of Nova Scotia and New Brunswick, that is jointly signed by each such Governor and Premier, to establish the Gulf of Maine Council in accordance with this section, and the nominations of the Governors and the Premiers to the Gulf of Maine Council, Congress shall consider the Gulf of Maine Council to be established.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to any entity established under this Act.

(b) MEMBERSHIP, AUTHORITY, AND FUNDING OF COUNCIL.—

(1) MEMBERSHIP AND PERSONNEL.—

(A) MEMBERSHIP.—Not later than 180 days after the date of enactment of this Act, the Governors of Maine, Massachusetts, and New Hampshire and the Premiers of Nova Scotia and New Brunswick shall each appoint 3 representatives to the Gulf of Maine Council. The representatives of the Provinces shall be ex officio members of the Council.

(B) TERMS.—The term of each member of the Gulf of Maine Council shall be 3 years,

except that, in the case of initial appointments, the Governors and Premiers shall each appoint 1 member to a term of 2 years, 1 member to a term of 3 years, and 1 member to a term of 4 years.

(C) EXECUTIVE SECRETARY AND STAFF.—The Gulf of Maine Council may employ an executive secretary and such support staff as are necessary to assist the Council, and the Boards and Councils referred to in sections 5 through 8, in carrying out their duties, including the coordination of plans and programs developed under sections 5 through 8.

(D) TRAVEL EXPENSES.—A member of the Gulf of Maine Council who is not an employee of the Federal Government or a State government, while away from the home or regular place of business of the member in performing a duty of the Council, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5, United States Code.

(2) DECISIONMAKING.—The Gulf of Maine Council—

(A) may establish such bylaws and decisionmaking processes as the Council determines are necessary; and

(B) shall meet not less often than annually.

(3) FINANCIAL SUPPORT.—

(A) IN GENERAL.—

(i) ANNUAL BUDGET.—The Gulf of Maine Council shall annually adopt by consensus a budget for the activities of the Council.

(ii) STATE SUPPORT.—Each State represented on the Gulf of Maine Council shall provide to the Council a payment in an amount equal to the quotient obtained by dividing—

(I) the United States portion of the budget adopted under clause (i); by

(II) the number of States represented on the Council.

(iii) FEDERAL CONTRIBUTIONS.—The Government of the United States may make the payment required of a State under clause (i).

(B) SUPPLEMENTAL FUNDING.—The Gulf of Maine Council may accept, from the Government of the United States, the Government of Canada, other agencies, corporations, organizations, and individuals, funds for activities or projects to supplement funds made available to the Council under subparagraph (A).

(4) GULF OF MAINE ADVISORY GROUP.—

(A) IN GENERAL.—The Gulf of Maine Council shall establish a Gulf of Maine Advisory Group (referred to in this section as the "Advisory Group") to advise the Council, the Governors of Maine, Massachusetts, and New Hampshire, and the Premiers of Nova Scotia and New Brunswick on the implementation of this Act.

(B) COMPOSITION.—The members of the Advisory Group shall be appointed by the Governors and Premiers in coordination with the Gulf of Maine Council and shall include not more than 15 members, including representatives of the public, the fishing community, the scientific community, nonprofit organizations, and local governments.

(c) GULF OF MAINE AGREEMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Gulf of Maine Council shall develop and adopt a Gulf of Maine Agreement. The Agreement shall set forth general priorities and guidelines for the protection, assessment, management, and sustainable development of the Gulf of Maine region for the 10 years after the date of adoption of the Agree-

ment. The Gulf of Maine Council shall oversee the implementation of the Agreement.

(2) ELEMENTS OF AGREEMENT.—The Agreement shall, at a minimum—

(A) describe long-term goals for environmental protection and sustainable economic development in the Gulf of Maine region;

(B) identify opportunities for improved coordination of activities relating to—

(i) economic development;

(ii) fisheries management;

(iii) environmental assessment and protection;

(iv) marine research; and

(v) education;

(C) be consistent with all relevant Federal and State laws;

(D) incorporate, to the maximum extent practicable, ongoing planning efforts being conducted by coastal communities and members of the fishing community;

(E) establish parameters and criteria to monitor and evaluate the effectiveness of actions taken under this Act and measures to respond to evaluation results; and

(F) facilitate and coordinate public education and awareness concerning the environment and economy of the Gulf of Maine region.

(3) REVIEW.—

(A) ADVISORY GROUP.—The Gulf of Maine Council shall provide for the participation of the Advisory Group in the development of the Agreement.

(B) PUBLIC REVIEW AND COMMENT.—The Gulf of Maine Council shall provide for public review and comment on the Agreement prior to adoption, including, at a minimum, a public hearing in each State and Province represented on the Gulf of Maine Council.

(4) ADOPTION.—After considering the comments of the Advisory Group and the public, the Gulf of Maine Council shall make appropriate changes to the Agreement and adopt the Agreement with appropriate implementation mechanisms if the Agreement is consistent with this Act.

(5) PROGRESS REPORT AND REVISION OF AGREEMENT.—Not later than 5 years after the date of adoption of the Agreement, the Gulf of Maine Council shall prepare a report that assesses the extent of progress in attaining the goals of this Act and make such revisions to the Agreement and the structure of the Council as the Council determines are appropriate. The report shall identify opportunities to enhance mutual cooperation and coordination between the United States and Canada concerning the Gulf of Maine region. The report shall be submitted to Congress, the Secretary, the Secretary of the Interior, the Administrator, and the heads of other appropriate Federal, State, and local agencies and organizations.

(6) EXTENT OF AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (C), the Gulf of Maine Council may review, to the extent consistent with applicable law, the activities of international, Federal, State, and Provincial entities in the Gulf of Maine region and make recommendations to the entities regarding the compatibility of the activities with the Agreement.

(B) REVIEW OF PLANS.—The Gulf of Maine Council shall review plans prepared by the Boards and Councils referred to in sections 5 through 8 to ensure that the plans are consistent with each other and with the goals and priorities established in the Agreement.

(C) LIMITATIONS.—No action or recommendation authorized under this section—

(i) binds or obligates any department, agency, officer, or Act of the Federal Government, any State government, any Indian

tribe, or any international entity established by treaty with authority relating to the Gulf of Maine region, unless this Act specifically provides otherwise; or

(ii) limits the authority of the United States to enter into treaties.

(d) REPORT.—Not later than 12 years after the date of enactment of this Act, the Gulf of Maine Council shall submit a report to Congress and the President on the activities of the Gulf of Maine Council and the effectiveness of this Act in promoting the economic and environmental health of the Gulf of Maine region. The report shall include recommendations for such administrative and legislative action as the Council considers advisable.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 5. ECONOMIC ASSISTANCE FOR THE GULF OF MAINE REGION.

##### (a) ECONOMIC DEVELOPMENT BOARD.—

(1) ESTABLISHMENT.—The Gulf of Maine Council, in cooperation with the Economic Development Administration and the National Oceanic and Atmospheric Administration of the Department of Commerce, shall establish an Economic Development Board (referred to in this subsection as the "Board") to develop and implement a long-term plan for coordinating environmentally sound economic assistance for the Gulf of Maine region provided under this section and from other sources.

(2) PURPOSE AND DUTIES.—The purpose of the Board shall be to identify economic assistance priorities and projects with the greatest potential to aid the restoration of both the economic and ecological health of the Gulf of Maine region. The Board shall provide grantmaking agencies and organizations with the information referred to in the preceding sentence and shall carry out the responsibilities of the Council referred to in section 4(a)(2)(A).

(3) MEMBERS.—The Board shall consist of such individuals as the members of the Gulf of Maine Council determine are appropriate and should include representatives of the Economic Development Administration, the Office of Sustainable Development, and the Small Business Administration of the Department of Commerce, the Department of Labor, and State agencies and private entities involved in economic development activities in the Gulf of Maine region. The individuals who represent Provinces shall be ex officio members of the Board.

(4) ANNUAL PLAN.—The Board shall prepare an annual plan that identifies goals and objectives for environmentally sound economic assistance (including high-priority projects), describes the status of any ongoing projects, and reflects the goals and priorities established in the Agreement. The Board shall provide for public review of and comment on the plan. Prior to release of the plan for public review, the Boards and Councils referred to in sections 6 through 8 shall review and comment on the plan.

##### (b) PLANNING GRANTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary may provide planning grants to the Gulf of Maine Council for a period of 1 year for 100 percent of the total project cost, as determined by the Secretary. In carrying out this paragraph, the Secretary may enter into a cooperative agreement with the Council.

(2) ELIGIBLE ACTIVITIES.—A cooperative agreement under this subsection shall be made available through the Economic Development

Administration of the Department of Commerce for the planning of economic development programs designed specifically to retain or create full-time permanent jobs and income for individuals who are unemployed or underemployed as a result of the implementation of fishery management regulations imposed by the Federal Government that have a severe economic impact on communities in the Gulf of Maine region.

##### (c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary may provide grants for local technical assistance to the Gulf of Maine Council through the Economic Development Administration of the Department of Commerce in an amount equal to not more than 75 percent of the total project cost, as determined by the Secretary.

(2) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under this subsection include—

(A) enabling the building and expansion of local organizational capacity;

(B) technical or market feasibility studies;

(C) collecting and disseminating information relevant to diversification efforts, including stock projections, market forecasts, international trade opportunities, and technology needs assessment;

(D) conversion assistance for new nonfishing occupations, including financial support for regional business development efforts, and technology needs assessment;

(E) restoration of natural resources, such as the building of fish passages and the restoration of wetlands and shellfish harvesting areas, that will enhance economic opportunities for Gulf of Maine communities; and

(F) otherwise responding to developmental opportunities for individuals unemployed or underemployed as a result of the implementation of fishery management regulations imposed by the Federal Government that have a severe economic impact on communities in the Gulf of Maine region.

##### (d) ELIGIBLE APPLICANTS.—

(1) GRANTS.—The sole eligible applicant to receive grants under this section shall be the Gulf of Maine Council, on behalf of the Gulf of Maine region which shall be deemed to be an economic development district for the purpose of part B of title IV of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171 et seq.).

(2) SUBGRANTS.—The Gulf of Maine Council shall use grants received under this section to provide assistance for activities referred to in this section to eligible applicants, including public and private nonprofit national, State, area, district, and local organizations, units of local government, and public and private colleges and universities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 6. FISHERY MANAGEMENT PLANS.

##### (a) COORDINATION WITH EXISTING PROGRAM.—

(1) IN GENERAL.—The Gulf of Maine Council shall cooperate with the New England Fishery Management Council established under title III of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.).

(2) AUTHORITY.—The Management Council shall continue to exercise the authorities and responsibilities established in title III of such Act (16 U.S.C. 1851 et seq.) and shall also participate, as described in subsection (b)(1)(A), with the Gulf of Maine Council and with other organizations established under this Act in cooperative efforts to promote

the environmental and economic health of the Gulf of Maine region.

##### (b) RECOMMENDATIONS BY THE GULF OF MAINE COUNCIL.—

###### (1) RECOMMENDATIONS.—

(A) TO MANAGEMENT COUNCIL.—The Gulf of Maine Council may, after notice and opportunity for public comment, develop recommendations to submit to the Management Council on any fishery management plan being considered by the Management Council, if the Gulf of Maine Council determines that the recommendations are necessary to make the fishery management plan reflect the goals and priorities established in the Agreement. The recommendations shall be submitted during the applicable public comment period established under title III of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.).

(B) TO SECRETARY.—The Gulf of Maine Council may, after notice and opportunity for public comment, develop recommendations, based on the Agreement, to submit to the Secretary regarding any fishery management plan of the Management Council being considered by the Management Council or submitted to the Secretary, including asking the Secretary to convene a negotiated rule-making provided for under subchapter III of chapter 5 of title 5, United States Code, for the management plan. The recommendations shall be submitted during the applicable public comment period established under section 304 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854).

(2) APPROVAL BY THE COUNCIL.—The Gulf of Maine Council may submit recommendations under paragraph (1) only if the recommendations are approved by a majority of the voting members of the Gulf of Maine Council.

(3) REVIEW.—If the Secretary receives recommendations prepared by the Gulf of Maine Council, the Secretary shall commence a review of the recommendations to determine whether the recommendations are necessary to make any fishery management plan consistent with the Agreement.

(4) CONSULTATION.—In undertaking the review required under paragraph (3), the Secretary shall—

(A) give careful consideration to the comments and recommendations of the Gulf of Maine Council; and

(B) provide the Gulf of Maine Council, upon request, the opportunity to meet with and present the comments or recommendations of the Council directly to the Secretary during the applicable public comment period established under section 304 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854).

(5) NONACCEPTANCE BY THE SECRETARY.—If the Secretary does not accept the recommendations reviewed under paragraph (3), the Secretary shall specify the reasons the recommendations were not accepted.

(6) FINDINGS.—Notwithstanding any other law, if the Secretary concurs with the recommendations submitted by the Gulf of Maine Council under this subsection, the Secretary shall issue a finding to the Management Council requesting that the Management Council review the fishery management plan in light of the recommendations of the Gulf of Maine Council not later than 180 days after the issuance of the finding. The Secretary shall also inform the Gulf of Maine Council of the finding.

#### SEC. 7. ENVIRONMENTAL MANAGEMENT AND ASSESSMENT PROGRAM.

##### (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Environmental Management and Assessment

Program (referred to in this subsection as the "Program") for the Gulf of Maine region.

(2) MANAGEMENT OF PROGRAM.—

(A) IN GENERAL.—The Program shall be managed by the Gulf of Maine Council on the Marine Environment Working Group in existence on the date of enactment of this Act (referred to in this section as the "Working Group").

(B) MEMBERS.—The Working Group shall consist of such individuals as the members of the Gulf of Maine Council who represent States determine are appropriate. Membership should include representatives of Federal, State, and local governments and non-profit organizations that have environmental management and assessment programs in the Gulf of Maine region.

(3) PARTICIPATION IN THE PROGRAM.—The Gulf of Maine Council shall ensure that—

(A) all Federal and State agencies that have environmental management and assessment programs in the Gulf of Maine region have an opportunity to participate in the Program; and

(B) the Program includes representation of the environmental management and assessment efforts being carried out by nongovernmental entities in the Gulf of Maine region.

(b) ENVIRONMENTAL MANAGEMENT AND ASSESSMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Agreement is adopted, and after providing for public review and comment, the Working Group shall publish a plan for improved environmental management and assessment in the Gulf of Maine region. Prior to release of the plan for public review, the Boards and Councils referred to in sections 5, 6, and 8 shall review and comment on the plan.

(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall—

(A) establish a comprehensive program for the long-term monitoring and assessment of the Gulf of Maine region, based on the Gulf of Maine Monitoring Plan established in 1990 by the Governors of Maine, Massachusetts, and New Hampshire, and the Premiers of Nova Scotia and New Brunswick;

(B) identify environmental protection and management programs being carried out in the Gulf of Maine region and make recommendations for improving the effectiveness of the programs and coordination among programs;

(C) identify and monitor priority habitat for the fish and wildlife species in the Gulf of Maine region and recommend measures for habitat conservation, including protection and restoration; and

(D) reflect the goals and priorities established in the Agreement.

(3) PLANNING AND IMPLEMENTATION GRANTS.—The Administrator, the Secretary of Commerce, and the Secretary of the Interior may provide planning and implementation grants to the Gulf of Maine Council in an amount equal to not more than 75 percent of the total project cost, as determined by the Administrator or the Secretary, respectively, for planning and implementing environmental management and assessment projects under this section. In carrying out this paragraph, the Administrator and each Secretary may enter into a cooperative agreement with the Council.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 8. GULF OF MAINE RESEARCH.

(a) COORDINATION WITH EXISTING PROGRAM.—

(1) IN GENERAL.—The Gulf of Maine Council shall cooperate with the Regional Marine Research Board for the Gulf of Maine region established under title IV of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447 et seq.) and the Regional Association for Research on the Gulf of Maine.

(2) NEW AUTHORITY.—The Regional Marine Research Board for the Gulf of Maine region shall continue to exercise the authorities and responsibilities established in title IV of such Act (16 U.S.C. 1447 et seq.) and shall also participate with the Gulf of Maine Council and with other organizations established under this Act in cooperative efforts to promote the environmental and economic health of the Gulf of Maine region.

(3) REGIONAL MARINE RESEARCH PLANS.—

(A) SCHEDULES.—The Regional Marine Research Board for the Gulf of Maine region may, in cooperation with the Gulf of Maine Council and with the approval of the Secretary, revise schedules for the development of research plans under section 404 of such Act (16 U.S.C. 1447c) as appropriate to ensure the effective coordination of the plans and programs carried out under such Act with the activities and plans carried out under this Act.

(B) GOALS AND PRIORITIES.—The research plans referred to in subparagraph (A) shall reflect the goals and priorities established in the Agreement. Each research plan shall be reviewed by the Boards and Councils referred to in sections 5 through 7 prior to approval of the plan.

(4) CONTINUATION OF PROGRAM.—Notwithstanding section 403(f) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447b(f)), the Regional Marine Research Board for the Gulf of Maine region shall continue to exist until the termination date specified in section 10.

(b) MEMBERSHIP.—

(1) CURRENT STRUCTURE.—The membership of the Regional Marine Research Board for the Gulf of Maine region shall be as established under section 403 of such Act (16 U.S.C. 1447b).

(2) RESEARCH ADVISORY GROUP.—The Gulf of Maine Council may establish a Gulf of Maine Research Advisory Group consisting of such individuals as the members of the Gulf of Maine Council who represent Provinces identify as appropriate to represent the marine research interests, including fisheries science and environmental quality, of the Provinces. The members of the Research Advisory Group shall, to the extent practicable, be selected in a manner consistent with paragraphs (1) and (2) of section 403(b) of such Act (16 U.S.C. 1447b(b)).

(c) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 407 of such Act (16 U.S.C. 1447f), there are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9. ST. CROIX INTERNATIONAL WATERWAY COMMISSION.

(a) IN GENERAL.—The Administrator may award grants to the St. Croix International Waterway Commission to support the activities of the Commission.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this section shall be 50 percent of the amount of the grant award.

(2) NON-FEDERAL SHARE.—The non-Federal share of a grant awarded under this section shall be 50 percent of the amount of the grant award. Any person, including the State of Maine, the Province of New Brunswick, the Government of Canada, or any political

subdivision thereof, may pay the non-Federal share.

(c) REPORTS.—

(1) SUBMISSION BY COMMISSION.—As a condition of receiving a grant award under this section, the Commission shall submit to the Administrator, by a date specified by the Administrator, an annual report on the activities of the Commission and the use by the Commission of the grant award.

(2) SUBMISSION BY ADMINISTRATOR.—As soon as practicable after receipt of the report under paragraph (1), the Administrator shall submit a copy of the report and any written recommendations concerning the report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section \$100,000 for each of fiscal years 1995 through 2000.

SEC. 10. TERMINATION OF AUTHORITY.

The authority provided by this Act (except for section 9) shall terminate on the date that is 13 years after the date of enactment of this Act.

By Mr. STEVENS (for himself, Mrs. MURRAY, Mr. GORTON, Mr. MURKOWSKI, and Mr. PACKWOOD):

S. 2243. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country whenever the United States considers that fee to be inconsistent with international law, and for other purposes; ordered held at the desk.

THE FISHERMEN'S PROTECTIVE ACT AMENDMENT OF 1994

Mr. STEVENS. Mr. President, today the White House had a briefing for those of us from the West Coast on the issue of negotiations on the salmon treaty with Canada. I am pleased to report that the Vice President has met with the Canadian Ambassador, Ambassador Chrétien. I quote from a State Department release today which says: "The Vice President and Ambassador Chrétien had a frank, candid and constructive discussion of the Pacific salmon issue."

It was clear to us that there is an attempt to resolve the issue of the fees that have been imposed by Canada on American fishermen transiting Canadian waters to get to Alaska fishing grounds. We are hopeful this will be resolved soon.

I am pleased the Vice President is giving his direct personal attention to this issue, which is of great concern to the residents of the West Coast in general, and to my constituents in particular.

I ask unanimous consent I be permitted to introduce for myself and Senator MURRAY, Senator GORTON, Senator MURKOWSKI, and Senator PACKWOOD, a bill to amend the Fishermen's Protective Act of 1967 to permit

reimbursement of fishermen for fees imposed by Canada on them in order to have the privilege of transiting Canadian waters to get to Alaska. That, in my opinion as someone who has been involved with maritime law for years, is not a valid imposition of fees by Canada. It is contrary to the traditions of the uniform maritime laws. And I hope we will be able to convince our neighbors—northern neighbors to some, southern neighbors to me—that they should desist from the practice of imposing these transit fees on our fishermen as they go back and forth through Canadian waters after the fishing is over, and in order to get to our State to fish in the first place.

I hope Members who are interested in this issue will join me in stating that we will be very persistent in our feeling that the fee issue ought to be resolved before we return to the bargaining table on the salmon treaty.

Mr. President, I do wish to thank Eileen Claussen of the National Security Council, Kathleen McGinty of the White House Office of Environmental Policy, Doug Hall of NOAA, and Greg Burton of the State Department for their consideration.

With regard to the bill that I have introduced, I would ask that the clerk not refer that yet. We are trying to work out an arrangement to see if we can hold that at the desk. It is a bipartisan bill of great urgency to Pacific State Senators.

This fee issue ought to be resolved and we ought to let our Canadian neighbors know that we will not pay tribute to our northern neighbor.

Mr. President, I ask unanimous consent that the announcement of the State Department concerning what happened at the negotiations between the Vice President and the Canadian Ambassador be printed in the RECORD.

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

Question. What happened at the meeting between Vice President Gore and Canadian Ambassador Chrétien regarding Pacific salmon?

Answer. The Vice President and Ambassador Chrétien had a frank, candid, and constructive discussion of the Pacific salmon issue. The Vice President reiterated the U.S. position that the Canadian fee on U.S. fishing vessels is unacceptable. The Vice President assured the Ambassador that this matter would continue to receive White House attention, and both agreed that a resolution is required very soon. Ambassador Chrétien agreed to convey the Vice President's message immediately to his authorities in Ottawa. Both the Vice President and Ambassador Chrétien expressed the view that the negotiations should be resumed and intensified with new resolve and determination to succeed.

• Mr. MURKOWSKI. Mr. President, this bill is a measured, appropriate response to actions taken by Canadian officials that are, in the words of Canada's Fisheries Minister, "to Canada's

advantage and the United States' disadvantage".

I am very pleased to join other members of the Senate from the Pacific Northwest and Alaska in introducing this measure. It will both provide guidance to the administration as it deals with Canada, and respond to serious problems arising from Canadian Government action.

Canada has attempted to influence the United States posture in ongoing negotiations under the Pacific Salmon Treaty by establishing a transit license for United States fishing vessels passing through the Inside Passage to and from Alaska.

This license, which costs each American vessel approximately \$1,100 each time the captain uses the Inside Passage, is clearly illegal under international law, under bilateral fishing treaties on halibut and albacore tuna, under the North American Free-Trade Agreement and under the General Agreement on Tariffs and Trade.

In addition, by forcing more small U.S. vessels to consider traveling to and from Alaska in the unsheltered outside waters of the ocean, it contributes to a very real danger for U.S. citizens.

Mr. President, let me note that I do not like the idea of anyone paying this Canadian charge—whether United States fisherman or United States Government. Such a fee is strictly illegal, and I am confident that Canada will have to accept this fact and ultimately will reimburse those who were forced to pay it.

However, the important thing right now is to avoid disruptions in U.S. fisheries by ensuring that all American fishermen needing to use the Inside Passage will be able to do so. This bill will accomplish that by amending the Fishermen's Protective Act to allow the State Department to reimburse vessel owners for their costs.

We are also strongly suggesting that the administration review its current policy with regard to allowing Canadian fishing vessels virtually unrestricted access to anchorages in United States waters in Alaska—a privilege not reciprocally offered to United States vessels by the Government of Canada.

We are also asking the administration to ensure that the safety and economic opportunities of U.S. citizens are protected along the border, in order to guard against any incident that would make a final solution to the treaty process even harder to attain.

Mr. President, Vice President GORE recently met with the Canadian Ambassador to the United States to inform him that the United States considers the transit license to be illegal and to urge that Canada repeal it. I have also spoken with the Vice President, and have strongly recommended that no further talks be held with Can-

ada until the transit license has been withdrawn. We in the United States are not in the habit of negotiating with an opponent who is attempting to threaten us. The proper way to resolve these issues is at the bargaining table, but it was Canada that walked away, and Canada that must return. As soon as the transit license is rescinded, they will be welcome. •

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 204. A joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding; to the Committee on the Judiciary.

THE 100TH ANNIVERSARY OF THE AMERICAN ACADEMY IN ROME.

• Mr. MOYNIHAN. Mr. President, I introduce a joint resolution recognizing the American Academy in Rome, on the 100th anniversary of its founding, for fostering international cultural relations between Italy and the United States and for contributing to the development of America's cultural and intellectual life. At its inception, the academy became the premier American overseas center for the study of the fine arts and the humanities. Over the course of its history, it has expanded upon that tradition to now serve over 3,000 people annually with programs ranging from fellowships and residencies to concerts and symposia, and with its renowned research library.

Through the awarding of its Rome Prize Fellowship, the academy has remained committed to its central purpose of identifying and fostering the most gifted and promising American talent. Over 2,500 fellowships and residencies have been awarded, providing participants the opportunity to develop and refine their talents in the fine arts and the humanities through independent projects and through interaction with the Italian and European scholarly and artistic communities.

The academy can claim 4 United States Poets Laureate, 2 Nobel Prize winners, 7 National Medal of Arts winners, 9 MacArthur fellows, 30 Pulitzer Prize winners, and numerous other distinguished alumni.

The American Academy in Rome can take special pride in its accomplishments in Roman archaeology, having been committed to this lofty and exacting pursuit from the academy's very inception. The academy's excavations at Cosa in Etruria vastly expanded our understanding of the history of Roman republican architecture and town planning.

Funding for the Academy in Rome comes entirely from its endowment and from the financial support of philanthropic individuals, foundations, corporations, universities and colleges

across the United States, and from the National Endowment for the Arts and for the Humanities. The academy is committed to ensuring the availability of the Rome Prize Fellowships to future generations of Americans as the United States approaches the 21st century.

Mr. President, this is a joint resolution to recognize, on the 100th anniversary of its founding, the American Academy in Rome. The academy plays a pivotal role in the transference of culture between the United States and Italy, fostering international cultural relations between the two countries and contributing mightily to the cultural and intellectual life of America. ●

#### ADDITIONAL COSPONSORS

S. 1443

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1976

At the request of Mr. DODD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2062

At the request of Mr. INOUE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2114

At the request of Mr. BIDEN, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 2114, a bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 2134

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2134, a bill to restore the American family, reduce illegitimacy, and reduce welfare dependence.

At the request of Mr. FAIRCLOTH, the name of the Senator from South Dakota [Mr. PRESSLER] was withdrawn as a cosponsor of S. 2134, supra.

SENATE JOINT RESOLUTION 167

At the request of Mr. SIMON, the names of the Senator from Connecticut

[Mr. DODD] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 167, a bill to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

#### SENATE RESOLUTION 233—AUTHORIZING THE REPRESENTATION OF MEMBERS OF THE SENATE IN BAHRE VERSUS BUTLER

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. RES. 233

Whereas, in the case of *Bahre v. Butler*, Case No. 9410917-05, pending in the Superior Court for Cobb County, Georgia, the plaintiff has caused to be issued subpoenas for the testimony of Senators Bob Dole, Sam Nunn, and Paul Coverdell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Bob Dole, Sam Nunn, and Paul Coverdell in connection with the Subpoenas in *Bahre v. Butler*.

#### AMENDMENTS SUBMITTED

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

##### STEVENS AMENDMENT NO. 1850

Mr. STEVENS 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:

On page 34, line 12, strike "\$52,650,000." and insert: "\$52,650,000.

"(g) LIMITATION ON COMPENSATION.—No employee or executive officer of a federally funded research and development center named in the report required by subsection (b) may be compensated at a rate exceeding Executive Schedule Level I by that federally funded research and development center."

#### DOLE (AND OTHERS) AMENDMENT NO. 1851

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. THURMOND, Mr. DECONCINI, Mr. D'AMATO, Mr. LEVIN, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. JEFFORDS, Mr. WALLOP, Mr. LUGAR, Mr. MCCONNELL, Mr. COVERDELL, Mr. HATCH, Mr. MCCAIN, Mr. SIMPSON, Mr. PRESSLER, Mr. DURENBERGER, Mr. BROWN, Mr. MURKOWSKI, Mr. HELMS, Mr. GORTON, and Mr. MOYNIHAN) proposed an amendment to the bill S. 2182, supra; as follows:

On page 249, between lines 7 and 8, insert the following:

#### SEC. . BOSNIA AND HERZEGOVINA SELF-DEFENSE.

(a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1994".

(b) FINDINGS.—The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina either within the United Nations Security Council or within the North Atlantic Council since the enactment of section 520 of Public Law 103-236, Senate passage of S. 2042 of the One Hundred Third Congress, and House passage of sections 1401-1404 of H.R. 4301 of the One Hundred Third Congress.

(c) TERMINATION OF ARMS EMBARGO.—

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph

(1) pursuant to request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) **RULE OF CONSTRUCTION.**—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

#### NUNN (AND OTHERS) AMENDMENT NO. 1852

Mr. NUNN (for himself, Mr. WARNER, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. ROBB, and Mr. PELL) proposed an amendment No. 1851 proposed by Mr. DOLE to the bill S. 2182, supra; as follows:

Strike out everything after the first word and insert in lieu thereof the following:

##### BOSNIA AND HERZEGOVINA

(a) **PURPOSE.**—To express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Herzegovina.

(b) **STATEMENTS.**—The Congress makes the following statements of support:

(1) The Congress supports the use of international sanctions in the form of arms and economic embargoes imposed by the United Nations Security Council in appropriate circumstances.

(2) The Congress supports the imposition of an arms and economic embargo on the Government of Iraq by United Nations Security Council resolution 661 of August 6, 1990 to bring about compliance with a number of conditions, including in particular an end to Iraq's nuclear weapons program.

(3) The Congress supports the imposition of an arms, petroleum and economic embargo on Haiti by United Nations Security Council resolutions 875 of October 16, 1993 and 917 of May 17, 1994 to bring about compliance with the Governors Island Agreement.

(4) The Congress supports the imposition of an arms and civil aircraft embargo on Libya pursuant to United Nations Security Council resolution of March 31, 1992 in order to convince Libya to renounce terrorism.

(c) **FINDINGS.**—The Congress makes the following findings:

(1) The United States took the lead in the United Nations Security Council to impose international sanctions in the form of arms and economic embargoes on Iraq, Haiti, and Libya.

(2) The security of the Republic of Korea with whom the United States has a mutual defense treaty and on whose territory there are more than 38,000 members of the United States Armed Forces in a vital interest of the United States.

(3) Should negotiations fail, the imposition of sanctions by the United Nations Security Council on North Korea, which would require the affirmative vote or abstention of China, Russia, Britain, and France, may be essential to stop North Korea's nuclear weapons development program and to end a nuclear threat to the Republic of Korea and Southeast Asia.

(4) The effective enforcement of sanctions on North Korea, once imposed by the United Nations Security Council, would require the cooperation of China, Russia, and Japan as well as other allies, including Britain and France, both permanent members of the United Nations Security Council.

(5) The United States voted for the international arms embargo imposed by United Nations Security Council resolution 713 of

September 25, 1991 that was imposed on Yugoslavia.

(6) The imposition of the United Nations arms embargo on September 25, 1991 has not served to end the conflict in Bosnia Hercegovina, has provided a battlefield advantage to the Bosnian Serbs, who possess artillery, tanks, and other weapons left behind by the former Yugoslav Army or provided by Serbia and Montenegro, and has deprived the Government of Bosnia and Hercegovina from acquiring the adequate means of defending itself and its citizens.

(7) Our NATO allies have committed ground forces to the United Nations Protection Force (UNPROFOR) in former Yugoslavia. At the present time France has 5,518 troops, Britain 3,435, the Netherlands 2,073, Canada 2,037, Spain 1,417, and Belgium 1,000. Our NATO allies have thus far sustained 49 deaths and 931 wounded as a result of their participation in UNPROFOR.

(8) For the first time the so-called "contact group" composed of representatives of the United States, Russia, France and Britain is moving toward a unified position of using an incentives and disincentives "carrot and stick" strategy to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina.

(9) Although lifting the arms embargo on the Government of Bosnia and Hercegovina by the United Nations Security Council is supported by the Congress, the unilateral lifting of the embargo by the United States would lead to the following consequences:

a. disruption of the ongoing effort by the "contact group";

b. withdrawal by our NATO allies of the forces detailed in subparagraph (7) above from former Yugoslavia;

c. contradict United States efforts in the United Nations Security Council to impose sanctions on North Korea, should that become necessary;

d. serious damage to the NATO alliance;

e. loss of cooperation by other nations in the enforcement of sanctions, including the sanctions on Iraq, previously imposed by the United Nations Security Council; and

f. damage to the authority and responsibility of the United Nations Security Council for the maintenance of international peace and security.

(d) It is the sense of the Congress—

That the United States should work with the NATO Member nations and the other permanent members of the United Nations Security Council to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia Hercegovina, including the following:

a. the preservation of an economically, politically and militarily viable Bosnian state capable of exercising its rights under the United Nations Charter.

(i) as part of a peaceful settlement, the lifting of the United Nations arms embargo on the Government of Bosnia and Hercegovina so that it can exercise the inherent right of a sovereign state to self-defense.

b. if the Bosnian Serbs, while the contact group's peace proposal is being considered and discussed, attack the safe areas designated by the United Nations Security Council, the partial lifting of the arms embargo on the Government of Bosnia and Hercegovina and the provision to that Government of defensive weapons and equipment appropriate and necessary to defend those safe areas.

c. if the Bosnian Serbs do not respond constructively to the peace proposal of the con-

tact group, the immediate lifting of the United Nations arms embargo on the Government of Bosnia and Hercegovina (and the orderly withdrawal of the United Nations Protection Force and humanitarian relief personnel).

(e) **POLICY.**—

The Congress authorizes the President, upon the termination of the United Nations arms embargo on the Government of Bosnia and Hercegovina, to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not more than \$100,000,000, in order to provide assistance to the Government of Bosnia and Hercegovina so that it may exercise its inherent right of self-defense. Such assistance shall be provided on such terms and conditions as the President may determine.

#### HUTCHISON AMENDMENT NO. 1853

Mr. COATS (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2182, supra; as follows:

At the appropriate place, insert:

##### SEC. . REVISIONS TO RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) **CLERICAL AMENDMENTS.**—Section 2820 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1894) is amended—

(1) in subsection (a), by striking out "1936" and inserting in lieu thereof "1956"; and

(2) in subsection (b)(1), by striking out "value" and inserting in lieu thereof "size".

(b) **PAYMENT FOR SURVEY.**—Subsection (c) of such section is amended by adding at the end the following: "The cost of the survey shall be borne by the State of Texas."

#### BINGAMAN (AND SMITH) AMENDMENT NO. 1854

Mr. NUNN (for Mr. BINGAMAN, for himself and Mr. SMITH) proposed an amendment to the bill S. 2182, supra; as follows:

On page 177, between lines 5 and 6, insert the following:

##### SEC. 816. TREATMENT UNDER SUBCONTRACTING PLANS OF PURCHASES FROM QUALIFIED NONPROFIT AGENCIES FOR THE BLIND OR SEVERELY DISABLED.

(a) **REVISION AND EXTENSION OF AUTHORITY.**—Section 2410d of title 10, United States Code, relating to credit under small business subcontracting plans for certain purchases, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking out "and" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) a central nonprofit agency designated by the Committee for Purchase from People Who are Blind or Severely Disabled under section 2(c) of such Act (41 U.S.C. 47(c)).";

(B) by striking out paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1997".

(b) **CONFORMING AMENDMENT.**—Section 2301(d) of such title is amended by striking

out "approved commodities and services (as defined in such section)" and inserting in lieu thereof "commodities and services".

#### DECONCINI AMENDMENT NO. 1855

Mr. NUNN (for Mr. DECONCINI) proposed an amendment to the bill S. 2182, supra; as follows:

At the appropriate place in Title XXVIII, Subtitle C of the bill, add the following section:

#### SEC. . TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR BOMB SCORING SITE, HOLBROOK, ARIZONA.

(a) TRANSFER AUTHORIZED.—As part of the closure of an Air Force Radar Bomb Scoring Site located near Holbrook, Arizona, the Secretary of the Air Force may transfer without reimbursement the administrative jurisdiction, accountability and control of the housing units and associated support facilities used in connection with the site to the Secretary of the Interior for use in connection with the Petrified Forest National Park.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer of real property under subsection (a) as the Secretary considers appropriate.

#### SHELBY AMENDMENTS NOS. 1856—1857

Mr. NUNN (for Mr. SHELBY) proposed two amendments to the bill S. 2182, supra; as follows:

##### AMENDMENT NO. 1856

On page 124, between lines 4 and 5, insert the following:

#### SEC. 506. ORIGINAL APPOINTMENTS OF LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS SERVING IN TEMPORARY GRADES.

Section 5589 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) Original appointments as regular officers of the Navy or Marine Corps may be made from among officers serving on active duty in a higher grade pursuant to a temporary appointment in that grade under section 5596 of this title. The grade in which an officer is appointed under this subsection shall be the grade in which the officer is serving pursuant to the temporary appointment. The officer's date of rank for the grade of the original appointment shall be the same as the date of rank for the grade of the temporary appointment."

##### AMENDMENT NO. 1857

On page 138, between lines 11 and 12, insert the following new section:

#### SEC. 634. COMPUTATION OF RETIRED PAY TO PREVENT PAY INVERSIONS.

Section 1401a(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(f) PREVENTION OF PAY INVERSIONS.—"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraph (B), for the purpose of computing the monthly retired pay of a member or former member of an armed force under paragraph (1), the Secretary concerned may waive any provision of a regulation that, as such provision was in effect on the earlier date applicable to the member or former member under paragraph (1), required a member to serve for a minimum period in a grade as a condition for retirement in that grade.

"(B) Any waiver under subparagraph (A) shall apply in the case of a member or former member only to that part of the minimum period of service provided for a grade in the regulation that exceeds the minimum period of service in such grade that was authorized by a provision of this title to be required as a condition for retirement in that grade (as such provision of this title was in effect on the earlier date applicable to the member or former member under paragraph (1)).

"(C) The Secretary concerned may waive the provision of a regulation under subparagraph (A) in the case of a particular member or former member or for any group of members or former members."

#### WALLOP AMENDMENT NO. 1858

Mr. COATS (for Mr. WALLOP) proposed an amendment to the bill S. 2182, supra; as follows:

On page 37, after line 25, add the following:

#### SEC. 224. MANAGEMENT AND BUDGET RESPONSIBILITY FOR SPACE-BASED CHEMICAL LASER PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) In section 243 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1615) Congress directed the Secretary of Defense to transfer management and budget responsibility for research and development regarding far-term follow-on technologies from the Ballistic Missile Defense Organization unless the Secretary certifies that it is in the national security interest of the United States for the Ballistic Missile Defense Organization to retain that responsibility.

(2) For purposes of section 243 of such Act, a far-term follow-on technology was defined as any technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(3) The Secretary of Defense has recommended pursuant to section 243 of such Act that management and budget responsibility for chemical laser technology be retained in the Ballistic Missile Defense Organization.

(b) ASSIGNMENT OF RESPONSIBILITY.—Subject to subsection (c), the Ballistic Missile Defense Organization is authorized to retain management and budget responsibility for chemical laser technology programs.

(c) REQUIREMENTS.—(1) The Director of the Ballistic Missile Defense Organization shall ensure that, to the extent practicable, the conduct of research and development related to space-based chemical lasers reflects appropriate consideration of a broad range of military missions and possible nonmilitary applications for such lasers.

(2) If, as a result of budgetary limitations, the Director of the Ballistic Missile Defense Organization is unable to program sufficient funds to ensure that the space-based chemical laser program remains an option for the acquisition process within the next fifteen years, the Secretary of Defense shall—

(A) establish a new high energy laser research and development program outside of the Ballistic Missile Defense Organization;

(B) transfer \$50,000,000 out of funds available for fiscal year 1995 for programs administered by the Ballistic Missile Defense Organization to the new high energy laser research and development program; and

(C) assign the duty to perform the management and budget responsibilities for the new program to the Secretary of the military department determined by the Secretary of Defense most appropriate to perform such responsibilities or, if the Secretary determines more appropriate, to the head of the Defense Agency of the Department of Defense that the Secretary determines most appropriate to perform such responsibilities.

#### SMITH AMENDMENT NO. 1859

Mr. NUNN (for Mr. SMITH) proposed an amendment to the bill S. 2182, supra; as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. . DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE

Of the funds authorized to be appropriated to the Department of Energy under Section 3103, \$3,000,000 shall be available for the Department of Energy's Declassification Productivity Initiative.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Friday, July 15, 1994, beginning at 9 a.m. and concluding at approximately 4 p.m. The hearing will be held at the Three Trails Summit Room at the Casper Events Center, One Events Drive, Casper, WY 82601.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing.

A number of witnesses representing a cross-section of views and organizations will be invited by the committee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement in support of, or opposition to, these proposed regulations. Those wishing to make such a statement should contact Senator WALLOP's Casper office at (307) 261-5098, no later than 3 p.m. on July 11, 1994.

Although the committee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be

brought to the hearing or submitted to the Committee on Energy and Natural Resources, room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Williams of the committee staff at (202) 224-7145.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, June 24, 1994, at 10 a.m. to hold nomination hearings.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Friday, June 24, at 11:30 a.m. for a nomination hearing on Phyllis Segal, to be member, Federal Labor Relations Authority.

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

#### ADDITIONAL STATEMENTS

##### PUBLIC HEALTH AWARENESS DAY

• Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleague, Senator KENNEDY today in introducing a resolution designating July 12, 1994, as Public Health Awareness Day. This resolution honors the Public Health Service on its 50th anniversary.

Since its creation, the Public Health Service has been in the vanguard of efforts to protect and improve human health in this Nation and worldwide. It is in large part due to the efforts of the Public Health Service that this Nation enjoys the highest quality health care in the world and that many diseases which once caused untold illness and suffering have been controlled and even conquered in this Nation and around the world. It is to the Public Health Service that we look for the protection of our Nation's food supply and the assurance of the safety and quality of prescriptions and medical devices. In these and many other ways, the Public Health Service has contributed immeasurably to improving the health and quality of life of the people of this Nation and of individuals the world over.

I encourage my colleagues to cosponsor this resolution and join us in recognizing 50 years of outstanding public service by the dedicated men and women of the Public Health Service. •

##### EQUITABLE ESCHEATMENT ACT

• Mr. JOHNSTON. Mr. President, as a cosponsor of S. 1715, I rise to express

my support of the current settlement negotiations between New York, Delaware, and the 47 States that support the Equitable Escheatment Act. A negotiated compromise acceptable to all States is preferable to either the status quo of 2 States dividing \$100 million annually to the virtual exclusion of 47 other States, or a bruising floor fight among sister States.

If the negotiations do not result in an equitable compromise in the near future, however, I will support the Senate acting on S. 1715. New York and Delaware should not be permitted to continue escheating interest paid by Louisiana taxpayers on bonds issued by the State of Louisiana and its municipalities. •

##### IFR/ALMR SUPPORTS U.S. NON-PROLIFERATION OBJECTIVES

• Mr. SIMON. Mr. President, recently a prestigious independent commission evaluated the role of the Integral Fast Reactor/Advanced Liquid Metal Reactor Program as a nonproliferation tool. The Commission concluded that the IFR/ALMR Program benefits both the U.S. energy and nonproliferation policy and should be continued.

Mr. President, I ask that the executive summary of this study, "Proliferation Aspects of the Integral Fast Reactor," be included in the RECORD.

The summary follows:

##### EXECUTIVE SUMMARY

The Integral Fast Reactor (IFR) has positive non-proliferation features in two important aspects:

First, the entire reactor and fuel cycle system itself is strongly proliferation resistant, and

Second, the system can limit, reduce, and, in due course, eliminate the world's excess plutonium, including that from nuclear weapons and that from commercial power reactors.

The proliferation resistance of the IFR system results largely from the fact that the plutonium in the system never exists in its pure form. Rather, it is always a part of a mixture of intensely-radioactive fission products and actinides which is unusable for an explosive. Thus, (1) diversion of the mixture by any subnational group would be very difficult (and easy to detect) because of the deadly health hazards and the shielding requirements for handling it, and (2) the necessary further step of chemically-separating the plutonium from the mixture to obtain explosives material is of the same order of difficulty as separating weapons-usable plutonium from commercial-reactor spent fuel.

The metal fuel used in the IFR allows fuel processing on such a small scale that the entire system can be co-located on one site. The concept for a plant is to have only depleted uranium enter the plant boundary and electricity produced from the IFR and radioactive wastes (for burial) leave the plant, but the highly-radioactive fuel would be protected against subnational theft or diversion whether reprocessed integrally or separately.

The IFR concept continually recycles the plutonium in the fuel mixture through the reactor until it is all destroyed. In this case the IFR is designed as a net consumer of plu-

tonium (a "burner"), and plutonium must continually be fed into the system for the reactor to operate.

The significance of the IFR as a means to destroy (or "burn") plutonium can be seen from consideration of present and anticipated world supplies. The U.S. and Russia have announced plans to release about 100 tons of pure plutonium metal from excess weapons. However, plutonium is also made as a byproduct in commercial nuclear power plants (primarily light water reactors, LWRs), and by the year 2000, over 10 times more LWR-manufactured plutonium will exist in the "spent" fuel of LWRs than the 100 tons above. This quantity will grow as the use of nuclear power inevitably expands in many countries worldwide.

While the U.S. does not do so, several nations currently reprocess spent fuel chemically to recover the plutonium and recycle it through the reactor to take advantage of its high energy content. In the process pure plutonium, free of a radiation barrier, exists, and this presents a proliferation concern. Many more nations retain this option by storing spent fuel rather than burying it.

Recent studies, including a National Academy of Sciences (NAS) report [Ref. 1], have shed new light on a key question of whether only moderately advanced nations could produce a dangerous nuclear explosive from such material. The NAS report answers this question, stating that "even with relatively simple designs such as that used in the Nagasaki weapon—which are within the capabilities of many nations and possibly some subnational groups—nuclear explosives could be constructed (from reactor-grade plutonium.)" [Ref. 1, p. 4] Such explosives would be expected to have a significantly lower yield than comparable explosives produced from weapons-grade plutonium, but the yield could still be significant. Even though an inexperienced nation might not succeed on a first try, non-proliferation policy must consider the possibility of success.

For the released weapons plutonium, the NAS panel recommends mixing the plutonium in fresh LWR fuel rods and exposing the latter in reactors. The fuel rods would become intensely-radioactive during such exposure, and the plutonium would thereby become resistant to diversion by subnational groups. There are two problems, however: (1) only about half of the plutonium would actually be destroyed when exposed in an LWR, and (2) the remaining plutonium would once again be weapons-usable after reprocessing, making the material subject to the risk of national proliferation. This risk arises soon after discharge from the reactor, and increases with time with the decay of radiation. The NAS stated "While the spent fuel standard is an appropriate goal for excess weapons plutonium disposition, further steps should be taken to reduce the proliferation risks posed by all of the world's plutonium stocks, including plutonium in spent fuel." [Ref. 1, p. 209] The NAS panel further recommended investigation of concepts for the near-complete elimination of the world's plutonium stocks.

Both types of plutonium can be destroyed in conventional liquid metal reactors (LMRs), of which one large unit exists in France, and several smaller units exist elsewhere in the world. However, the plutonium fuel must be reprocessed chemically (as with the LWR process) and recycled several times before total destruction occurs. With recycle by current reprocessing plants, pure plutonium exists without a high radiation barrier. This system would typically include the

shipment of spent fuel to a reprocessing center, the shipment of pure plutonium to a fuel fabrication facility, and the shipment of essentially non-radioactive fuel rods back to the reactor.

In contrast, the IFR system offers the potential to destroy all of the plutonium which crosses the plant boundary and enters the system, while simultaneously keeping it in an intensely-radioactive mixture throughout its life in the system. Thus, the IFR system offers the potential for unique non-proliferation advantages as a method for the management and elimination of plutonium. We know of no other method anywhere on the horizon which offers equal potential to respond to the NAS recommendations to reduce the proliferation risks of the world's stockpile of plutonium.

Argonne National Laboratory is currently completing the assembly of an entire IFR Fuel Cycle system in Idaho; the intention of this research and development project is to demonstrate feasibility on an engineering scale. The successful demonstration (including the EBR-II reactor, which substitutes for an IFR) would provide the world with a demonstrated option for limiting plutonium stocks and thereby minimize proliferation concerns via burning significant quantities of plutonium in a highly-proliferation-resistant system.●

#### AMENDING THE FISHERMEN'S PROTECTIVE ACT OF 1967

● Mr. MURRAY. Mr. President, last week Canada began collecting an \$1,100 fee from United States fishing boats sailing each way through Canadian waters between Alaska and Washington State. The Canadian action was precipitated by a breakdown in the negotiations with the United States over the Pacific Salmon Treaty. So far, about 200 boats have been forced to pay the Canadian fee.

Senator STEVENS and I have both already introduced bills to respond to the fee problem by reimbursing the owners of the boats through the Fishermen's Protective Act. Since that time, we have worked together to refine our bills into this legislation to provide relief to these fishermen as quickly as possible. As I just mentioned, this bill is a bipartisan effort between the Senators from the Pacific Northwest, Alaska, and the administration. At a meeting today, the National Security Council affirmed their support for financial reimbursement to boat owners through the Fishermen's Protective Act. I have worked closely with the Office of Management and Budget to ensure that they had no objections to this bill.

Yesterday, Vice President GORE met with Canadian Ambassador Chretien about restarting the stalled negotiations over the Pacific Salmon Treaty. The Vice President promised to continue to be personally involved in these important negotiations. The Canadian Ambassador said that he felt that the elevation of these negotiations is a very positive sign. I hope that the Government of Canada responds quickly to this new commitment by the administration.●

#### LAW ENFORCEMENT TRAINING IN RUSSIA

● Mr. LEAHY. Mr. President, in the near future I will be presenting the foreign operations bill for fiscal year 1995 to the Senate for its consideration. At that time, I will join with Senator MITCH MCCONNELL and Senator ALFONSE D'AMATO on a provision to make funds available to support law enforcement in Russia and elsewhere in the former Soviet Union.

As anyone who reads the newspapers knows, in the past couple of years crime has burst into the open in Russia and other parts of the NIS. The murder rate in Russia is up 41 percent in just the past 12 months. More than 50 bombings have taken place in Moscow this year, compared to 61 in all of 1993. Gangs dominate the streets, and organized crime has become rampant as the mafia competes for territory and control. Private enterprise, for which the United States provides assistance, is being undermined with high tributes that must be paid to the Mafia in order to stay in business. Drug-related crime is skyrocketing.

The Russian police lack the skills and equipment to prevent this rash of violence and fraud, and the criminal justice codes are outdated. These weaknesses have the potential to erode the foundations of democracy in Russia.

The program that Senators MCCONNELL, D'AMATO, and I will recommend is designed to reinforce the development and professionalization of Russia's criminal justice agencies, as well as improve police investigative and forensic capabilities which are currently woefully inadequate. Strengthening basic police practices that improve administration and management skills and emphasize democratic principles, including respect for human rights and the rule of law, will help build a stable foundation to fight the rampant crime and corruption in Russia.

Our amendment will make funds available to the International Criminal Investigative Training Assistance Program and the Federal Bureau of Investigation for law enforcement development and training programs. The goal of these programs is to assist in the implementation of reforms and to improve the Russian police agencies' crime fighting capabilities.

These programs will also benefit the United States. It is in our interest to help build the foundations for a stable democracy in Russia, an essential element of which is an effective, independent justice system. As Russian law enforcement improves, American businesses will have less reason to fear that their investments will be undermined by dishonest brokers or that their families will be risking their lives walking down the street. We will also benefit because of the enhanced cooperation between American and Russian law enforcement in combating drug traffick-

ing, terrorism, and other international crime.

Mr. President, I met recently with FBI Director Louis Freeh, and we discussed his upcoming trip to Europe, Russia, Ukraine, and the Baltics. While he is there, Director Freeh will be laying the groundwork for cooperation between officials in the former Soviet Union, the FBI, and other American law enforcement agencies. They will discuss the possible theft of nuclear weapons or nuclear materials, the spread of organized crime and drug trafficking. Their work together will provide a valuable connection to combat the rising crime scourge in Russia. The assistance we provide through the FBI and other American law enforcement agencies will provide Russian leaders with a preferable alternative to issuing decrees that threaten due process, which have recently provoked broad public protest in Russia.

Mr. President, I want to commend Director Freeh and his delegation for undertaking this important trip, and to urge all Senators to support our amendment on this issue to the foreign operations bill.●

#### WALK FOR JUSTICE 1994

● Mr. CAMPBELL. Mr. President, Dennis Banks, cofounder of the American Indian Movement, is presently leading the Walk for Justice—a 5-month, 3,800-mile spiritual walk that began February 11 at Alcatraz near San Francisco. The group, now consisting of 102 walkers, including native Americans and nonnative participants from the United States, Canada, Japan, Australia, and Europe, is traveling cross-country and scheduled to arrive in Washington, DC, July 15.

The purpose of the Walk For Justice is to bring public attention to a variety of native issues: Western Shoshone land claims and nuclear testing on their lands; Nevada and Utah prisoner rights, including matters of ceremony and hair length; the recent U.S. Supreme Court decision that stripped the Northern Utes of 2.9 million acres of land; the fishing struggles in Minnesota, Wisconsin, and Washington State, where State legislation has attempted to subvert native sovereignty; sports team mascots and names that are offensive to Indian people; the proposed use of tribal lands for nuclear waste dump sites; concerns at Big Mountain involving water contamination, confiscation of livestock and wood, strip mining of sacred land, and forced relocation of traditional people from ancestral homes, and other important concerns and issues around Indian country.

In addition, the walk is collecting signatures requesting Executive clemency for Leonard Peltier, who has served 18 years in prison for a crime his supporters, including Amnesty International, Members of Congress, and

many world citizens, believe he did not commit.

On July 15, the Cheyenne Keeper of the Arrows will lead the walk into Washington, and that evening, after an afternoon rally and closing ceremony, there will be an overnight prayer vigil on The Mall. The next day, on July 16, a concert will be held at the Lincoln Memorial for the public.

On Monday, July 18, a meeting is scheduled on Capitol Hill, at the Senate Russell Office Building, room 325, from 1 to 4 p.m. At this time, a walk document will be presented outlining each of the native issues presented during the walk's 5-month journey and the collected signatures for Mr. Peltier will be turned over to representatives of the administration.

I am planning to attend this important session with representatives of the Walk For Justice and congressional and administration representatives, to listen to and discuss these crucial issues of justice and fairness to Indian people, and urge my colleagues who share our concerns to attend as well. •

#### ARIZONA WILDERNESS LAND TITLE RESOLUTION ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 445, S. 1233, relating to a land claim dispute in Arizona; that the committee amendments be agreed to; that the bill be read a third time, and passed; that the motion to reconsider be laid upon the table; and, that any statements appear at the appropriate place in the RECORD.

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

So the bill (S. 1233) was deemed read for a third time, and passed, as follows:

S. 1233

*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 "Arizona Wilderness Land Title Resolution Act of 1994".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), granted a right-of-way in Arizona to the Atlantic and Pacific Railroad Company, together with certain alternate sections of public lands on both sides of the right-of-way;

(2) patents were not issued to some of the lands in the grant described in paragraph (1);

(3) as successors in interest to the Atlantic and Pacific Railroad Company, the Santa Fe Pacific Railroad, and Perrin Properties, Inc., a California corporation—

(A) claim rights to approximately 14,632.72 acres of the lands described in paragraph (1), and

(B) applied to the Secretary of the Interior for a patent to the lands;

(4) the Secretary of the Interior denied the application for the patent, which was filed in

the name of the Santa Fe Railroad Company for the benefit of Perrin Properties, Inc., on the ground that the claim had been extinguished by failure to record the claim in accordance with the Act entitled "An Act to require the recordation of scrip, lieu selection, and similar rights", approved August 5, 1955 (69 Stat. 534; 43 U.S.C. 274 note) (commonly known as the "Recordation Act");

(5) on appeal the United States Court of Appeals for the District of Columbia Circuit ruled in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987), that such Act was not applicable and did not bar the issuance of a patent;

(6) ultimate resolution of the question of the title to the 14,632.72 acres may require years of additional litigation;

(7) the Arizona Wilderness Act of 1984 (Public Law 98-406) designated certain lands in the Prescott National Forest in Arizona as components of the National Wilderness Preservation System established by the Wilderness Act (16 U.S.C. 1131 et seq.), including the Apache Creek Wilderness and the Juniper Mesa Wilderness;

(8) the 14,632.72 acres are in the Prescott National Forest and comprise large portions of the Apache Creek and Juniper Mesa Wilderness areas; and

(9) if the 14,632.72 acres are patented to private owners, the creation of a checkerboard ownership pattern over the wilderness areas will effectively preclude management of the areas as wilderness.

(b) PURPOSES.—The purposes of this Act are—

(1) to resolve the status of the title to the approximately 14,632.72 acres in the Prescott National Forest described in section 3(c);

(2) to ensure that the lands are permanently retained in Federal ownership; and

(3) to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas consistent with the Arizona Wilderness Act of 1984 (Public Law 98-406).

#### SEC. 3. RESOLUTION OF STATUS OF LANDS.

(a) PAYMENT BY THE SECRETARY OF THE TREASURY.—

(1) PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to Perrin Properties, Inc., the sum of \$3,854,000 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(2) INTEREST.—No funds shall be made available for the payment of interest on the amounts payable under paragraph (1).

(b) CONDITIONS OF PAYMENT.—The Secretary of the Treasury shall make the payment described in subsection (a) if the Attorney General of the United States notifies the Secretary of the Treasury that the appellants in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (1987), and *Perrin Properties, Inc.*, have executed in forms satisfactory to the Attorney General all documents necessary—

(1) to dismiss with prejudice all litigation involving the title to the lands described in subsection (c); and

(2) to release and quitclaim to the United States all right, title, and interest of the appellants and of Perrin Properties, Inc., arising out of the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), in and to lands in the Prescott National Forest.

(c) DESCRIPTION OF LANDS.—The lands described in this subsection are the approximately 14,632.72 acres of land in the Prescott

National Forest in Arizona described in the decision by the Interior Board of Land Appeals, *Santa Fe Pacific Railroad Co.*, No. 82-449, 72 IBLA 197 (April 19, 1983).

(d) MANAGEMENT OF LANDS.—Upon the execution of documents and dismissal of the litigation as described in subsection (b), the lands described in subsection (c) shall be managed in accordance with the laws, rules, and regulations pertaining to the National Forest System. Lands described in subsection (c) that lie within the boundaries of a wilderness area, as designated on or before the date of enactment of this Act, shall also be managed in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

#### THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 485, 486, 487, and 488; that the joint resolutions be read three times, and passed, and the motions to reconsider laid upon the table, en bloc; that the preambles be agreed to, en bloc; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD, and, that the consideration of these items appear individually in the RECORD.

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

#### NATIONAL FAMILY CAREGIVERS WEEK

The joint resolution (S.J. Res. 153) 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" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 153

Whereas the number of Americans who are age 65 or older is growing dramatically, with an unprecedented increase in the number of frail elderly age 85 or older;

Whereas approximately 5,200,000 older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide help to older persons with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities, and therefore need information about available community resources for respite care and other support services;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing older persons: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning on November 21, 1993 and ending on November 27, 1993, and the week beginning on November 20, 1994 and ending on November 26, 1994, are each designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

#### THE 50TH ANNIVERSARY OF WORLD WAR II

The joint resolution (S.J. Res. 172) designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II" was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 172

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1994, marks the anniversary of the Battle of Midway, and June 6, 1994, marks the anniversary of D-Day: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That May 30, 1994, through June 6, 1994, is designated as a "Time for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that period with appropriate ceremonies and activities.

#### NATIONAL CHARACTER COUNTS WEEK

The joint resolution (S.J. Res. 178) to proclaim the week of October 16

through October 22, 1994, as "National Character Counts Week" was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 178

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions and civic groups;

Whereas the character of a Nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas The Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core Elements of Character are—

- (1) trustworthiness;
- (2) respect;
- (3) responsibility;
- (4) justice and fairness;
- (5) caring; and
- (6) civic virtue and citizenship.

Whereas these Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas The Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas The Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas The Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core elements of Character and to observe the week with appropriate ceremonies and activities.

#### NATIONAL APOLLO ANNIVERSARY OBSERVANCE

The joint resolution (S.J. Res. 187) designating July 16, 1994, as "National Apollo Anniversary Observance" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 187

Whereas President Kennedy in 1961 called upon the United States to face the challenge of those extraordinary times by sending a mission to the Moon;

Whereas the United States Government, the National Aeronautics and Space Administration, and the American people committed great resources, time, and human labor within one decade to span the 238,700 miles between the Earth and the Moon;

Whereas the United States rose to the challenge and formulated the Apollo missions culminating in the liftoff on July 16, 1969, of the Apollo 11 Mission to the Moon;

Whereas 25 years ago astronaut Neil Armstrong, with the help of Colonel Edwin (Buzz) Aldrin, Jr. (USAF) and Lieutenant Colonel Michael Collins (USAF), took that first significant step and became the first human to set foot on the surface of another world;

Whereas that small step furthered the development of space technology for the lasting benefit of all mankind; and

Whereas such an event united the world and our many cultures for a brief moment under the flag of peaceful exploration: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That July 16, 1994, through July 24, 1994, is designated as "National Apollo Anniversary Observance", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.

#### AUTHORITY FOR REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 233, a resolution authorizing representation by

the Senate legal counsel, submitted earlier today by myself; that the resolution be agreed; the preamble adopted; that the motion to reconsider be laid upon the table; and, that my explanatory statement appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 233

Whereas, in the case of *Bahre v. Butler*, Case No. 9410917-05, pending in the Superior Court for Cobb County, Georgia, the plaintiff has caused to be issued subpoenas for the testimony of Senators Bob Dole, Sam Nunn, and Paul Coverdell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Bob Dole, Sam Nunn, and Paul Coverdell in connection with the subpoenas in *Bahre v. Butler*.

Mr. MITCHELL. Mr. President, the plaintiff in a child custody action against her former spouse has caused subpoenas to be issued for the testimony of Senators DOLE, NUNN, and COVERDELL in the Superior Court for Cobb County, GA.

None of the Senators has any relevant testimony to contribute to the disposition of this case. This resolution would authorize the Senate legal counsel to represent the Senators in order to move to quash the subpoenas.

#### FILING OF FIRST-DEGREE AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for filing of first-degree amendments to the pending matter be extended from the 1 p.m. under the current rule until 2 p.m. on Monday.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be the only first-degree floor amendments remaining in order to S. 2182, the Defense authorization bill; that they be subject to second-degree amendments provided they are relevant to the first-degree amendments to which they are offered; that no motion to recommit be in order during the pendency of this agreement.

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

The list of amendments is as follows:

#### REPUBLICAN LIST

Bennett: Civilian leave.  
 Hatfield: Selective Service System.  
 Brown: C-130 distribution; GEOSAT study; Force structure; Burdensharing; NATO benefits; Visas for Taiwan officials; White House; Relevant (2).  
 Bond: Reserve component readiness.  
 Coats: Funding Army family housing; Planning/design DFAS; Relevant (3).  
 Cohen: Relevant (3); Nuclear safety at DOE; Medicare.  
 D'Amato: 5.5m fuel hydrant system—Niagara; Transfer Guadal canal.  
 Dole: Defense review; Relevant (8); 1851; Army medical equipment; North Korea; Land management/Training center; Humanitarian aid.  
 Domenici: Counterproliferation improvements; Spouse abuse; Delete SSTO transfer.  
 Faircloth: Upgrade facility—Ft. Bragg.  
 Bond: Delete/modify bill requirement transfer M1A1 Tank to MC.  
 Gorton: Land conveyance, Seattle, Washington.  
 Helms: (1) Relevant, (2) Relevant.  
 Faircloth: Relevant (1).  
 Gramm: Relevant (3).  
 Grassley: FYDP funding.  
 Gregg: Haiti.  
 Hatfield—Military Institute of Pathology, MILCON.  
 Hutchison: Relevant (3).  
 Kempthorne: Gowan Field Hanger, add/alter Doms AF Academy; Relevant (1).  
 Lott: Relevant (3), Armed Forces Retirement Home.  
 McCain: Academy/ROTC Obligation; Cap cost Seawolf; Concurrent receipt; Delete DOD support athletic events; Seawolf termination; MILCON Antina; BDM; BRAC 95; Relevant (3); TRP renew; and Korea.  
 Mack: MaypA; Relevant (1).  
 McConnell: NATO, NATO admission.  
 Nickles: U.N. command Forces; Depots/as contractors, Reserve quarters; MILCON.  
 Thurmond: Fines and penalties.  
 Roth: F-22 Livefire; OT&E; S.O.C.—NATO; Delete funding for submarines.  
 Smith: TMD; Relevant (3).  
 Specter: MILCON; Hearings.  
 Stevens: Upgrades, Ft. Richardson; Relevant (2); FFRDC (2); MILCON.  
 Thurmond: Relevant (15); National Guard; DFAS planning design; Whistleblower protection; Clarify testing prohibition.  
 Wallop: 6.2m MILCON; Peacekeeping; TMD and ABM Treaty.  
 Warner: Airborne TV warfare; ABM Treaty; COLA Equity; TRICARS; Relevant (7); USACOM; Excess defense articles; ABM; ABM.

#### KNOWN DEMOCRATIC AMENDMENTS TO DOD AUTHORIZATION

Biden: (1) Relevant; (2) Relevant.  
 Bingaman: (1) Intergovernmental personnel act; (2) Relevant; (3) Relevant.  
 Boxer: (1) Spouse abuse—military; (2) Military depots; (3) Base cleanup; (4) Military construction.  
 Bradley: Selective service.  
 Bumpers: (1) Milstar; (2) Trident; (3) Trident; (4) National Guard; (5) National Guard construction projects.  
 Byrd: (1) Relevant; (2) Relevant; (3) Relevant.  
 Daschle: Military construction.  
 DeConcini: (1) Sexual misconduct investigations unit.  
 Dodd/D'Amato: Army Procurement, (2) Bunker Defeat munition, (3) Milcon Yuma Marine Corps facilities.  
 Feingold: Uniformed services university health services (notify Inouye).  
 Feinstein: (1) Delay base closure; (2) Base reuse; (3) Restore sealift funding (W/Johnston); (4) Report on SELENE; (5) Troop deployment in Europe; (6) AFMC consolidation; (7) Base Closure Commission staff; (8) LA AFB milcon; (9) Fort Irwin Milcon; (10) Co-development of ATRJ; (11) 146th airlift wing aircraft, (12) McClellan AFB; (13) Defense conversion loan guarantees; (14) Relevant.  
 Ford: (1) Military Construction virtual brigade; (2) Prohibit equipment sale foreign countries prior to National Guard review, (3) Transfer military Army equipment, (4) Require 2 add'l positions for roles and mission of Armed Forces; (5) Delete \$189 million in technology and upgrades 42 M1 tanks for Marines; (6) Prohibit transfer of M1A1 tanks; (7) Delete \$20M from technology and adds \$100M to Army National Guard and \$100M Air Force National Guard; (8) Transfer M1 tanks from Army to Marines; (9) Transfer M1 tanks from Army to Marines.  
 Glenn: (1) Planning and design; (2) Joint training; (3) Section 3158 DOE excepted service physicians; (4) Study cost of low enriched uranium to power naval reactors.  
 Graham: (1) Foreign military training; (2) Western Hemisphere military training; (3) Relevant; (4) Land conveyance/foreign military.  
 Heflin: SDI.  
 Johnston: (1) Relevant; (2) Sealift (w/Feinstein) #1840).  
 Kennedy: Relevant.  
 Kerry: Policy sharing info w/Latin American nations to permit aircraft interception.  
 Kohl: (1) Relevant; (2) Relevant; (3) Burdensharing (w/Brown); (4) Community environmental grants.  
 Lautenberg: (1) Relevant; (2) Relevant; (3) Relevant.  
 Leahy: (1) Land mines; (2) B-2.  
 Levin: (1) Relevant; (2) B-2.  
 Mitchell: (1) Relevant; (2) Relevant; (3) Relevant.  
 Moseley-Braun: (1) Sexual harassment; (2) Sexual harassment.  
 Murray: (1) Sexual harassment; (2) Sexual harassment; (3) Sexual harassment; (4) Sexual harassment; (5) Relevant.  
 Nunn: (1) Army reserve; (2) Joint military education; (3) Acquisition; (4) Mobility; (5) Armor; (6) Roles and missions; (7) Bosnia; (8) Technical; (9) Technical; (10) Relevant; (11) Relevant; (12) Training; (13) Relevant; (14) Relevant.  
 Pell: (1) Relevant; (2) Relevant.  
 Pryor: (1) Sense of Senate base closure; (2) "Fly Before You Buy Act" (w/Roth); (3) ASPJ (airborne self-protection jammer); (4) Cost comparisons; (5) Relevant; (6) Notice workers defense contract termin; (7) Laid off

defense export workers JTPA service eligibility.

- Reid: (1) Relevant; (2) Relevant.
- Riegle: Gulf War Syndrome.
- Robb: (1) COLA equity; (2) SBP equity.
- Rockefeller: Gulf War syndrome.
- Wellstone: (1) Relevant, (2) Relevant; (3) Relevant.

Mr. MITCHELL. 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. 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.

MEASURE HELD AT DESK—S. 2243

Mr. MITCHELL. Mr. President, I ask unanimous consent that a bill intro-

duced earlier today by Senator STEVENS, and now at the desk, be held at the desk until the close of business Monday, June 27.

The PRESIDING OFFICER. Without objection, it is so ordered. S. 2243 will be held at the desk.

RECESS UNTIL MONDAY, JUNE 27, 1994, AT 1 P.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until 1 p.m. on Monday, June 27, as under the previous order.

There being no objection, the Senate, at 4:20 p.m., recessed until Monday, June 27, 1994, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24, 1994:

DEPARTMENT OF STATE

DAVID ELIAS BIRENBAUM, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

PHILIP N. DIEHL, OF TEXAS, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS.

FEDERAL RESERVE SYSTEM

ALAN S. BLINDER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF 14 YEARS FROM FEBRUARY 1, 1992.

ALAN S. BLINDER, OF NEW JERSEY, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF 4 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JERRY J. ENOMOTO, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

## HOUSE OF REPRESENTATIVES—Friday, June 24, 1994

The House met at 9 a.m., and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 24, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

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

### PRAYER

The Reverend Canon Patricia M. Thomas, diocesan administrator, Episcopal Diocese of Washington and canon of the Washington National Cathedral, Washington, DC, offered the following prayer:

O God, You have bound us together in a common life. You have so linked our lives one with another that all we do affects, for good or ill, all other lives. Give the Members of this House of Representatives courage, wisdom, and foresight to provide for the needs of all the people of this land and to fulfill our obligations in the community of nations. Guide and direct them in the work they do this day, granting them vision to see Your purpose for our Nation and filling them with compassion and understanding. Strengthen them with an abiding commitment to seek Your truth in all their deliberations and actions. This we pray. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from New York [Mr. LAZIO] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. LAZIO 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 has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4539) "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD, to be the conferees on the part of the Senate.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces he will recognize five 1-minutes on each side.

### GUILTY UNTIL PROVEN INNOCENT

(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, Jeffrey Dahmer killed 17 young boys, adolescents, ate their flesh. He was innocent until proven guilty. Son of Sam, mass murderer, Charles Manson, mass murderer, Richard Speck, mass murderer, innocent until proven guilty. But when your mother and father or grandparents or the businessman or the teacher in your community gets called down to the IRS office, they are guilty and must prove themselves innocent.

Unbelievable, Congress. No American should fear their Government. People fear the IRS because Congress has allowed the IRS to intrude on their constitutional rights.

Shame, Congress. Discharge Petition No. 12 says a taxpayer is innocent until proven guilty. And if it is good enough for the Son of Sam, it is good enough for mom and dad. One hundred and

nine Members signed Discharge Petition No. 12, and the big shots in Congress are not going to do anything with it.

No reason to fear our Government. Discharge Petition No. 12.

### EMPLOYER MANDATES WILL HURT BUSINESS AND AMERICA

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

Mr. HEFLEY. Mr. Speaker, the word is getting out.

American businesses are finally starting to hear what the proposed Clinton health care plan and its job-killing employer mandates will cost them and their employees.

The U.S. Chamber of Commerce has said, overwhelmingly that Clinton's employer mandates are unacceptable.

The proposed mandates will kill jobs and drive down wages.

Employers will have no choice but to reduce either wages or their work force in order to cover their losses.

It just does not make sense to risk losing your job for government-run health care when there are health care reform proposals like the Republican's Michel-Lott bill, which fixes what is wrong with our health care system, while keeping what is right with it, and it does this without killing American jobs.

Mr. Speaker, the business of America is business and employer mandates will hurt business and America.

### SMALL BUSINESSMEN: MANDATES EQUAL UNEMPLOYMENT

(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, I have heard from community leaders and small business leaders alike, employer mandates now, equal unemployment lines tomorrow.

And my district is not unique. Nationally, more than a third of all small business owners say that contributions mandated by President Clinton and some of my colleagues on Capitol Hill would either force them out of business or significantly cut their work force.

A number of studies indicate that employer contributions would cost the United States more than 15 million jobs, during the first 5 years alone. We simply cannot afford this type of social experiment in health care roulette.

□ 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.

Additionally, these numbers fail to estimate the chilling effect that this type of job-killing legislation would have on small business hiring.

Our economy has anemic growth now. Are we supposed to believe that passing health care reform with employer mandates will spur further economic recovery?

Let us stop kidding ourselves and the American public, and start working on a bipartisan health care reform plan. We need health care reform, but we need to make sure that we do not ruin small businesses in the process.

#### HONORING GENERAL KICKLIGHTER

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

Mr. GIBBONS. Mr. Speaker, as our great country and the remainder of the free world remembers the historic 50th anniversary of the Normandy invasion, I rise today to honor and salute Lt. Gen. Claude Kicklighter on his outstanding job organizing the commemoration of the 50th anniversary of D-day.

Lt. Gen. Claude Kicklighter assumed the duties of special assistant to the Secretary of the Army and executive director of the Department of Defense 50th anniversary of World War II Commemoration Committee on August 7, 1991. He was directly responsible for managing a program designed to assist the Nation in thanking and honoring the veterans of World War II, their families, and those who served on the homefront. In addition, he developed programs and materials that provided a greater understanding of the lessons and history of World War II. It was evident from the very beginning that General Kicklighter's top priority was honoring the 8.2 million surviving World War II veterans. When describing his job, he reflects that "It's been a labor of love."

Over the past few weeks, I have received hundreds of letters from World War II veterans who attended the Normandy anniversary and from those who watched the ceremonies on television. It is overwhelmingly clear that the 50th anniversary of D-day has rekindled the spirit of patriotism all over America and has touched each of us in some way. The success of this moving and emotional anniversary could not have been achieved without the dedication and professional effort of General Kicklighter.

General Kicklighter has a distinguished record of service to his country at numerous locations in the United States and overseas. His assignments included duty with three Army Schools and service in Vietnam, Iran, Europe, Washington DC, and at numerous posts in the United States, including ROTC duty at Wofford College in South Carolina.

General Kicklighter has commanded at every level, from company through division, having commanded the 25th Infantry Division (Light) at Schofield Barracks from June 1984 until September 1986. He commanded the U.S. Army Security Assistance Center, Alexandria, VA, and served in staff assignments from battalion to Department of the Army, the Joint Staff, and the Office of the Secretary of Defense. He served as Director of the Army Staff from May 1987 to July 1989.

General Kicklighter's awards include the Distinguished Service Medal with two oak leaf clusters, the Defense superior service medal, the Legion of Merit with three oak leaf clusters, the Bronze Star, the Meritorious service medal with oak leaf clusters, the Army Commendation Medal with four oak leaf clusters, the Secretary of Defense identification badge, the Joint Chiefs of Staff identification badge, the Army general staff identification badge, Order of Aaron and Hur, the Argentina Order of May, the French Order National Du Merite, and the Korean Order of National Security Gugseon Medal. And finally, General Kicklighter received the Eisenhower liberation medal, presented by the U.S. Holocaust Memorial Council, on April 6, 1994.

Mr. Speaker, I ask you and my colleagues to join me in commending the accomplishments of General Claude Kicklighter. It is my sincere hope that future generations will have a full comprehension of the magnitude of the sacrifice that those in the military took on June 6, 1994. Thanks to General Kicklighter, I do not think we have to be concerned about our Nation forgetting this most profound day in our Nation's history and the world's history as well.

Again, I thank and applaud General Kicklighter for his outstanding dedication to all war veterans as our grateful Nation remembers.

#### EMPLOYER MANDATES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's own competitiveness council reported to Congress last week that with regard to healthcare reform "Ultimately it is the worker who pays for most of the healthcare system, through lower wages and lower quality healthcare.

All Americans should be concerned about bearing the burden of healthcare reform. If Congress imposes employer mandates, quality of care will decrease, wages will be lower, and there will be less jobs due to layoffs to pay for the mandates.

Small business owners from all over the country have said employer mandates mean weaker businesses and

fewer jobs. We have a choice—we can ruin the American economy so that people can pay more for less—or we can pass responsible reforms that preserve our superb health care system and keep America's small businesses strong.

#### EMPLOYER MANDATES: THE CLINTON JOB KILLER

(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, when big government comes calling and says it wants to do you a favor, you would do well to tread very carefully. There is usually a catch.

The catch in the Clinton-government-run health care proposal is something called an employer mandate. That means a payroll tax on American businesses—big and small. That means smaller profits, lower wages and fewer jobs. In fact, a survey of some 40 studies has found estimates running from 600,000 to 3.8 million jobs destroyed by imposition of a new payroll tax.

So, what our Democratic colleagues are promising is a government-run health care system paid for by the jobs of American working men and women. Does that sound like a good deal? I do not think so.

Mr. Speaker, Republicans have offered alternatives to the Clinton-socialized medicine schemes—without the new taxes and without the terrible job loss. It is time to reject the big government approach and give the Republican alternatives a fair hearing. The American people deserve a fair shake.

□ 0910

#### RELIGION

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

Mr. ROHRBACHER. Mr. Speaker, I am very concerned about some of the trends that I have seen politically in this country, and there are a lot of people with more middle class and traditional values that share those concerns.

First of all, we see funding for the National Endowment for the Arts going to very clearly antireligious works of art. This is at the same time when no manger scenes are legally being able to be placed in the front of city hall. So we have the Government subsidizing antireligious art on one side and, on the other hand the same people making the argument, if someone so much as places a manger scene in front of city hall, that they are subsidizing religion.

We saw a bill passed in this session that says: "If you are prolife, you do

not have the same rights to protest as someone who is prochoice or other people who want to protest other things in our society."

We now hear, coming from the other side of the aisle, a vicious attack on politically active people who happen to have religious convictions. This is an attack on the rights of people who go to church, ordinary American citizens, stalwarts of our community, who are politically active, simply because they believe in their religion.

I think the other side better think twice about limiting the rights of honest middle-American religious people in our society.

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 further 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.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The motion was agreed to.

□ 0912

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. 4603, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 23, 1994, the bill had been read through page 7, line 22.

The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATION  
SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$119,904,000; of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended; *Provided*, That of the off-setting collections credited to this account, \$37,000 are permanently canceled.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas: Page 7, line 26, strike "\$119,904,000" and insert "\$118,979,000".

Mr. SMITH of Texas. Mr. Chairman, my amendment makes a small cut of \$925,000 in the General Administration account of the Department of Justice. This reduction represents a 5-percent reduction in the money provided for the Department leadership and the executive support subaccounts, which are responsible for formulating policy at the Department of Justice.

This cut misses the crime fighting components of Justice, like the FBI and INS, but hits squarely that part of the Department that is just as likely to work against our crime prevention efforts as for them. This amendment will not in any way muzzle the Nation's watchdog, but hopefully it will serve to rouse the ACLU's lapdog.

Nothing serves as a better point of comparison between the crime-fighting end and the policy making end of the Department of Justice than its ability to staff its top positions. While our jails overflow, the Department of Justice—now 2 years deep into the Clinton administration—is still unable to fill its leadership positions. As of today, Justice has over a 34-percent vacancy rate in its Presidential appointee positions requiring confirmation. That is an unbelievable record coming from an administration professing to be tough on crime.

To quote from the C.R.S. report concerning Clinton administration appointees:

While unfilled positions accounted for 20.6 percent of all positions, the situation in each department varied considerably. Eight departments had more than 20.6 percent of their positions vacant, led by the Justice Department \* \* \*

Being first amongst the worst is not the kind of leadership we need.

Then again, considering the kind of policies the Justice Department has formulated, maybe America should count its blessings. Its litany of lulus reads like a Ripley's Believe It or Not.

Despite a debate by both the House and Senate on the largest crime bill in years, the Justice Department never bothered to deliver a crime bill for the administration. Based on this performance, if Justice had been a television show, it would not have been "America's Most Wanted," but "America's Funniest Home Videos." Thanks to the Department of Justice, the administration played no role in the crime debate.

While the Department of Justice was doing nothing when it came to a crime bill, it was doing less than nothing when it came to child pornography. Perhaps the sickest, most depraved crime most Americans can think of, child pornography should have no defenders. Yet the Department of Justice, through its handling of the Knox case, gave pornographers a helping hand by making it harder to convict someone on child pornography charges. Rather than fighting on the grounds of the tough standards, which had already

won numerous convictions, the Justice Department incredibly requested that the case be sent back to a lower court to be tried under a looser standard.

It's record on immigration is no better than it's record on litigation. Despite the fact that State after State has filed suit against the Federal Government for allowing a flood of illegal immigrants to continue to enter America, Justice has done nothing as far as proposing a solution to the problem. Again nothing was their best performance on the issue.

Just a few months ago, aptly on April Fool's Day, the INS moved to discontinue fingerprint checks that had resulted in stopping thousands of criminals from reaching our shores illegally. The INS' rationale for discarding this \$3 million program? Cost. Yet, at the same time, Justice was able to fund a \$30 million campaign to advertise alien naturalization.

If that were not enough, the INS Commissioner recently claimed at an Immigration Subcommittee hearing that the INS did not even need the 6,000 additional border patrol agents that the House had already passed overwhelmingly. Tell that to California, to Florida, to Texas, and to every local government that is struggling just as hard to meet the costs of illegal immigration as Justice is in avoiding any solutions.

Just like the Justice Department ignores the problem of illegal immigration, so too it has ignored the will of this Congress when it has come to allowing HIV-infected individuals to enter the United States legally. Last year, Congress overwhelmingly passed and the President signed a resolution maintaining the bar to HIV-infected individuals entering the country. It was ignored this year when the Attorney General granted a blanket waiver for participants of the Gay Games taking place right now in New York. While it is a terrible precedent for U.S. immigration policy because of the potential for fraud and abuse, it is not new for Justice to substitute social policy for immigration policy.

Almost a year ago to this day, Justice likewise decided not to appeal a Federal judge's decision to allow 158 HIV-infected Haitian immigrants to enter the United States. Again, despite a clear immigration policy to the contrary.

I could go on, but the trust is that 5 minutes is not enough time to do justice to the injustice that the Department of Justice has done to its watchdog role.

This amendment says one thing to the people at Justice who need to hear it: with a multibillion-dollar deficit, we can no longer afford to reward bad behavior and poor performance. It will not cut one cent from the law enforcement part of the Justice Department. Instead, hopefully, it will serve to separate the Keystone from the Cops.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, the gentleman's amendment sets forth a litany of concerns with regard to the Justice Department, its administration, and problems that are occurring in the country with regard to immigration. The point, I think, of his amendment is to, in some indirect way, punish the Justice Department through the cutting general administration account of that Department.

Mr. Chairman, he represents that it will get to the concerns that he expressed. I would submit, Mr. Chairman, that this cutting amendment will do actually just the opposite. And while he represents that the amendment will not hit the crime-fighting components of the Justice Department, indeed, the amendment will hit the crime-fighting components of the Justice Department. Over half the funds in this bill are for costs associated with immigration judges. In this area and other areas of the bill we are enhancing appropriations for immigration initiatives.

Mr. Chairman, his amendment would cut that. This amendment will reduce enhancements placed in the bill to increase the number of immigration judges as a part of the President's expedited deportation initiative. I am sure that the gentleman is extremely supportive of the President's expedited immigration deportation initiative, and I know that to the extent that this amendment would cut that, it has an unintended result as far as he is concerned. I think he should understand that.

Indeed, the amendment will cut seven new immigration judges, which are badly needed, and I know that my colleague would agree that they are badly needed. Certainly he would agree they are badly needed because of the concerns he expressed in support of his amendment.

Mr. Chairman, we need those judges badly to remove illegal aliens, criminal aliens from our country. I would hope that his amendment would be opposed.

Mr. Chairman, I would refer the gentleman to page 20 of the report, which is—the page in the report that describes funding for general administration. I would refer him to the next to the last paragraph on that page where it says,

In addition to the management and administrative functions of the Department, this account also funds two very important programs: (1), the Executive Office for Immigration Review [EOIR] which includes the Board of Immigration Appeals, Immigration Judges, and Administrative Law Judges. These judges decide whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged.

Indeed, while the gentleman was under the impression that the amendment would not cut in these areas, it

certainly does. We would urge opposition to the amendment, Mr. Chairman.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. MOLLOHAN. I am glad to yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I just want to point out again that the \$925,000 cut is 5 percent of the Department leadership and executive support subaccounts, which goes directly to policy. If this money is taken out of the other accounts that my friend mentioned, for example, and adversely impacted immigration or expedited deportation, then certainly that would be because of the appropriations ignoring the intent of those who originated the amendment. I hope that would not be the case. I thank the gentleman for yielding.

Mr. MOLLOHAN. Reclaiming my time, the gentleman does understand however, that this is general cut to the fund and would cut the accounts that I represented.

Mr. SMITH of Texas. Will the gentleman yield one more time?

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I certainly do understand that, and I appreciate my friend pointing that out, but again if the appropriators do take into consideration the intent of those who offer the amendment, the money would not come out of the funds that would jeopardize immigration or efforts at deportation, it would come out of the funds for the Department leadership and executive support subaccounts.

Mr. MOLLOHAN. Reclaiming my time, Mr. Chairman, I understand the motives behind the gentleman's amendment. I would simply suggest that it is misdirected and could very well have an unintended result as it cuts these crime-fighting accounts. As a matter of fact, we are putting in these exact same accounts significant increases for immigration initiatives, a 25-percent increase, so I would hope that the amendment would be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to support this cut for a couple of different reasons. I want to send a signal to the Attorney General's office that they should not be stonewalling the Congress of the United States on critical issues facing this Nation.

Mr. Chairman, earlier this year there was a question about whether or not Mr. Ron Brown, the Secretary of Commerce, had received a payoff from the Vietnamese Government in the amount of \$750,000, with more to come, to normalize relations with that country, even though we did not have a full accounting of our POW-MIA's, the 2,300 that were left behind over there.

A man named Binh Ly came to Congress and talked to me and many oth-

ers, and he indicated, without any equivocation whatsoever, that there was substantial evidence from a man named Mr. Hao down in Florida that Mr. Brown had, in fact, agreed to this deal.

We even had evidence that there was a wire transfer, the FBI verified there was a wire transfer, of a large sum of money from the Vietnamese to a bank in Singapore, as Mr. Hao said there was, which was where the payoff point was to be. The FBI was investigating this case, they were called off the case, and there was a grand jury investigation down in Miami.

We asked for a special prosecutor for this. We were stonewalled by the Justice Department, and instead, the Attorney General sent one of her right-hand persons from the Justice Department down to Miami to conduct the grand jury investigation.

As a result, even though there was what I consider to be overwhelming evidence, they said there was not enough substantial evidence to indict, so they whitewashed that. We were stonewalled.

Now comes the investigation of Whitewater and Mr. Fiske. There is evidence, according to many sources, according to many sources there is evidence and allegations that there is a laundering of drug money, laundering of drug money through the Arkansas Development Finance Institution which was established under then President Clinton or then Governor Clinton, and that there were connections through banks to BCCI and others. We have asked Mr. Fiske, the special prosecutor, and the Attorney General to expand this investigation. Once again, we are being stonewalled.

Mr. Speaker, we have been stonewalled in the past regarding Mr. Brown, not only by Justice but by the White House, the Commerce Department. We on the Republican side cannot get any information out of this administration from any area of the Government.

Now here we have the Whitewater investigation, and there are a lot of people who believe that through the Mena Airport, there were millions of dollars' worth of drugs that came into Arkansas that were laundered through the Arkansas Development Foundation Corp., and we cannot get this investigation expanded. We cannot even have congressional hearings here on the floor of the House, and it is our responsibility.

The people of this country need to know the facts. Everything is being subpoenaed and kept in secret, and nobody can get the information. Documents are being shredded at the Rose law firm down there. There was a mysterious fire at one of the banks where the accounting was taking place as far as all the documents pertaining to Whitewater, and thousands of documents were destroyed. People have

been killed, believe it or not, mysteriously. Murders have taken place of people that were supposed to give evidence regarding this.

What do we want? All we want are congressional hearings. If we cannot get that, which we should have, we should have an expansion of the Whitewater investigation, Mr. Fiske and Janet Reno, to go into all the details of this.

I am going to tell the Members that even if the Justice Department does not do this, we on the minority side of this aisle are going to keep after it until we get the answers. We are going to stay after it until we get the answers. If there was a laundering of drug money through governmental institutions in Arkansas, it needs to be made public.

If public figures like Patsy Thomasson over at the White House, there are questions that the chief personnel officer at the White House may have been involved in this kind of operation. She worked for the Lasater Co., as chief financial officer during the time Mr. Lasater was convicted of cocaine trafficking, and during the time he was being investigated for cocaine trafficking, the Governor of Arkansas, Bill Clinton, gave \$665 million in bonds to him to sell, during the time he was being investigated.

□ 0930

Patsy Thomasson knew of all the financial transactions of that firm and there was between \$60 million and \$107 million in money that went through a bonding account, and the man who handled the account did not even know about it, his name was Dennis Patrick, and the money was transferred to Lasater bank accounts in three different banks around this country and some of it, we believe, went offshore. We may have a person at the White House, Patsy Thomasson, that may have been involved in this. The Arkansas Development Foundation may have been laundering drug money and there are people who worked there, who worked in the institution, one of the leading people, Mr. Larry Nickles, who worked in the Arkansas Development Finance Institution, says that money was being laundered, drug money was being laundered through that governmental institution. Janet Reno, the Attorney General of the United States, should not stonewall this. Neither should Mr. Fiske. This investigation must be expanded. If there was laundering of drug money, then let the chips fall where they may. If it involves people at the White House, if it involves even the President himself, let the chips fall where they may.

Mr. Chairman, the fact of the matter is the people of this country have a right to know. We in the Congress have the right to conduct an investigation, and the reason I am supporting this

amendment of cutting 900-some thousand dollars from the Justice Department is to send a signal to Janet Reno and the Justice Department and to Mr. Fiske that we want a thorough and complete investigation of all aspects of Whitewater and the possibility of laundering of drug money through the Arkansas Development Foundation. For us to do less as a Congress, for the Justice Department to do less as the Justice Department being the highest branch of the legal system in this country is a dereliction of their responsibility and our responsibility and we are not doing the job the American people sent us here to do.

For that reason I urge adoption of this amendment if for no other reason than to send a signal to Janet Reno and Fiske and everybody else connected with this that we want a complete and thorough investigation of Whitewater, drug trafficking, and everything else associated with it.

Mr. DELAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is really sad that I have to come down here and support this kind of amendment. I think it is sad that we have a situation where we cannot seem to get the attention of the Attorney General in this country. We have an Attorney General that has decided to use her office to set social policy in this country. I think it is really unfortunate that we have to send a signal to the Attorney General of the United States.

Mr. Chairman, the purpose of this amendment is to send a very clear message to the policymakers at the Department of Justice that the American people and Members of Congress have had it with the irresponsible and destructive policies that seem to be coming out of the Attorney General's office. After just 2 years under the Clinton administration, the Department of Justice has decided last year not to send a crime bill to Congress, yet they are taking credit for the crime bill that is moving through the House and the Senate and now is sitting in the conference committee. They refuse to take a position and change their position on weakening its opposition to the child pornography after several votes of the House and the Senate sending them a very clear message that the Members of the House and the Senate do not think that the Attorney General is doing the right thing in weakening our child pornography laws. They have failed to make an effective effort to combat illegal immigration and do not seem to be very interested in stemming the tide that is crossing our borders illegally. They have allowed just recently HIV-infected individuals to enter the United States legally despite Congress' express intent that this not be done. Just recently they gave political asylum to a homosexual, setting a new policy for political asylees that if

one is persecuted because of his or her sexual orientation, one can come to the United States under the protection of the United States for political asylum and all the benefits one receives for that. After 2 years into the Clinton administration, the Department of Justice has failed to even staff its top positions when the crime issue is at the top of the list of the concerns of the American public.

Mr. Chairman, as of December 1993, Justice had a 36.7-percent vacancy rate in its Presidential appointee positions requiring confirmation. As of May of this year, that figure has increased to 37.9 percent. How can the President claim to be tough on crime while at the same time failing to even fill these key crime fighting positions?

Mr. Chairman, I just think that my colleagues need to really look at this amendment. It is a serious amendment. This House needs to send a very serious message to this administration and particularly to the Department of Justice and Attorney General Janet Reno that it is time they got their act together and accurately represent what the American people support in the fight on crime. It is time that they stop setting social policy for this country using the Department of Justice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 212, not voting 56, as follows:

[Roll No. 275]

AYES—171

Allard	Cunningham	Hansen
Andrews (NJ)	DeFazio	Hastert
Archer	DeLay	Hefley
Armye	Dickey	Heger
Bachus (AL)	Doolittle	Hobson
Baker (CA)	Dornan	Hoekstra
Baker (LA)	Dreier	Hoke
Ballenger	Duncan	Horn
Barrett (NE)	Dunn	Houghton
Bartlett	Ehlers	Huffington
Bateman	Emerson	Hunter
Bereuter	Everett	Hutchinson
Billirakis	Ewing	Hyde
Bliley	Fawell	Inglis
Boehlert	Fields (TX)	Inhofe
Boehner	Fingerhut	Inslee
Bonilla	Fowler	Istook
Bunning	Franks (NJ)	Johnson, Sam
Burton	Gallo	Kanjorski
Buyer	Geren	Kim
Callahan	Gilchrest	King
Calvert	Gilman	Kingston
Camp	Gingrich	Klein
Canady	Goodlatte	Klug
Cantwell	Goodling	Knollenberg
Castle	Goss	Kreidler
Clinger	Grandy	Kyl
Coble	Greenwood	Lazio
Collins (GA)	Gunderson	Leach
Combest	Hall (OH)	Levy
Cooper	Hall (TX)	Lewis (KY)
Cox	Hamilton	Lewis (KY)
Crapo	Hancock	Linder

Livingston	Poshard	Snowe
Lucas	Pryce (OH)	Solomon
Manzullo	Quillen	Spence
Margolies-	Quinn	Stearns
Mezvinsky	Ramstad	Stenholm
McCandless	Ravenel	Strickland
McHugh	Regula	Stump
McInnis	Roberts	Sundquist
McKeon	Rohrabacher	Swett
McMillan	Ros-Lehtinen	Talent
Menendez	Roth	Tauzin
Meyers	Roukema	Taylor (NC)
Mica	Royce	Thomas (CA)
Miller (FL)	Santorum	Thomas (WY)
Molinari	Sarpalius	Upton
Moorhead	Saxton	Vucanovich
Morella	Schiff	Walker
Nussle	Sensenbrenner	Walsh
Orton	Shaw	Weldon
Oxley	Shays	Wolf
Packard	Shuster	Young (FL)
Paxon	Skeen	Zeliff
Petri	Smith (MI)	Zimmer
Pombo	Smith (NJ)	
Portman	Smith (TX)	

Waters	Williams	Woolsey
Watt	Wilson	Wyden
Whitten	Wise	Yates

NOT VOTING—56

Ackerman	Ford (TN)	Nadler
Andrews (ME)	Franks (CT)	Neal (NC)
Barton	Gallely	Owens
Bentley	Gephardt	Porter
Berman	Grams	Ridge
Blackwell	Green	Schaefer
Chapman	Gutierrez	Schumer
Clay	Harman	Slattery
Clayton	Hilliard	Smith (OR)
Collins (MI)	Kasich	Stokes
Costello	Laughlin	Taylor (MS)
Crane	Lewis (GA)	Torkildsen
de la Garza	Lipinski	Towns
de Lugo (VI)	Lloyd	Tucker
Dingell	Machtley	Washington
Engel	Maloney	Waxman
Faleomavaega	McCollum	Wheat
(AS)	McCreery	Wynn
Ford (MI)	McCurdy	Young (AK)

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$13,150,000, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Inspector General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

WORKING CAPITAL FUND

Of the offsetting collections credited to this account, \$387,000 are permanently canceled.

UNITED STATES PAROLE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$7,451,000.

LEGAL ACTIVITIES  
SALARIES AND EXPENSES, GENERAL LEGAL  
ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; \$411,786,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed \$50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available for the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1995: *Provided further*, That of the offsetting collections credited to this account, \$99,000 are permanently canceled.

In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of

NOES—212

Abercrombie	Glickman	Norton (DC)
Andrews (TX)	Gonzalez	Oberstar
Applegate	Gordon	Obey
Bacchus (FL)	Hamburg	Oliver
Baesler	Hastings	Ortiz
Barca	Hayes	Pallone
Barcia	Hefner	Parker
Barlow	Hinchee	Pastor
Barrett (WI)	Hoagland	Payne (NJ)
Becerra	Hochbrueckner	Payne (VA)
Beilenson	Holden	Pelosi
Bevill	Hoyer	Penny
Billbray	Hughes	Peterson (FL)
Bishop	Hutto	Peterson (MN)
Blute	Jacobs	Pickett
Bonior	Jefferson	Pickle
Borski	Johnson (CT)	Pomeroy
Boucher	Johnson (GA)	Price (NC)
Brewster	Johnson (SD)	Rahall
Brooks	Johnson, E.B.	Rangel
Browder	Johnston	Reed
Brown (CA)	Kaptur	Reynolds
Brown (FL)	Kennedy	Richardson
Brown (OH)	Kennelly	Roemer
Bryant	Kildee	Rogers
Byrne	Kleczka	Romero-Barcelo
Cardin	Klink	(PR)
Carr	Kolbe	Rose
Clement	Kopetski	Rostenkowski
Clyburn	LaFalce	Rowland
Coleman	Lambert	Roybal-Allard
Collins (IL)	Lancaster	Rush
Condit	Lantos	Sabo
Conyers	LaRocco	Sanders
Coppersmith	Lehman	Sangmeister
Coyne	Levin	Sawyer
Cramer	Lewis (CA)	Schenk
Danner	Lightfoot	Schroeder
Darden	Long	Scott
Deal	Lowey	Serrano
DeLauro	Mann	Sharp
Dellums	Manton	Shepherd
Derrick	Markey	Sisisky
Deutsch	Martinez	Skaggs
Diaz-Balart	Matsui	Skelton
Dicks	Mazzoli	Slaughter
Dixon	McCloskey	Smith (IA)
Dooley	McDade	Spratt
Durbin	McDermott	Stark
Edwards (CA)	McHale	Studds
Edwards (TX)	McKinney	Stupak
English	McNulty	Swift
Eshoo	Meehan	Synar
Evans	Meek	Tanner
Farr	Mfume	Tejeda
Fazio	Michel	Thompson
Fields (LA)	Miller (CA)	Thornton
Filner	Mineta	Thurman
Fish	Minge	Torres
Flake	Mink	Torricelli
Foglietta	Moakley	Traficant
Frank (MA)	Mollohan	Underwood (GU)
Frost	Montgomery	Unsoeld
Furse	Moran	Valentine
Gedensson	Murphy	Velazquez
Gekas	Murtha	Vento
Gibbons	Myers	Viscosky
Gillmor	Neal (MA)	Volkmer

□ 1002

The Clerk announced the following pairs:

On this vote:

Mr. Taylor of Mississippi for, with Mr. Machtley against.

Mr. Grams for, with Mr. Ackerman against.

Mr. Smith of Oregon for, with Mr. Hilliard against.

Mr. Torkildsen for, with Mr. Tucker against.

Mr. WILSON and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Messrs. PACKARD, GALLO, HALL of Texas, INSLEE, TAUZIN, STENHOLM, and SARPALIUS changed their vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Chairman, during rollcall vote No. 275, I was unavoidably detained and unable to register my vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. PORTER. Mr. Chairman, I was unavoidably detained this morning and was unable to cast my vote on rollcall No. 275. Had I been present, I would have voted "aye."

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, \$24,060,000, of which not to exceed \$6,000,000 shall remain available until September 30, 1996.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,500,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation: *Provided*, That of the offsetting collections credited to this account, \$24,000 are permanently canceled.

1994, or similar legislation, \$4,695,000, of which not to exceed \$1,250,000 shall remain available until September 30, 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,500,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101-509 (104 Stat. 1289).

#### CIVIL LIBERTIES PUBLIC EDUCATION FUND

For research contracts and public education activities, and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the Civil Liberties Act of 1988 (Public Law 100-383), \$5,000,000, to remain available until expended.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$75,655,000; *Provided*, That notwithstanding any other provision of law, not to exceed \$35,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended, *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than \$40,195,000; *Provided further*, That any fees received in excess of \$35,460,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995; *Provided further*, That of the offsetting collections credited to this account, \$155,000 are permanently canceled.

#### AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHIFF: Page 12, line 6, strike "\$75,655,000" and insert "\$70,157,850".

Page 12, line 7, strike "\$40,195,000" and insert "\$34,697,850".

Mr. SCHIFF. Mr. Chairman, I have a second amendment which deals with the very next paragraph of page 12. I ask unanimous consent that the amendment which I just offered and my second amendment be considered en bloc.

#### POINT OF ORDER

Mr. MOLLOHAN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MOLLOHAN. Mr. Chairman, I make a point of order against en bloc consideration of amendments on two different paragraphs in the bill, and I think the precedents of the House are clear on that matter.

The CHAIRMAN. The gentleman needs only to object to the unanimous consent request of the gentleman from New Mexico.

Is there objection to the request of the gentleman from New Mexico?

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from New Mexico [Mr. SCHIFF] has offered two amendments and asked unanimous consent that they be considered en bloc. Unanimous consent is refused for that, and the gentleman may proceed with presenting his first amendment.

The Chair recognizes the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I do intend to offer two amendments to this bill if the first amendment is passed. Therefore, I ask my colleagues to consider the two proposals for their final intent, which is to transfer \$5.5 million, approximately, from the Antitrust Division of the Department of Justice to the U.S. attorneys in the Department of Justice. Mr. Chairman, I expect that the opposition to my proposal will turn out to be a defense of the Antitrust Division of the Department of Justice. I want to make it clear that I understand the important work of the Antitrust Division of the Department of Justice. In fact, it is currently headed by a very able antitrust attorney from New Mexico, Mrs. Ann Bingaman. If my two amendments are both adopted by the committee, the Antitrust Division will still receive on the bill a 5-percent increase in funding over the appropriation for the last fiscal year. But I raise this amendment as a matter of comparative priorities.

Mr. Chairman, I think that the appropriation committee under the gentleman from West Virginia and our ranking member from Kentucky have done an admirable job in attempting to set priorities in law enforcement, but I believe that there is one glaring example which must be addressed by these two amendments. The proposal in the bill is for the Antitrust Division of the Department of Justice to receive over a 13-percent increase in funding over the last fiscal year. While the U.S. attorney, even with funds from the proposed crime trust fund added in are proposed to receive only a 1.6-percent increase, by moving \$5.5 million the Antitrust Division will still receive an increase of 5 percent, and the U.S. attorneys will be moved up only to 2.3 percent. But I feel it is important to narrow the gap between the two divisions.

Mr. Chairman, the emphasis by the President of the United States and by the Congress over and over again in talking about our fight against crime has been in the fight against violent crime, and it is the U.S. attorneys where the rubber meets the road in that fight. They are the front line prosecutors in prosecuting Federal violent crimes and other street kinds of offenses, along with other offenses. An article in USA Today just this week pointed out some problems in the U.S. attorney's office. Admittedly they have had increases in funding over the last number of years. But the number of cases has increased along with that in-

creased funding, and they are still behind in many districts in prosecuting violent crimes, serious drug offenses and other serious crimes.

Mr. Chairman, the House and Senate hope to enact a crime bill this year. I certainly hope that we can reach a conference report that will be adopted by both the House and by the other body. But in both proposals that now exist from the two bodies there are numerous increases in Federal offenses, including Federal death penalty offenses. Who will prosecute these new cases if they become law?

I was a career prosecutor before coming to Congress. I was also a defense attorney for 2 years. I have to say that criminal prosecution remains one of the most labor intensive and nonautomated functions that we have.

□ 1010

No computer, no machine, can interview a witness or cross-examine a witness. No machine can question jurors. These have to be done by people. Positions for people have to be funded. And that is why I offer this amendment. If this amendment passes, I will offer the next amendment.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment. I think it is particularly misdirected. I would like to point out to this body that, to begin with, our appropriation's bill increases funding for U.S. attorneys a total of \$13.2 million. We think that all things considered, this increase gave the office a fair appropriation's level, particularly given our tight budget this year. We understand the important role that the U.S. attorneys play in crime fighting, but we have adequately funded them. We oppose the gentleman's amendment on that basis.

I understand that the gentleman intends, if successful with this amendment, to shift money to the U.S. attorneys from another office, and I think the area where the gentleman is targeting the cut is particularly misdirected.

I cannot think of an account in the bill, a crime fighting account or a law enforcement account, that would be a worse place to take money. The Antitrust Division in 1980 had 982 Antitrust Division personnel. By fiscal year 1989, that number was down by over half, to 509 personnel.

In 1990, President Bush began initiating a gradual expansion of the Antitrust Division.

The workload of this division has increased steadily over the past several years.

For example, since 1992, bank merger proceedings have increased by 43 percent; price fixing cases have increased by 46 percent; proposed merger transactions, Mr. Chairman, have increased by 275 percent; this is not an account that we can afford to cut.

Not only have the number of cases gone up, but the complexity of those cases has increased significantly.

Mr. Chairman, we have an excellent Assistant Attorney General of the Antitrust Division, Anne Bingaman. She has been particularly aggressive, and she is particularly capable. And if you have not had an opportunity to talk with her, my colleagues, about her plans and the way she is running this Division, I encourage you to do so. You will be impressed. She is a public servant who is doing an outstanding job.

She is totally committed to the task of protecting competition, which is critical in our free market economy. It is something I think the gentleman offering the amendment is committed to. She is very aggressive in this regard. As well, she is aggressive with respect to the other side of her job, protecting the consumer. She has undertaken major initiatives, and she needs additional resources.

In the past 10 months, in the areas of mergers, civil conduct, and international enforcement, she has made a very admirable record. She is seeking these additional resources to focus on critical industries such as telecommunications, as that industry matures and emerges. There is certainly a need for additional resources as they look at the complexities of antitrust questions there. Health care, banks, computers, software, financial markets—all of these are growing industries that need additional attention and additional resources. We are fortunate that she is putting together a marvelously capable organization to address these issues.

In order to enhance merger enforcement, especially involving international corporations and unfair trade practices, this bill provides a net increase, Mr. Chairman, of \$8.4 million, which expresses our confidence in Mrs. Bingaman and the job she needs to do.

As part of this recommendation, with the support and encouragement of the gentleman from Texas [Mr. BROOKS] and the Committee on the Judiciary, the bill recommends an increase in the Hart-Scott-Rodino premerger filing freeze from \$25,000 to \$45,000 dollars. My colleagues ought to understand that because of Chairman BROOKS' support, we are able to increase the funding of the Antitrust Division by \$8.4 million. And because we are raising an additional \$14.8 million, we are able to reduce the overall Antitrust Division's appropriation, saving the Treasury \$5.8 million compared to last year, and \$1.4 million below the administration's request.

So I will end where I began. I think that this is the exact wrong place to take funds. I would also offer that the committee, recognizing the vital role that its U.S. attorneys play, has been as generous as we could be with our increase, given that our 602B allocation

was \$1.1 billion below the President's request. We increased the U.S. attorneys by a total of \$13.2 million in the bill.

I would hope that the body would vote this amendment down.

Mr. ROHRBACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the proposal of the gentleman from New Mexico [Mr. SCHIFF]. I strongly support the proposal. I do not know of another one of my colleagues who has a better sense of how to control crime and what the challenges of crime to the average American is than the gentleman from New Mexico [Mr. SCHIFF]. The gentleman was a district attorney prior to being elected to Congress, he prosecuted many cases, and he understands the struggle that goes on at the local level in trying to protect our honest citizens. In fact, over the years I have served with the gentleman, he has demonstrated time and time again how he understands this issue, and I always looked to him, as do a number of my other colleagues, for guidance and advice when it comes to criminal justice matters.

Today the gentleman again has demonstrated his wisdom and commitment to protecting the honest citizens of our country, which has to be a No. 1 priority of Government, by suggesting that the priorities of the Department of Justice are a little out of whack. And he has suggested a tangible way of re-adjusting those priorities by shifting money from the Antitrust Division to the U.S. attorney's offices, which will permit funds to flow into those offices that are most closely involved with the battle against crime and those offices that are directly involved with protecting the well-being and the safety of our citizens across the United States.

The fact that this administration has set up the priorities so that there is a bigger increase in the antitrust section than the U.S. attorney section suggests to me that this administration reflects what those of us who have been complaining about liberal Democrats for a long time have said, that they have got their priorities screwed up, when you have a situation where you are focusing on the businessman, rather than focusing on thugs and rapists and other people who are creating such havoc throughout our country.

This is a decision between spending more money on regulation of business, as opposed to spending more money on controlling crime and the criminal element in America. I wholeheartedly support the proposal of the gentleman from New Mexico [Mr. SCHIFF]. I wholeheartedly support the priorities the gentleman would establish.

Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF] to answer some of the suggestions we have had from the other side.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from California for both his remarks and support, and also for yielding.

I want to say the factual statements made by the chairman, the gentleman from West Virginia, are, of course, true, but I think they have to be put in context. It is true that the number of antitrust cases and antitrust volume of work has increased for the Antitrust Division. But my amendments, if passed together, will still give the Antitrust Division a 5-percent increase in funding, which, I suspect, is above most divisions and agencies in our tight budget.

It is also true that the committee recommends an increase for the U.S. attorneys, but that increase is 1.6 percent, and that is to take care of not only the increase in prosecutions for violent crimes and drug crimes under current laws, but to take care of new offenses we hope to enact this year.

I guarantee, Mr. Chairman, that if we pass a crime bill with a 1.6-percent increase only for the U.S. attorneys, the laws we pass will just sit on the books unenforced.

□ 1020

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must oppose this amendment. Bear in mind that the Antitrust Division is an integral part of Federal law enforcement. It must be adequately funded to effectively perform its mission, which is to protect our cherished economic system of vibrant competition and consumer choice. The antitrust laws have rightly been proclaimed the Magna Carta of American free enterprise.

The policies of the two previous Republican administrations left a legacy of budgetary pressures throughout the Government, from which the Antitrust Division has never recovered. Its funding was cut by more than a third during those years, and by 1992 its staffing was 38 percent below 1980.

Meanwhile, funding for other programs increased. For example, funding for U.S. attorneys doubled during the Reagan years and increased another 70 percent during the Bush years. In 1992 staffing was a whopping 120 percent above 1980.

Mr. Chairman, the Antitrust Division's increase results, not from cuts in other Federal programs, but from a new hike in the merger filing fee under Hart-Scott-Rodino. The Division's appropriations from the general treasury is actually being cut \$5.8 million.

Anne Bingaman, the head of the Antitrust Division, has invigorated and revitalized that Division after a sluggish period of enforcement. Under her leadership, the Division is zeroing in on foreign violators of U.S. antitrust laws, who have previously had carte blanche

to rape the American economy. Taking this money from the Division now will stop in mid-stream this extremely critical effort to assure that foreign business complies with the same laws in this country as do our own businesses.

I urge the House to oppose this effort to further cannibalize the Antitrust Division. Vote no on the amendment.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my colleague from New Mexico knows the high respect in which I hold him, and particularly in the areas that concern or committee with respect to the criminal justice system.

And certainly, staffing of the U.S. attorneys is a matter that should be periodically reviewed and, of course, it has been reviewed by the Appropriations Subcommittee.

My problem is that my colleague's amendment increases funding for the U.S. attorneys at the expense of the Antitrust Division.

Now, colleagues, it is not as if the U.S. attorneys have been shortchanged over the years. The record shows very generous congressional treatment of the U.S. attorneys. And if my figures differ slightly from the chairman, it is simply because we are using different years.

In 1980, a total of \$156 million was paid out for U.S. attorneys, total staff of 3,906; 13 years later, by 1993, there had been a 230-percent increase in funding in constant 1980 dollars and 131-percent increase in total staffing.

The record shows exactly the opposite with respect to the Antitrust Division. Today the Division has 311 lawyers. In 1980, it had 456 lawyers. And, my colleagues, at the peak of the Nixon administration, 1972, there were more lawyers in the Antitrust Division than there are today. The total then was 325.

No one here disputes that prosecution is central to law enforcement. It is also true that the Antitrust Division is crucial to our competitiveness. The Division protects competition in critical industries, reviews mergers and investigates allegations of anticompetitive conduct. It is also true that the Antitrust Division is responding to developments today that will require a very competent Division.

They will have new responsibilities very soon when this body acts and passes telecommunications legislation reforming basically our entire system. We are also actively moving in the direction advocated by former Attorney General Barr, and that is antitrust violations overseas, a whole new area of enforcement for the Department.

Mr. Chairman, I maintain that antitrust enforcement is good for the economy. And today, in a far more complex global economy, it is foolhardy not to have in place an Antitrust Division competent to respond.

We are at the threshold, not just of an expanding economy but of new responsibilities for the Antitrust Division, and this would be just the very wrong time to be cutting back on the staffing and the funding of the Division.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I, too, rise in opposition to the Schiff amendment. I want to first of all congratulate the distinguished gentleman from West Virginia on, I think, his maiden voyage to the House as chairman of this appropriation subcommittee and wish him well and congratulate his ranking member for, I think, an excellent bill.

I serve with my colleague, the gentleman from New Mexico, on the Committee on the Judiciary. He is one of the valued members of my own particular subcommittee, the subcommittee I am privileged to chair, which deals with intellectual property and judicial administration. As such, one of our responsibilities is to oversee the operations of U.S. attorneys' offices and to authorize their budgets. And my colleague from New Mexico works very closely with us in attempting to address their issues.

I do not disagree with the gentleman from New Mexico [Mr. SCHIFF] when he says that we need to be very vigilant in ensuring that U.S. attorneys have adequate resources. They have had. They have received, as my colleague, the gentleman from New York [Mr. FISH], just indicated, very substantial increases.

And it was merited, because we have given them a lot of additional responsibilities. I did not realize that my colleague from New Mexico had such great concerns about the inadequacies of the U.S. Attorney's Office. He certainly did not discuss it with me, and we have prime responsibilities as an authorizing committee for their work.

I would also feel a little better if my friend, and he is my friend, the gentleman from New Mexico [Mr. SCHIFF], appeared before the Justice Appropriations Committees and testify to the inadequacies of that particular account. He did not, apparently. That is how we attempt to get more resources in the office of the U.S. attorney, is by appearing before those committees that appropriate those monies. And he did not do that.

What he does do, however, is come to the floor of the House and try to shift moneys from the Antitrust Division at probably one of the worst times to do that. He knows that during the 1980's, the Antitrust Division was decimated. They went from 456 attorneys in 1980 down to, with this mark, with the present mark, we are going to be at a level of 340. We are still below where we were in 1980, substantially below what

we were previous to 1980, at a time in our history where we see a major restructuring of industries.

□ 1030

I see the gentleman from Massachusetts [Mr. MARKEY] on the floor.

The telecommunications industry is undergoing a major transformation. We are seeing major changes in the manner in which our Bell operating companies are involved in all kinds of additional services, including the cable industry.

Major realignments are taking place in the health care industry, where there are absolutely mind-boggling antitrust issues that we are going to have to address, and we are going to need the best of leadership that we can get out of the Antitrust Division.

Anne Bingaman, I think even the gentleman from New Mexico [Mr. SCHIFF] concedes is probably one of the finest heads of that department we have seen in many, many years, and she is assembling a professional staff that is second to none. We saw so many mergers slip by in the 1980's, unfortunately, that did not receive review because we had an inadequate Antitrust Division.

Mr. Chairman, historically Democrats and Republicans have taken the well of this floor to fight for more antitrust enforcement, because that is the Holy Grail, really, of our free enterprise system, competition. I realize there are a lot of big corporations and foreign corporations out there that do not want to see us rebuild this particular Antitrust Division because they know it spells disaster for them as they try to achieve an unlevel playing field. If we are going to do a better job in identifying foreign governments and foreign corporations that basically flout our antitrust laws, we are going to have to have a strong Antitrust Division.

I say to my friend, the gentleman from New Mexico [Mr. SCHIFF], I understand why he wants to build up the U.S. Attorney's Office. I do, too. I do not want to see us basically lose ground there, but they have not lost ground.

I am working with the gentleman in attempting to get the resources the U.S. Attorney's Office needs, but we cannot take it away from the Antitrust Division at this time in our history. I hope Members will defeat the Schiff amendment.

Mr. DOOLITTLE. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the gentleman for yielding to me.

First of all, Mr. Chairman, I have to respond to the gentleman from New Jersey [Mr. HUGHES], with whom I have worked very closely on the Committee

on the Judiciary, and with whom I share a very high regard, that I did bring law enforcement to the attention of the appropriations subcommittee. I circulated a letter among my colleagues in which 35 other Members of the House, both Democrats and Republicans, joined me in asking the appropriations subcommittee to keep law enforcement of violent crimes as the top priority. I have to assume that the gentleman from New Jersey's office for some reason did not receive my request for his signature on that letter.

Mr. Chairman, second, I have to say, in deference to the subcommittee, to the gentleman from West Virginia [Mr. MOLLOHAN], and to the ranking member, the gentleman from Kentucky [Mr. ROGERS], very largely they did exactly that. There were initial proposals, for example, to reduce the staffing at the FBI and DEA, Drug Enforcement Administration, that the subcommittee reversed. I think they are to be commended strongly for that.

However, Mr. Chairman, I still think this item is a glaring exception to establishing correct priorities. As I predicted at the beginning of the debate, Mr. Chairman, the basic opposition to my two amendments is a passionate defense of the Antitrust Division.

I do not quarrel with that defense of the Antitrust Division. Indeed, if my amendment passes, or if my two amendments pass, I should say, Mr. Chairman, the Antitrust Division will still receive a 5 percent increase in funding over the last fiscal year. The U.S. attorney's increase will be less than 2.35 percent. That is with my transfer. Right now the proposal is more than 13 percent increase for the Antitrust Division, less than 2 percent for the U.S. Attorney's Office.

Mr. Chairman, the percentage of increase, even if my amendments are adopted, will still give the Antitrust Division a significant increase over their funding over the current fiscal year. Here is the point, Mr. chairman. The point is the priorities. It is true that the Antitrust Division's work load has gone up. It is also true that the U.S. Attorney's Office's work load in violent crimes and serious drug offenses has gone up.

Mr. Chairman, equally significant with that, we are poised to pass a new anticrime bill with a variety of new offenses: new death penalties, new life in prison without parole for career serious criminals. The U.S. Attorney's Office, and not the Antitrust Division, is responsible for enforcing those new laws, those new laws if they become enacted.

Mr. Chairman, I share the priority as stated by the President of the United States. The President in public statements right here in this Chamber, Mr. Chairman, to a joint session of Congress, as well as numerous statements throughout the country, the President has said that our priority must be to

combat violent criminals. The President has never, to the best of my knowledge, made any public statement that he is concerned about the effect of a smaller increase or the effect at all on the antitrust Division.

In other words, Mr. Chairman, the President has never said that "We are afraid of being mugged by a bunch of antitrust violators." Although I acknowledge the important contribution of the Antitrust Division, I think they should get an increase, but I think our first priority, as best we can, should be on the U.S. attorneys who will prosecute the violent criminals.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent and at the request of Mr. HUGHES, Mr. DOOLITTLE was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from New Jersey.

Mr. HUGHES. I say to my colleague, the gentleman from New Mexico, that I appeared before the Subcommittee on Commerce, Justice, State, and Judiciary to testify for additional resources for law enforcement. My colleague, the gentleman from New Mexico [Mr. SCHIFF], if he had some serious concerns about the U.S. attorney's office, could have joined me in my appearance before the Committee on Appropriations. That is how we get resources for additional law enforcement efforts.

In this particular legislation, Mr. Chairman, I believe there is a little over \$13 million additional dollars for U.S. attorneys. The gentleman from New Mexico [Mr. SCHIFF] is a member of the crime conference committee, as I am. I would be happy to work with the gentleman from New Mexico in attempting to get the additional resources, if we can identify them, for U.S. attorneys.

That is how we get additional resources for U.S. attorneys. We do not take it away from an Antitrust Division that is already inadequate. A 5-percent increase of a totally inadequate staff level is still very inadequate. We still are inadequate where we are with the monies, the increases, in this bill for antitrust. That is the point that I think most of us are trying to make on both sides of the aisle, the gentleman's side of the aisle and mine.

I thank the gentleman for yielding to me.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

I want to compliment the gentleman from West Virginia [Mr. MOLLOHAN]. I think the leadership he has shown in putting in this additional money for

the Antitrust Division is a historically correct decision. It reflects a consensus which we have developed in this country throughout this century, that vigorous competition in the marketplace is the ultimate protection of consumers.

The gentleman from West Virginia, the chairman, I think reflects the views which the gentleman from New Jersey [Mr. HUGHES] and the gentleman from Texas [Mr. BROOKS] have already made quite correctly out here on the floor.

Mr. Chairman, Teddy Roosevelt, a Republican President, spins in his grave as he hears this debate out here on the floor of Congress. Ann Bingaman, the Assistant Attorney General, is a direct lineal descendent of Teddy Roosevelt and his trust busters in the early part of this century.

When commercial cartels are able to control a particular marketplace, it not only hurts the other competitors in that marketplace, but it ultimately hurts the consumer in the United States and our ability to be competitive in the global competitive marketplace.

The increase in the budget which the gentleman from West Virginia is recommending out here on the floor today still does not restore the budget to where it was in the early 1970's, but nonetheless, it will augment the capacity of this Attorney General, of this Assistant Attorney General, Ann Bingaman, to fight the critical battles that will have to be fought in the 1990's.

Mr. Chairman, I stand here today to tell the Members that without a vigorous Antitrust Division, there would be no significant competition in the telecommunications marketplace today. Without the breakup of AT&T, without the dissolution of that monopoly, which had been constructed over a century, we would not be bringing out legislation this coming Tuesday with Bell South, with US West, with Southwestern Bell, Nynex, PacTel. We would not be bringing it out with MCI and Sprint. We would not be bringing it out with hundreds of competitors in this telecommunications industry which have all been spawned since the early 1980's as vigorous competitors to AT&T.

□ 1040

We would still have for all intents and purposes one wire in America controlled by one company and one vision of one set of executives. We would not have seen a radical decline in the cost of long distance service in this country. We would not have seen a marketplace now where seven other competitors in regions across this country from PacTel and Bell South to Nynex and Southwestern Bell, now all competing with different visions of where this country should go in communications, all possible because of the Antitrust Division.

In cable, in long distance, in local, in information services and manufacturing, we are now seeing new competition emerge. At the same time we see new announcements: AT&T merging with McCaw British Telecom with MCI, Liberty Cable with TCI. We need an Antitrust Division that can keep pace with the ever-emerging challenges to this vigorous marketplace which we have created.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield for a question?

Mr. MARKEY. I am glad to yield to the gentleman from California.

Mr. ROHRABACHER. Does the gentleman sense an outcry among the population throughout the United States, a cry from the people for more antitrust legislation and enforcement? Or does the gentleman instead hear a cry, a plea for help from our citizens that they are being victimized by violent criminals?

Is that not what this debate is all about, is what priorities we have? Not eliminating the department the gentleman is talking about, not eliminating antitrust. My friend, the gentleman from New Mexico [Mr. SCHIFF], has no complaint about antitrust enforcement at all. He is just saying that the priorities are different.

Does the gentleman sense the American people do not want a priority on violent crime?

Mr. MARKEY. I will reclaim my time, and I will make this point as strongly as I can. The gentleman is setting up a Hobson's choice which the American people do not want to have to make and should not have to make. That is, that they should have very strong antitrust enforcement against monopolists who ratchet up prices, tip consumers upside down, shake dollars out of their pockets and do not give them the proper choices which they need, at the same time ensure that violent criminals are put behind bars.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. It is that kind of false choice that masks what is really behind us. The real agenda here is to ensure that monopolists are able to recreate the kind of economic cartels which for this century have been the primary target of the antitrust division of the Justice Department. Those are the primary enemies of every consumer in America.

Mr. Chairman, I just mentioned the telecommunications industry here, but we could go on down the long litany of industries in this country, all of whom have an eagle eye on that Antitrust Division of the Justice Department at all times. Ultimately consumerism in this country is the byproduct of vigorous

competition in the marketplace. If the gentleman for a minute thinks that the hundreds of thousands of companies, small, across this country that serve as the lifeblood and the creation of new jobs in this country could exist without a very strong antitrust division, then he misunderstands the American economy. If he thinks the consumers will have lower prices and better quality if the Antitrust Division is less vigorous, he misunderstands the American economy. If he thinks that we should hand over to a small group of industry giants the economic agenda of this country, then he can side with the big business, but the small business agenda of this country, the 80 percent of the companies in this country that create 90 percent of the new jobs and force down prices and increase quality, then he should vote against this amendment. That is what this is all about. It is all about whether we want more economic concentration or we want more vigorous competition out in the marketplace to benefit the consumer.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. I do not think our colleague, the gentleman from California, wants to align himself with the major monopolists of this world, but let us get it back on track again, also.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has again expired.

(On request of Mr. HUGHES and by unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, if the gentleman will continue to yield, Members on the other side keep referring to muggers and rapists. We are talking about U.S. attorneys. They do a very, very important job. We work with them very closely. But they do not prosecute muggers and rapists. Ninety-five percent plus of the street crime is prosecuted by State and local government, not by U.S. attorneys. So, come on. Let us be honest about it.

Mr. MARKEY. Mr. Chairman, I reclaim the balance of my time.

Oppose this amendment. Small business want a no vote. A competitive marketplace wants a "no" vote. The consumers of America want a no vote on the Schiff amendment. It is the only way that we can be sure that we are going to guarantee a competitive marketplace.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has again expired.

(On request of Mr. SCHIFF and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is still a debate about priorities. The more we increase the antitrust division of the Department of Justice, the more antitrust legal work that will be done. The more we increase the U.S. attorneys, the more violent crimes that will be prosecuted. It is true that the majority of violent crimes are still prosecuted by local prosecutors. Nevertheless, the U.S. attorneys enforce all Federal crimes involving a firearm. They even enforce Federal gun control laws. Further, the U.S. attorneys enforce Federal crimes against serious narcotics traffickers. What this is about is a choice between where we should place our priorities. It is not a matter of criticizing the antitrust division or any other portion of the Department of Justice. I am proposing an amendment that will change the priorities to say that instead of the antitrust division getting a 13-percent increase, they will get a 5-percent increase. Instead, they will be up to a 2.3-percent increase.

Mr. Chairman, with the existing laws we have on the books and with the increased violent crime measures we have already voted in this House to pass, somebody has to enforce those laws.

Mr. MARKEY. Mr. Chairman, I will reclaim my time at this point.

Mr. Chairman, the one mugging that 80 percent of most Americans have to worry about occurring in their lives over the next year is when monopolistic corporations tip them upside down and try to shake dollars out of their pockets. As they sit home in their suburban homes, their threat is less from a mugger than it is from a corporate cartel intent on overcharging them or breaking up some small company that they work in.

Mr. Chairman, this is a balance we are talking about here. We are having the largest increase in funding for fighting violent crime in the history of this country, but we should also ensure that we have proper protection for consumers in this country at the same time.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I can muster enough voice today, I want to rise as a conservative Democrat in opposition to this amendment.

If there are two enemies to the free enterprise system in America, the first is overzealous government regulation, but the second is monopolistic dominant market practices by dominant players and monopolies in our country. If we are to avoid a condition on this House floor where Members seek to regulate industries in this country that we have fought desperately to return

to the free market system, if we are to avoid overzealous government regulation of industry and business in our country, we most certainly need a watchdog agency at the Department of Justice ensuring that monopolistic, predatory practices by dominant monopoly players in our society are not allowed to stand.

Just last year in this Congress we debated a historic bill that re-regulated the cable industry. We should not have had to do that. We should not have had to come on this House floor and ask for new regulations on an industry as important as the cable industry. We had to do it because over the last 10 years, the Justice Department failed in its duty to this country to protect us from monopolistic practices. It was the lack of competition, the failure of the Justice Department to vigorously engage the vertically integrated monopolists in the cable industry who forced us to come to the floor and ask for a re-regulation of the cable industry.

Mr. Chairman, if my conservative brethren on the other side really want to avoid those instances where the Congress must come forward and re-regulate, reinvigorate the regulators in American government agencies, then I suggest we ought to support a re-institution of support to the antitrust division of the Justice Department and we ought to insist that it does its job. If Members are a defender of free enterprise, if Members believe in it as heartily as I know they do on the other side, I ask them to join with us in opposition to this amendment.

□ 1050

If you want to support more support for the Criminal Justice Division of the Justice Department, we will join you in that effort. But I suggest you find another place to find the funds.

If ever the free enterprise system was threatened in America, it is threatened in America today as much from monopolist vertically integrated companies as it is from government regulation. I suggest to you that unless we pay close attention, unless we invigorate the Justice Department's attention to the efforts to prevent monopolies from developing in our society, all we will be left with is more and more efforts on the floor of this House to reregulate, in fact, to stick more regulations on business than they currently are burdened with and than they currently must comply with.

I suggest to my friend, come with an amendment to help us support more money for the Justice Department at the criminal law level, and we will help you with that. But do not take it out of this Department. This Department, as the chairman of the Committee on the Judiciary has stated on this House floor, has suffered too many cuts over the last 10 years.

This effort today is a small effort at restoring the capability by the Justice

Department protection of the free market system by prevention of monopolistic dominant predatory practices of vertically integrated companies who should not be preying on smaller companies who are trying to give us competition, trying to give consumers choice in the marketplace.

I urge you, please, to defeat this amendment.

I yield to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Would the gentleman suggest that when we have this era when we have limited resources and where we spend those resources definitely indicates our priorities, then you would suggest then if we do have limited resources that the priorities should not be on violent crime but instead should be on this regulatory function?

My friend, the gentleman from New Mexico [Mr. SCHIFF] was a district attorney, fought crime locally, and pointed out that the only way the Federal Government does fight violent crime is through the U.S. Attorney's Office, and pointed out how it does that, that you think that now with these limited resources that we have that our priorities should be set on the regulatory task of Government rather than violent crime?

Mr. TAUZIN. Reclaiming my time, the gentleman will agree with my friend that high priority in the allocation of Federal funds ought to go to fighting crime. I and other conservative Democrats would join you in that effort.

What we are suggesting to you is that over the period of the last 10 years, which has seen more consolidation of businesses, more vertically integrated businesses the introduction of foreign businesses into the American economy at ever and ever greatly increasing rates, the gentleman suggests that the emphasis must be placed at the antitrust division as well to protect the consumers and free market system.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. MOLLOHAN and by unanimous consent, Mr. TAUZIN was allowed to proceed for 30 additional seconds.)

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, to the extent that there have been created an illusion that this bill does not apply Federal resources to fight violent crime, I want to clear that up.

This bill provides \$2.4 billion of Federal funds, the lion's share of which goes to reinforce the front lines in the fight against crime. This bill funds 39,000 community police officers and we increase the Border Patrol by over

a thousand. This bill provides significant Federal funding to fight violent crime.

I would not want the impression lingering here that it does not.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe I would use the entire 5 minutes, but I know that the gentleman from New Mexico [Mr. SCHIFF] would like to make a final comment.

Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding to me.

I will be very brief and not use the whole 5 minutes.

This debate comes down still to a matter of priorities.

The President of the United States across the country said our major enemy is violent criminals. The President has not told the American people that our major opponent is antitrust violators, although I certainly agree that they should receive priority in prosecution and investigation.

My amendments would still leave them doing so. I am convinced, however, that if we keep up with the current increases in cases in violent crime and in addition to that pass new Federal laws making new Federal violent crimes, new Federal death penalties, and combine that with a 1.6-percent increase to the U.S. attorneys, which is where all of these cases go; every single case in Federal court in the street crime area basically goes to the U.S. Attorney's Office, if their offices cannot handle it, everything we are talking about with respect to a crime bill, everything the President is talking about with respect to a crime bill simply will not happen.

Mr. KOLBE. Reclaiming my time, I thank the gentleman for his comments and would just say that I think that he has touched on a very important point, one that I have expressed a lot of concern with both in our Committee on Appropriations, in the hearings we have had, as well as in the authorizing legislation, and that is our tendency to federalize so many crimes.

I disagree with that, but as long as we are doing that, we have to have the resources to prosecute these crimes that we are federalizing.

In one area that I am very aware of, both the health care fraud as well as the rising violent crimes on Indian reservations, 100 percent of which are prosecuted by Federal U.S. attorneys, we have severe problems, I know, in my own State and the inadequacy of the U.S. attorneys.

It is, as the gentleman from New Mexico [Mr. SCHIFF] said, a matter of priorities, and in this case, I think our priority really needs to be in the U.S. Attorney's Office, and I think there is merit to the proposal that he has made here.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the amendment offered by my colleague, the gentleman from New Mexico [Mr. SCHIFF], and I would make 2 points.

First, he is being modest in what he is proposing here. Even if the Schiff amendment passes, we are still giving a rate of increase to antitrust enforcement that is double the rate of increase that we would be giving to those who are actually fighting violent crime. Frankly, I think that this approach is overmodest.

I would like just to put real emphasis on fighting crime. But what is being proposed as things now stand is that fighting violent crime will be increased less than 2 percent, less than 2 percent, and 13 percent, 13 percent, increase will go to the antitrust division.

Now, there is a big distinction between fighting antitrust violations and prosecuting violent felons. If the Justice Department does not bring a marginal antitrust case, there is a private civil right of action that private parties can bring to do exactly the same thing. Computer companies are perfectly free to sue each other, and they often do.

But the individual citizens rely upon the government to protect and defend them against violent crime and self-help, at least technically, is illegal. It is ironic that private security is one of the fastest growing industries in America right now, because people simply cannot count upon the government to protect them against crime.

It is ironic even in an election year when people are talking about our commitment to fighting crime that we put so many billions of dollars for welfare programs in the crime bill, and here where we have a chance to fund the U.S. attorneys who are on the front line of fighting violent crime, we short-change them.

I was reading with dismay in the newspaper the other day, when I saw the Justice Department has accepted a referral to investigate whether the Catholic Church is not perhaps violating the antitrust laws in its pricing of catechisms. Now, perhaps there is a fine lawyers' argument here. But quite frankly this is not what the American people are demanding their tax dollars be used for. They want what the gentleman from New Mexico [Mr. SCHIFF] wants, and that is a tough law enforcement program.

One of the reasons that everybody is watching with fascination, grisly though it is, the O.J. proceedings is that they are no longer certain after having seen what happened in, for instance, the Menendez brothers' trial, that our system is capable of apprehending and prosecuting and convicting violent felons and making those convictions stick and seeing the sentences executed.

We have got to get serious about crime, and a vote against the Schiff amendment will show that this Congress simply is not serious.

I congratulate my colleague.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

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

□ 1100

Mr. ROHRABACHER. Mr. Chairman, I would just like to note that again the gentleman from New Mexico [Mr. SCHIFF] has made it clear that he is a strong supporter of the Antitrust Division of the Department of Justice.

I would like to just note for the sake of discussion today that in a global economy when we have more and more foreign competition coming into our country, there is more and more competition; our friends on the other side of the aisle would have us believe that corporations are holding us up and shaking money out of the pockets of consumers. The consumers I know are less afraid of that than they are afraid of walking down the street going into the store in the first place because they are being mugged, they are being raped, and they are being murdered. We heard earlier about Teddy Roosevelt turning over in his grave if he heard this discussion.

The only people turning in their graves today are the victims of violent criminals who are victimizing the people of this country. We have got to set priorities at this time with limited resources. Mr. SCHIFF is in a very reasonable way suggesting that, yes, let us increase our enforcement of the antitrust laws but at the very least we should also make sure the U.S. attorneys who are involved in combating violent crime have a commensurate increase, an increase that suggests we have a priority here and we understand the pleas of our constituents who are saying, "Do something about violent crime," and are less concerned about perhaps when they get to the marketplace being shaken down as the fact that they are not even safe on the way to the market in the first place.

Mr. COX. I thank the gentleman from California.

I would just summarize by saying that what is at stake in the Schiff amendment is noting more or less than \$5.5 million. The question is can we take \$5.5 million from the largesse that is being extended to antitrust in a 13-percent increase and give it to fighting violent crime so we can at least have a 2.3-percent increase in fighting crime.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief and make just three points.

First, in a comparison of constant 1980 dollars: between 1980 and 1993, the Antitrust Division of the Department

of Justice had their budget cut by 28 percent and expense of a staff cut of 40 percent. On the other hand, in the U.S. attorney's office during the same period, 1980 through 1993, they benefited from a 230-percent increase in budget and a 137-percent increase in staff.

The second point I wish to make is that the Associate Attorney General for the Antitrust Division is Anne Bingaman, a New Mexican. If you read the major publications and you talk to attorneys, Members of Congress, and others who have dealt with Anne Bingaman and her Antitrust Division, you would see that she is doing an outstanding job, that she is fair, that she is hard-working, that she is honest, that she reaches out to Republicans and Democrats, and that her Antitrust Division has made a major difference already.

Mr. MOLLOHAN has already made many tough cuts, but we must keep these appropriations numbers for the Antitrust Division in order for Anne Bingaman to effectively do her job in the areas of merger enforcement, continuing investigations of international firms, continuing a program of providing guidance to health care, telecommunications, intellectual property, defense and other major industries and insure that we have a strategy on national and international criminal price fixing.

Mr. Speaker, my good friend and colleague, the gentleman from New Mexico [Mr. SCHIFF], is offering this amendment; he is an outstanding member of the Committee on the Judiciary and has a great deal of law enforcement background. I have supported him on many initiatives, but regretably, on this one I think it makes sense to stay with the chairman's mark. In so doing the House of Representatives will send a strong message that it agrees with the work of Anne Bingaman, the Associate Attorney General, who as I mentioned, is doing an outstanding job.

Mr. Chairman, I include the following articles.

[From The New York Times, May 27, 1994]  
UNITED STATES SUES BRITISH IN ANTITRUST CASE: A SETTLEMENT IS REACHED—STRATEGY FOR JAPAN SEEN

(By Keith Bradsher)

WASHINGTON, May 26.—Signaling a new tactic in the Clinton Administration's trade policy, the Justice Department won a settlement today from a British company that keeps the company from preventing American competitors' doing business overseas.

The antitrust suit against Pilkington P.L.C., the world's largest maker of flat glass, accused the British company of monopolizing the technology for making sheets of glass like those used in windowpanes or car windshields. The Justice Department argued that Pilkington fell under American legal jurisdiction because it owns 80 percent of an American glassmaker, the Libby-Owens-Ford Company.

The case had little to do with the glass market in the United States; instead it

sought to insure that American companies could freely operate abroad.

Justice Department officials would not say whether they planned such antitrust cases against Japanese companies, in connection with the Clinton Administration's effort to open Japanese markets to American business. But they did say that other investigations of foreign companies were under way.

"As we received information of a similar nature, we will aggressively pursue it," said Robert Litan, a Deputy Assistant Attorney General in the antitrust division.

The Japanese Embassy here quickly denounced the new tactic as a violation of international law.

"We have expressed our concern over the change because it constitutes the exercise of extraterritoriality, which is a violation of international law," said Seilchi Kondo, the embassy's press secretary. "Today's action will raise further concern over this among all the United States' trading partners."

The British reaction was restrained. "We've noted the settlement, but it's really a matter for the Department of Justice and Pilkington," a British diplomat said today.

The settlement with Pilkington, which was filed by the Justice Department simultaneously with the lawsuit late Wednesday, "is the first under a 1992 policy change that permits the department to challenge foreign business conduct that harms U.S. export trade," Attorney General Janet Reno said.

That change was made by the Bush Administration, which reversed a four-year Justice Department policy of avoiding such cases. But the Bush Justice Department never filed any cases, although it did start the investigation into Pilkington.

The department has seldom interpreted American antitrust law so broadly, partly because of objections from the State Department that such cases would hurt relations with allies.

Pilkington in the late 1950's developed and patented its technology for producing flat glass and required licenses for the right to use the technology. It limited the licensees to a certain geographical area in their home countries.

Although many of Pilkington's patents have expired, the company has continued to require the licenses, contending that its production processes are protected by law as trade secrets. Virtually all of the world's glass factories operate under Pilkington licenses, including plants in Russia and China.

In announcing the settlement today, Ms. Reno said Pilkington had agreed that much of its technology is in the public domain.

#### Fines Not Involved

No financial penalties were imposed and Pilkington denied any wrongdoing.

But the settlement requires the company to drop its rule that American concerns cannot build factories outside the territories in the United States assigned in their licenses, and to state that some of Pilkington's technology is now publicly available.

One of Pilkington's eight American licensees, the Guardian Industries Corporation, won the right in a lawsuit eight years ago to several territories in Asia and Eastern Europe. But the seven other companies have been barred until now from going abroad, said K. Craig Wildfang, the Justice Department lawyer who filed the case.

Settlements without monetary damages are not unusual. The Justice Department broke up the old Bell System a decade ago that way.

But today's action is significant because of the American assertion of legal jurisdiction

over how business is done in the rest of the world.

Ms. Reno said Pilkington fell under American legal jurisdiction because of its 80 percent ownership of Libbey-Owens-Ford, which is the second-largest American flat-glass maker. Mr. Wildfang said that even if Pilkington had not owned Libbey-Owens-Ford, the Justice Department would still have had jurisdiction through another subsidiary, Pilkington Holdings Inc., in Toledo, Ohio.

The case was filed in Tucson, Ariz., because the court there had already ruled in other cases that Pilkington P.L.C. was legally the same as Libbey-Owens-Ford and Pilkington Holdings, Mr. Wildfang said.

The settlement reached requires court approval.

It is virtually impossible for an international company to do business in the United States without setting up operations here, and the Justice Department is now asserting jurisdiction over the parent company through such subsidiaries.

Japanese officials have objected to this since the Bush Administration began considering such a move two years ago, Mr. Kondo of the Japanese Embassy said.

[From the Wall Street Journal, June 16, 1994]

MCI'S ALLIANCE WITH BRITISH TELECOM  
CLEARS HURDLE; SPRINT DEAL FACES FIGHT  
(By Wall Street Journal reporters Mary Lu Carnecale in Washington and Richard L. Hudson in London)

After a year of U.S.-British skirmishing, the Justice Department cleared the proposed alliance of MCI Communications Corp. and British Telecommunications PLC, but signaled that Sprint Corp.'s newly announced transatlantic deal faces tough sledding.

The Justice Department's action—which came in the form of an antitrust lawsuit and a proposed consent decree that requires approval of a federal district court in Washington—paves the way for BT to make a \$4.3 billion investment for a 20% stake in MCI later this year. The companies also will jointly operate a venture named Concert to provide telecommunications services to international companies.

The lawsuit, which named only Washington-based MCI and the joint venture, charged that the alliance could give BT an incentive to favor MCI over its U.S. rivals with better or cheaper connections to BT's network. While BT faces some competition in the United Kingdom, rivals generally don't have another network they can use to complete calls.

The proposed settlement aims to prevent BT from discriminating against other U.S. long-distance carriers. To that end, MCI and Concert promised to disclose to the Justice Department rates and other details of agreements to hook up to the BT network; the department can share the data with other U.S. carriers, which would face limits in making the data public.

#### STATE-OWNED MONOPOLIES

In announcing the action, the Justice Department signaled possible difficulties for Sprint as it tries to forge an alliance with France Telecom and Deutsche Bundespost Telekom; the two state-owned monopolies plan to invest \$4 billion for a 20% stake in Sprint, based in Westwood, Kan.

In a news release, Anne Bingsman, assistant attorney general in charge of the antitrust division, said that "in the increasingly global economy, vigorous antitrust enforcement is critical to guaranteeing U.S. con-

sumers the benefits of competition in international markets." She called the proposed decree "an example of how U.S. antitrust laws can be used to help protect U.S. competition from mergers that threaten the misuse of foreign monopoly power."

Steven Sunshine, deputy assistant attorney general, declined to comment on other proposed alliances, including the Sprint plan. But he said that "part of the reason why we think this decree works is that the U.K. has a fairly open telecommunications market and has a regulatory regime in place that believes in equal access," meaning that all telephone companies could connect with the BT network on equal terms and conditions. Without that degree of openness, he said, "we very well may have reached a different conclusion."

#### GREATER ACCESS IN U.K.

Unlike in Britain, where BT's monopoly was abolished in 1984, in France and Germany basic voice telephone service will remain a legal monopoly of the state phone companies until 1998.

In April, U.K. regulators helped push the BT-MCI plan toward approval by providing greater access by U.S. phone companies to the U.K. market. While declining to comment on the government-to-government discussions, BT Chief Executive Michael Hefher in an interview expressed "a sense of relief that we finally got over the last big hurdle" to starting the venture.

Gerald Taylor, president and chief operating officer of MCI Telecommunications Corp., a unit of MCI, said the Justice Department requirements "didn't change the deal at all," and that MCI and BT spent much of the past year ironing out a definitive agreement and legal issues.

Concert, which will be 75%-owned by BT and 25%-owned by MCI, opens with 700 to 800 employees and will receive investment of about \$1 billion over "the next few years" from its two parents, Mr. Hefher said. "The biggest single component" of the \$1 billion will go toward buying telephone exchanges, and installing and leasing long-distance lines for its international customers, he said.

Counting just the equipment and customers BT is contributing to the venture, Concert today claims 4,600 "access points" in about 30 countries for clients to plug into the BT-MCI's network. The venture is developing standardized software and product portfolios to promise customers—more than half of which are based in the U.S. or U.K.—uniform services for voice and data communications around the globe.

The BT-MCI alliance is one of four major phone-company partnerships girding for a global battle over the communications budgets of the world's international corporations. In addition to the Sprint plan announced on Tuesday, AT&T Corp. of New York leads another alliance, and the Swiss, Swedish and Dutch phone companies have also formed a venture.

Despite the restrictions, AT&T complained that the proposed decree fails to protect MCI's rivals. Among other things, AT&T said that "U.S. carriers can never have a level playing field to compete in the U.K. without the ability to own international facilities."

AT&T is certain to press its points as the transaction goes through final clearances. Approval still is needed from the Federal Communications Commission and the European Union Commission—though Mr. Hefher described those as unlikely to be "particularly troublesome" following the Justice Department's action. The BT executive said he expects his company to buy the 20% MCI

stake in about 10 weeks, and for MCI to join Concert. In the meantime, he said, Concert will operate as a wholly owned unit of BT, which today began a global ad campaign promoting the Concert brand.

Despite all the publicity, analysts say, the venture isn't likely to produce much profit for BT or MCI for several years. "The jury will remain out" on the venture's value for some years, said Evan Miller, an analyst with Lehman Brothers in London. "They're thinking along the lines of five to 10 years" before a big impact on profit appears, he said.

BT's Mr. Hefner declined to forecast revenue or profit, but said generally that "multi-national telecommunications are growing at a very rapid rate, and the total revenues that are flowing in are in the many billions. We're playing this game for some serious money."

[From the Wall Street Journal, Mar. 18, 1994]  
**SIX BIG AIRLINES SETTLE U.S. SUIT ON PRICE FIXING—SCHEME USING DATA SYSTEM MAY HAVE COST PUBLIC \$2 BILLION IN 4 YEARS**

(By Joe Davidson)

WASHINGTON.—Six major airlines settled federal charges that they fixed prices in a scheme that may have cost consumers nearly \$2 billion between 1988 and 1992.

Under a consent decree filed in U.S. District Court here, the airlines agreed that they won't use Airline Tariff Publishing Co., an industry-owned computerized fare-information system, to negotiate fare changes. The Justice Department charged that the airlines had used coded messages showing prospective price changes as a way of communicating with each other about fares.

The airlines actually stopped the practice when the suit was filed more than a year ago. But yesterday's agreement, which still must be approved by the court after a 60-day comment period, would prevent them from resuming it.

Anna Bingaman, assistant attorney general for antitrust, called the case a "critically important victory for American consumers and American business." She said, "The airlines used the ATP fare-dissemination system to carry on conversations just as direct and detailed as those traditionally conducted by conspirators over the telephone or in hotel rooms. Although their method was novel, their conduct amounted to price fixing, plain and simple."

J. Mark Gidley, a former Bush administration antitrust official who worked on the suit, said the case takes antitrust probes into the high-tech era by establishing that price-fixing agreements can be made using computers.

Airlines agreeing to the consent decree include Alaska Air Group Inc.'s Alaska Airlines, AMR Corp.'s American Airlines, Continental Airlines, Delta Air Lines, Northwest Airlines and Trans World Airlines. Airline Tariff Publishing also was part of the accord. The settlement is substantially the same as one reached with United Air Lines and USAir in December 1982 following a three-year Justice Department investigation.

**NO REFUNDS IN FACT**

Ms. Bingaman said yesterday's agreement provides for no refunds because the department isn't empowered to seek them. She said the administration is considering asking Congress for such authority in future cases.

The airlines didn't shield their bitterness at what they thought was a baseless attack. They said they settled to avoid the cost of litigation.

"We continue to believe that the pricing practices in question benefited the traveling

public and were consistent with both the law and practice in many industries," American Airlines said. Delta Air Lines said the Justice Department "presented no evidence the industry's practices were illegal or added costs to ticket prices paid by consumers. It should be evident to anyone that the airlines are fiercely competitive in the pricing of their product."

Airlines have already shown that they can raise fares without the benefit of electronic signals. Ticket prices have gone up at least a half-dozen times since airlines stopped the signals. Instead, a carrier will raise fares on weekends, when few tickets are sold. If rivals don't match the increase, the carrier withdraws the fare hike on Monday. If everyone agrees, the increase sticks. The process may not be as smooth as electronic signals, but the effect is the same.

**FIFTY AGREEMENTS IDENTIFIED**

Ms. Bingaman said the department identified over 50 separate price-fixing agreements by the airlines. In one case, consumers paid \$138 more for one-way travel between Chicago and Dallas because of the agreement. If coordination raised fares 5%-8% on an average ticket—the harm to consumers would have amounted to \$1.9 billion, the department said.

Last year, nine major airlines settled a lawsuit that made essentially the same price-fixing allegations as the suit brought by the Justice Department. The airlines denied wrongdoing in the civil case, but issued \$396 million in ticket coupons, plus \$14.4 million in cash for lawyer fees.

After the government's suit was filed, representatives of travel agents and consumer groups were critical of the department's actions against the airlines, saying consumers could be denied information about when ticket prices would increase. But Ms. Bingaman said the information, more often than not, was bogus. It really was intended just to negotiate prices, she said, noting that more than 50% of the time, prices ended up being different than what was quoted.

(James Hirsch in Houston contributed to this article.)

**THE CHAIRMAN.** The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The question was taken; and the chairman announced that the noes appeared to have it.

**RECORDED VOTE**

**Mr. SCHIFF.** Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 241, not voting 38, as follows:

[Roll No. 276]

**AYES—160**

Allard	Buyer	Dornan
Archer	Callahan	Dreier
Armey	Camp	Duncan
Bachus (AL)	Canady	Dunn
Baker (CA)	Castle	Ehlers
Baker (LA)	Coble	Emerson
Ballenger	Collins (GA)	Everett
Barca	Combest	Ewing
Barrett (NE)	Condit	Fawell
Bartlett	Cooper	Fingerhut
Barton	Cox	Fowler
Bilbray	Crane	Gallo
Bliley	Crapo	Gekas
Boehert	Cunningham	Gilchrest
Boehner	DeLay	Gillmor
Bonilla	Diaz-Balart	Gingrich
Bunning	Dickey	Goodlatte
Burton	Doolittle	Goodling

Gordon	Livingston	Ros-Lehtinen
Goss	Lucas	Roth
Grandy	Manzullo	Roukema
Greenwood	McCandless	Royce
Hancock	McCrery	Santorum
Hansen	McHugh	Saxton
Hastert	McInnis	Schiff
Hefley	McKeon	Sensenbrenner
Herger	McMillan	Shaw
Hobson	Meyers	Shays
Hoekstra	Mica	Shuster
Hoke	Michel	Skeen
Horn	Miller (CA)	Smith (MI)
Houghton	Miller (FL)	Smith (NJ)
Huffington	Molinaro	Smith (TX)
Hunter	Moorhead	Snowe
Hutchinson	Morella	Spence
Hyde	Myers	Stearns
Inglis	Nussle	Stump
Inhofe	Orton	Sundquist
Istook	Oxley	Swett
Johnson (CT)	Packard	Talent
Johnson, Sam	Paxon	Thomas (CA)
Kasich	Peterson (MN)	Thomas (WY)
Kim	Petri	Upton
King	Pombo	Vucanovich
Kingston	Porter	Walker
Klug	Portman	Walsh
Knollenberg	Pryce (OH)	Weldon
Kolbe	Quillen	Wolf
Kyl	Quinn	Young (AK)
LaFalce	Ramstad	Young (FL)
Lazio	Ravenel	Zeliff
Levy	Regula	Zimmer
Lewis (KY)	Roberts	
Linder	Rohrabacher	

**NOES—241**

Abercrombie	Edwards (CA)	Kopetski
Andrews (ME)	Edwards (TX)	Kreidler
Andrews (NJ)	Engel	Lambert
Andrews (TX)	English	Lancaster
Applegate	Eshoo	Lantos
Bacchus (FL)	Evans	LaRocco
Baesler	Farr	Laughlin
Barcia	Fazio	Leach
Barlow	Fields (LA)	Lehman
Barrett (WI)	Fields (TX)	Levin
Bateman	Flner	Lewis (CA)
Becerra	Fish	Lightfoot
Bellenson	Flake	Long
Bereuter	Foglietta	Lowe
Bevill	Ford (TN)	Maloney
Bilirakis	Frank (MA)	Mann
Bishop	Franks (NJ)	Manton
Blackwell	Frost	Margolies-
Blute	Furse	Mezvinsky
Bonior	Gejdenson	Markey
Borski	Geren	Martinez
Brewster	Gibbons	Matsui
Brooks	Gilman	Mazzoli
Browder	Glickman	McCloskey
Brown (CA)	Gonzalez	McDade
Brown (FL)	Green	McDermott
Brown (OH)	Gunderson	McHale
Bryant	Hall (OH)	McKinney
Byrne	Hall (TX)	McNulty
Cantwell	Hamburg	Meehan
Cardin	Hamilton	Meek
Carr	Harman	Menendez
Chapman	Hastings	Mfume
Clayton	Hayes	Mineta
Clement	Hefner	Minge
Clinger	Hinchee	Mink
Clyburn	Hoagland	Moakley
Coleman	Hochbrueckner	Mollohan
Collins (IL)	Holden	Montgomery
Conyers	Hoyer	Moran
Coppersmith	Hughes	Murphy
Coyne	Hutto	Murtha
Cramer	Inslee	Nadler
Danner	Jacobs	Neal (MA)
Darden	Jefferson	Neal (NC)
de la Garza	Johnson (GA)	Norton (DC)
de Lugo (VI)	Johnson (SD)	Oberstar
Deal	Johnson, E.B.	Obey
DeFazio	Johnston	Oliver
DeLauro	Kanjorski	Ortiz
Dellums	Kaptur	Owens
Derrick	Kennedy	Pallone
Deutsch	Kennelly	Parker
Dicks	Kildee	Pastor
Dixon	Kleczka	Payne (NJ)
Dooley	Klein	Payne (VA)
Durbin	Klink	Pelosi

Penny	Sawyer	Thompson
Peterson (FL)	Schenk	Thornton
Pickett	Schroeder	Thurman
Pickle	Scott	Torres
Pomeroy	Serrano	Torrice
Poshard	Sharp	Trafficant
Price (NC)	Shepherd	Tucker
Rahall	Sisisky	Underwood (GU)
Rangel	Skaggs	Unsoeld
Reed	Skelton	Valentine
Richardson	Slaughter	Velazquez
Roemer	Smith (IA)	Vento
Rogers	Spratt	Visclosky
Romero-Barcelo	Stark	Volkmer
(PR)	Stenholm	Waters
Rose	Strickland	Watt
Rostenkowski	Studds	Whitten
Rowland	Stupak	Williams
Roybal-Allard	Swift	Wilson
Rush	Synar	Wise
Sabo	Tanner	Woolsey
Sanders	Tauzin	Wyden
Sangmeister	Taylor (NC)	Wynn
Sarpalius	Tejeda	Yates

## NOT VOTING—38

Ackerman	Galleghy	Ridge
Bentley	Gephardt	Schaefer
Berman	Grams	Schumer
Boucher	Gutierrez	Slattery
Calvert	Hilliard	Smith (OR)
Clay	Lewis (FL)	Solomon
Collins (MI)	Lewis (GA)	Stokes
Costello	Lipinski	Taylor (MS)
Dingell	Lloyd	Torkildsen
Faleomavaega	Machtley	Towns
(AS)	McCollum	Washington
Ford (MI)	McCurdy	Waxman
Franks (CT)	Reynolds	Wheat

□ 1125

The Clerk announced the following pairs:

On this vote:

Mr. Calvert for, with Mr. McCollum against.

Mr. Grams for, with Mr. Ackerman against.

Mr. Lewis of Florida for, with Mr. Berman against.

Mr. Schaefer for, with Miss Collins of Michigan against.

Mr. Smith of Oregon for, with Mr. Hilliard against.

Mr. Taylor of Mississippi for, with Mr. Lipinski against.

Ms. MARGOLIES-MEZVINSKY and Mr. VENTO changed their vote from "aye" to "no."

Mr. BOEHLERT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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. RICHARDSON) 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.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FISCAL YEAR 1995

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report to accompany a bill providing appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said district for the fiscal year ending September 30, 1995, and for other purposes.

Mr. WALSH reserved all points of order on the bill.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995, AND SUPPLEMENTAL APPROPRIATIONS, 1994

Mr. RAHALL. 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. 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.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The motion was agreed to.

□ 1129

## 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. 4603, with Mr. BROWN of California in the chair.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] has been disposed of, and the bill had been read through page 12, line 22.

□ 1130

Mr. MOLLOHAN. Mr. Chairman, I know of no amendment until page 23, line 1. Therefore, I ask unanimous consent that the remainder of the bill through page 22, line 22, 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 West Virginia?

There was no objection.

The text of the bill through page 22, line 22, is as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States, Attorneys, including intergovernmental agreements, \$820,177,000, of which not to exceed \$2,500,000 shall be available until September 30, 1996 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That of the offsetting collections credited to this account, \$180,000 are permanently canceled.

In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, \$6,799,000, of which not to exceed \$2,000,000 shall remain available until September 30, 1996.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, \$100,469,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), of which \$61,593,000 shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$38,876,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended by section 111 of Public Law 102-140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the \$100,469,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than \$61,593,000: *Provided further*, That any of the aforementioned fees collected in excess of \$38,876,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995, *Provided further*, That of the offsetting collections credited to this account, \$218,000 are permanently canceled.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$830,000.

SALARIES AND EXPENSES, UNITED STATES  
MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; \$390,185,000, as authorized by 28 U.S.C. 561(i), of which not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, \$95,000 are permanently canceled.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; \$299,465,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$78,000,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY  
RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$20,379,000, of which not to exceed \$10,001,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(i), (B), (C), (F), and (G), as amended, \$55,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

Amounts otherwise available for obligation in fiscal year 1995 are reduced by \$92,000.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,655,000.

INTERAGENCY LAW ENFORCEMENT  
ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$383,250,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; \$2,178,218,000, of which not to exceed \$35,000,000 for automated data processing and telecommunications and technical investigative equipment and \$1,000,000 for undercover operations shall remain available until September 30, 1996; of which not to exceed \$14,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed \$10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which \$84,400,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That of the offsetting collections credited to this account, \$572,000 are permanently canceled.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for

participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,265 passenger motor vehicles, of which 1,115 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$742,497,000, of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed \$2,000,000 for technical and laboratory equipment shall remain available until September 30, 1996, and of which not to exceed \$50,000 shall be available for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, \$439,000 are permanently canceled.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 346 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; \$1,098,602,000, of which not to exceed \$400,000 for research shall remain available until expended, and of which not to exceed \$10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That of the offsetting collections credited to this account, \$1,240,000 are permanently canceled.

In addition, for expenses, not otherwise provided for, necessary to implement the President's Immigration Initiative as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, to include purchase of uniforms and not to exceed 467 passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year, \$251,157,000, of which not to exceed \$116,842,000 for procuring automation, communications and technical systems and equipment shall remain available until expended.

The CHAIRMAN. Are there any amendments to the bill through page 22, line 22?

If not, the Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal

penal and correctional institutions, including purchase (not to exceed 736 of which 383 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$2,356,404,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 for the activation of new facilities shall remain available until September 30, 1996: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That any unobligated balances available for the care of Mariel Cuban detainees under the heading, "Salaries and Expenses, Community Relations Service" are transferred to this heading, and shall remain available until expended.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas: Page 23, line 9, strike "\$2,356,404,000" and insert "\$2,355,404,000".

Mr. SMITH of Texas. Mr. Chairman, I rise today to offer an amendment to the Commerce-Justice-State appropriations bill that makes a \$1 million cut in the Bureau of Prisons' appropriation level. This small cut is designed to make a large point: It is past time that the Federal Government cease to allow unnecessary, unjustified, and in this case, downright unusual spending to continue merely because it occurs in the dark recesses of the Federal budget.

My amendment cutting \$1 million is designed to equal the difference in the cost of new Public Health Service Commissioned Corps hires and general schedule hires in the next fiscal year. This amendment will not affect a single individual now serving in the corps, nor will it even affect any person who will join the corps before October 1 of this year. What the amendment will do is to send a direct and indisputable signal that it is time the corps shipped out of the Bureau of Prisons.

Why is this necessary? First, let me provide some background on the corps

itself. The Public Health Service Commissioned Corps was founded in 1798, back when John Adams was President, to treat disabled seamen. Today, there are about 6,500 total individuals in the corps and it is the 449 in the Bureau of Prisons that this amendment addresses.

The Commissioned Corps is one of the seven uniformed services and they receive the exact same benefits as the military. The section of the Public Health Service Act that deals with the corps states:

Commissioned officers of the Service or their surviving beneficiaries are entitled to all rights, benefits, privileges, and immunities now or hereafter provided for commissioned officers of the Army \* \* \*.

While the corps are equal to the military in their benefits, they are not in their duties. Corps officers are not subject to the uniform military code of conduct, which means they have the option of refusing an assignment or transfer simply by exiting the corps. In addition, the corps has not been activated for military service for a generation.

In the testimony of then-Assistant Secretary for HHS, James O. Mason, before the Energy and Commerce's Subcommittee on Health and the Environment, he explained the reason that none of the of corps' officers were activated or called up for Desert Storm as follows:

The last time the Commissioned Corps was "militarized" was during the Korean conflict. Historically, this power has been used very sparingly by the President. It was not done during the Vietnam war even though the draft was in effect at the time \* \* \*.

So we have the Federal Government paying military-equal benefits for civilian-type service. And what is this unnecessary cost? As is usually the case with Government slip-ups, it is not cheap. A corps officer with 6 years of service receives approximately \$15,000 more annually than a GS-13. This is neither fair to the military officers who make the military sacrifices for the same benefits, nor is it fair to the Bureau of Prisons' 23,000 civilian and 2,200 medical employees who do the same work as the Bureau of Prisons' 449 Commissioned Corps officers, but at much less cost.

Even if this basic unfairness between Federal employees did not exist, the basic unfairness to the American taxpayer would still remain. They are the ones required to pick up the tab for the day-to-day discrepancy of paying military benefits for a civilian job. In addition, the cost of retirement is not set-aside now; it adds up to a huge unfunded liability that the corps is accumulating through their officers' retirement benefits. The Commissioned Corps is rewriting the old commercial phrase of "you can pay me now, or pay me later," into "you can pay me now and pay me later."

Unlike either the military or civilian employees they resemble, Commissioned Corps officers' retirement benefits are not prefunded as are other Federal workers. Instead, we rely on an antiquated accounting system, whereby we pay the current year's retiree costs while refusing to set anything aside for the future costs. This same ostrich approach virtually bankrupted the Social Security Trust Fund and is one we have wisely abandoned for all current Federal employees.

Except for the corps, that is. As a result, according to the independent audit of the corps' retirement system, the unfunded accrued liability for the corps was \$3.6 billion as of September 1, 1992. Every day we do nothing to correct this, it increases. This amendment says that day has come today.

This amendment is about small money but big principles. It is time to get rid of patent unfairness. It is time we get rid of the pointlessness of two personnel systems doing one job. It is time to abandon an antiquated anachronism that racks up costs we do not need to be paying today, and makes no plans to pay them tomorrow.

We can correct this now by passing this amendment and we can do it without unfairly hitting anyone in the corps.

I urge Members of this House, who have supported government-wide reforms, to support this one today and vote to pass this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I believe that the gentleman is trying to make a point here that there is an unfunded liability that is in the Civilian Health Corps as they work in the Bureau of Prisons. He is expressing that concern. He is offering an amendment to cut a million dollars out of the account that funds the salaries and expenses account of the Federal Prison System.

I do not really see how his amendment gets to the problem that he is concerned with. As a matter of fact, as I read the statute and understand the funding of the retirement fund, this would not even be the appropriate appropriations bill to address the issue, if the \$1 million cut had any impact on it at all. The gentleman's amendment does reduce the amount provided, however, in the bill for the activation of new Federal prisons.

I would refer the gentleman to page 33 of the committee report, which describes how the Federal Prison System is funded under this bill, under the salaries and expenses account.

□ 1140

Mr. Chairman, I would point out to the gentleman that his amendment would reduce that account by \$1 million, and to that extent, in some way affect the activation of new prisons.

In this bill, as part of the crime fighting effort, we are activating 11 new Federal prisons. They are located all across the country, and it is very possible, and I think it is even true, that one of these prisons is being activated in the gentleman's home State.

Mr. Chairman, I just think the amendment is misdirected, and however sincerely concerned he is about this unfunded liability, I would suggest to him that it is an issue that he might better be advised to take up with the authorization committee, and not reduce funding that we have worked very hard to find to activate new prisons, to help in the President's and every Member of this body's efforts to fight crime.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I would like to reply to the points made. I understand the sincerity with which they have been made.

I would simply respond to two points, first by saying that if funds are taken out of prison construction, that is certainly not the intent of the amendment. I would expect that the appropriators, if this amendment would pass, would certainly honor the intent with which the amendment was offered.

Mr. MOLLOHAN. If I may reclaim my time, it is not prison construction, it is the salaries and expenses account that the gentleman is reducing. It is not prison construction. Out of that money is the activation of our prisons.

Mr. SMITH of Texas. Will the gentleman yield further?

Mr. MOLLOHAN. I am happy to yield to the gentleman from Texas.

Mr. SMITH of Texas. The intent of the amendment is clear. If the intent of the amendment is followed by the appropriators, then the money will be taken from the area that I have suggested.

Second, if the gentleman objects to the withdrawal of funds as being misdirected or too large or whatever, I would be happy to offer a limitation amendment with his support, if I was able to do so before the preferential motion.

Mr. MOLLOHAN. Mr. Chairman, I would say to the gentleman, I just cannot do that.

Mr. SMITH of Texas. I thank the gentleman for yielding to me.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas [Mr. SMITH], although I sympathize with what he is trying to do, and I wish him success in that. I just think the appropriate place for this is in the authorizing committee. This is the first we have heard of this. We have had no hearings or no information about this.

Mr. Chairman, frankly, we do not know a lot about it. For that reason,

among others, Mr. Chairman, I would hope the gentleman would take it to the authorizing committee, and I would be willing to help the gentleman in that respect, if I could. But to take the money, as this amendment does, from the ability of us to open up 11 new or expanded prison facilities should not be allowed. For that reason, I oppose the amendment.

Mr. Chairman, we are already \$50 million below what was requested in this account, salaries and expenses, to open up those new prison facilities, 11 new or expanded facilities. So while this is not a huge amendment, it would take further from that account. We have scrimped and saved in every corner that we could in order to find the monies to put into this account so we could activate these prisons, which are desperately needed.

Mr. Chairman, in addition to that, this account also pays for the closing of the Federal prison facility at Tindall Air Force Base in Florida. We have a huge increase in inmate population, and we have to increase personnel to accommodate that, so this account is one of the most squeezed and imperative accounts in the whole Justice Department.

Mr. Chairman, therefore, I would hope we could defeat this amendment. I will be happy to work with the gentleman to correct the inequities that he has so eloquently described.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full time.

I just want to say to my colleagues, who I serve with on the Committee on the Judiciary, that I understand what the gentleman is trying to do. However, I think, as both the ranking Republican and the chairman have indicated, the gentleman misses the mark. We have had difficulty opening up new prisons.

Can the Members imagine building new prisons, which is the clamor throughout the country, and then not having sufficient resources to open them? Last year the Bureau of Prisons came to us, and they were concerned because they did not have sufficient resources to open up a prison that had been completed. They had to do some reallocation within the Bureau of Prisons' budget to open up some new prisons.

On the second score, I understand the gentleman's point about unfunded liability. I think that is his major point in the Public Health Service, but I say to my colleague, as he knows, the entire military budget is unfunded. Much of our Federal retiree, civilian retiree budget is underfunded. It is underfunded.

Mr. Chairman, that is one point that I want to clear up.

Second, without the Public Health Service, as my colleague must know,

we would have an awful time attempting to staff with medical personnel the prisons around the country. Mr. Chairman, we have some institutions where we have no physician. We are actually contracting out in many instances because we do not have sufficient personnel.

We have seen an increase in litigation over health care in the prison system, and without the Public Health Service, that dual system that enables us to operate these prisons, we could not operate the prisons. We would be subject to tremendous litigation, tremendous costs, and right now we are having an awful time trying to recruit physicians.

The gentleman says that the Public Health Service is not really the military. I want to tell the gentleman, a lot of the members of the Public Health Service believe they are on the front line when they accept duty in the prison system. It is tough duty. It is not the most attractive duty. Thank goodness we have a lot of Public Health Service personnel that are willing to serve in our prison system.

Take a look at the data that exists, I would say to the Members. We were criticized just within the past year or so by the General Accounting Office because of the lack of adequate health care facilities and adequate health personnel in our prison system. We are going to expand that system by 11 prisons, with the activation money that is in this particular budget.

We do not have the personnel, the health care personnel, to staff that, Mr. Chairman. We cannot recruit the health care personnel we have. If the gentleman made it impossible for the Public Health Service to operate in our prison system, we would have chaos in the system.

Mr. SMITH of Texas. Would my friend, the gentleman from New Jersey [Mr. HUGHES], yield?

Mr. HUGHES. I am happy to yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I just want to repeat the points of this amendment, and make it very, very clear that the cut that this amendment proposes does not adversely affect one current commissioned corps individual nor anyone that might be hired by October.

The cut that I had proposed is the difference in salary between commissioned corps individuals and all other general service, GS Federal employees. They do the same work, they ought to get the same pay, and my cut amendment is designed to do just that, cut the difference in salary. They have not been militarized in generations since the Korean war, they do not do anything more or less than other civilian employees, so they should not be paid any more.

Mr. HUGHES. To recapture my time, I would say that the gentleman's

amendment misses the mark, however. The Bureau of Prisons has to reimburse Labor-HHS for the services of the Public Health Service, for their work in the prisons. Does the gentleman believe his amendment is going to stop that reimbursement?

The gentleman is not attempting to stop the deployment of personnel from the Public Health Service, but I am saying, if the gentleman is only attempting to send a signal, I think he should be sending the signal to the authorizing committee, not to the Committee on Appropriations. This misses the mark.

The \$1 million the gentleman wants to cut will not do anything except to deny \$1 million to a very important part of the budget, that part of the budget that assists us in opening up new prisons around the country. If the gentleman wants to restructure the Public Health Service, the gentleman ought to be talking to the authorizing committee.

Mr. SMITH of Texas. Will the gentleman yield once again?

Mr. HUGHES. I am happy to yield to the gentleman.

Mr. SMITH of Texas. Let me just repeat that this amendment and the cut that I proposed is not going to cut one individual from the commissioned corps. It is not going to adversely impact them, but the point is, we need to know the true cost of the Public Health Commissioned Corps.

That unfunded liability of \$3.8 million is real, it is there, and this is the only group of individuals in the entire Federal Government who get that special consideration. We need to know as taxpayers what it is going to cost us up front, have the cost of the retirement set-asides up front, just like all the other employees. There is no reason for this unfunded liability.

I thank the gentleman for yielding.

Mr. HUGHES. The gentleman has made his point. I think he will agree that this misses the mark. I hope the gentleman will withdraw the amendment. I think he has sent a signal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

□ 1150

The Clerk read as follows:

#### NATIONAL INSTITUTION OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$10,344,000, to remain available until expended.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling

and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; \$238,094,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That unless a notification as required under section 605 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds \$50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds \$25,000 must remain in effect for no less than 15 years: *Provided further*, That of the total amount appropriated, not to exceed \$9,903,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,463,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title

shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed \$5,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 107. In fiscal year 1995 and thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 108. (a) Of the budgetary resources available to the Department of Justice during fiscal year 1995, \$23,830,000 are permanently canceled.

(b) The Attorney General shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2).

#### RELATED AGENCIES

#### COMMISSION ON CIVIL RIGHTS SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger

motor vehicles, \$9,500,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner whose compensation shall not exceed the equivalent of 150 billable days at the daily rate of a level 13 salary under the General Schedule: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed \$26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; \$238,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, \$242,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

FEDERAL COMMUNICATIONS COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed \$600,000 for land and structures; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$166,832,000, of which not to exceed \$300,000 shall remain available until September 30, 1996, for research and policy studies: *Provided*, That \$116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at \$50,432,000: *Provided further*, That any offsetting collections received in excess of \$116,400,000 in fiscal year 1995 shall

remain available until expended, but shall not be available for obligation until October 1, 1995: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, \$197,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

FEDERAL MARITIME COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$18,569,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$95,428,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$35,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than \$59,968,000: *Provided further*, That any fees received in excess of \$35,460,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995: *Provided further*, That section 605 of Public Law 101-162 (103 Stat. 1031), as amended, is further amended by striking "\$25,000" and inserting in lieu thereof "\$45,000": *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285): *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, \$145,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including serv-

ices as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$238,131,000, of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at \$0: *Provided further*, That any section 6(b) offsetting fee collections received in excess of \$238,131,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, \$902,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

POINT OF ORDER

Mr. FIELDS of Texas. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FIELDS of Texas. Mr. Chairman, I am making a point of order to the fee provisions in this paragraph for lack of authorization.

The CHAIRMAN. Would the gentleman specify the page and line?

Mr. FIELDS of Texas. Mr. Chairman, I make a point of order against the series of provisions commencing on page 36, line 16 and continuing through page 37, line 6 on the ground these provisions violate rule XXI, clause 2 on the ground of legislating in an appropriations bill.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. MOLLOHAN] desire to be heard on the point of order?

Mr. MOLLOHAN. Yes, Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from West Virginia concedes the point of order and the point of order is sustained. The provisions specified will be stricken.

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 35, line 23, strike "\$238,131,000" and insert "\$900,000".

Mr. MOLLOHAN. Mr. Chairman, as a result of the point of order just offered and sustained by the Chair, the amounts in the bill now exceed the subcommittee 602(b) allocation for discretionary budget authority by \$237,591,000. The provision stricken by the point of order, identical to the one that was included in the 1994 Appropriations Act, would have offset the appropriation for the Securities and Exchange Commission through collection of additional fees. This amendment reduces that budget authority for the SEC to \$900,000 in order to conform the bill to the 602(b) allocation.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Very briefly, Mr. Chairman, as the gentleman has indicated, this amendment is necessary now that the moneys have been stricken as has just been done. This amendment is necessary in order to bridge the bill back under 602(b) allocation due to the previous point of order. I regret that we have to do this, but we will continue to work in conference hopefully to try and resolve the issue.

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, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), and subject to the schedule of fees contained in such legislation, such fees may be collected and shall be deposited as an offsetting collection to this appropriation to recover the cost of registration, supervision, and regulation of investment advisers and their activities: *Provided*, That such fees shall remain available until expended: *Provided further*, That any such fees collected in excess of \$8,595,000 shall not be available for obligation until October 1, 1995.

STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), \$13,550,000 to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1995".

TITLE II—DEPARTMENT OF COMMERCE  
NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$279,420,000, to remain available until expended, of which not to exceed \$8,500,000 may be transferred to the "Working Capital Fund."

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Program of the National Institute of Standards and Technology, \$495,960,000, to remain available until expended, of which \$315,000,000 shall not be available for obligation until May 1, 1995; and of which not to exceed \$1,600,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$64,686,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,792,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, in addition to fees currently being assessed and collected, additional fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering living marine resources, marine sanctuary, and aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1995, so as to result in a final general fund appropriation estimated at not more than \$1,751,978,000: *Provided further*, That any such additional fees received in excess of \$41,000,000 in fiscal year 1995 shall not be available for obligation until October 1, 1995: *Provided further*, That in addition, \$55,500,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation: *Provided further*, That of the offsetting collections credited to this account, \$123,000 are permanently canceled.

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas:

Page 39, line 24, strike "\$1,792,978,000" and insert "\$1,785,978,000".

Page 40, line 10, strike "\$1,751,978,000" and insert "\$1,744,978,000".

Mr. FIELDS of Texas. Mr. Chairman, the simple explanation for this amendment is that it reduces the appropriation for NOAA by \$7 million. That is the simple explanation. It is very important for this House to understand why \$7 million. For me to answer the question, what is this amendment directed toward? This amendment is directed toward a program that goes by the acronym GLOBE. I have great respect and friendship with our Vice President, AL GORE. However, I disagree with a program that is a result of something that Mr. GORE wants us to enact today. It is a program that would be hosted by NOAA. It is a new inter-agency program which is designed to enhance the collective awareness of individuals throughout the world concerning the environment and the impacts of human activities on the environment. Second, it is to increase scientific understanding of the Earth by using the dense worldwide network of schools to collect environmental observations.

On its face, there appears to be nothing wrong with those particular goals until we get into the specifics and until we look at not only what is being requested this year in terms of appropriations but what will be requested in the following years.

Mr. Chairman, this program proposes to have school children around the world monitor the entire Earth daily by collecting observations of global climate change of dubious scientific value. For example, seventh graders will be taking air chemistry measurements. The majority of the measurements will be taken in foreign countries. In fiscal year 1995, NOAA projects that 30 schools in 20 countries will be involved. Although they cannot tell us exactly which particular schools or which particular countries, we do have an idea of who some of these countries are.

Mr. Chairman, a question for all of us sitting here today is why should the United States be funding foreign countries to participate in this particular project? Funds will be used to buy solar-powered television sets, to train foreign teachers, to buy satellite time, computers and software according to a White House briefing. The Vice President even suggests in his book an annual tree census. I think we have a better use for this particular money.

Mr. Chairman, let me give some examples:

In NOAA the money could be used for nautical charting, for fisheries enhancements, for fleet repair. For that

matter, we could use the money for other existing programs such as national drug interdiction which has been cut by \$95 million.

□ 1200

The boat safety account, which the administration has zeroed out, to keep open 14 Coast Guard search and rescue stations around the country, and to provide funds for U.S. shipbuilding; the projected expenditures for the GLOBE Program are frightening, as much as \$100 million in the year 2000 with 100,000 schools participating, and in 2010, the goal is to have over 2 million schools participating in every nation. This means the United States investment, if you extrapolate, could be as much as \$2 billion.

NOAA's GLOBE Program authorizes an initial 8 staff positions in fiscal year 1995 at a time when the agency is asked to reduce personnel to meet budget targets. The program's financial needs almost double in fiscal year 1996, because NOAA is estimating \$12 million. And we have to ask, will those personnel requirements double also.

Some White House personnel have suggested corporate sponsorships with a 20-to-one matching ratio could be used to fund some of the programs, but as of this date, no names have been supplied.

NOAA is not proposing to reduce its budget for global climate change research or to cut back on its own observations in light of this new program. NOAA this year reprogrammed \$500,000 in fiscal year 1994, to start this program without any notice to Congress until just a few days ago. We now have received notice after the fact and after objection has been raised.

But we also found that GLOBE already has an office, already has a director at NOAA. Other agencies are also expected to chip in, EPA, NASA, but it is unclear if the funds are included in the fiscal year 1995 budget for these agencies.

The countries that we think are interested in GLOBE and which would have the program directed toward them, countries like the Bahamas, Benin, Croatia, El Salvador, Gambia, Kurdistan, Latvia, Mauritania, and I just have to ask myself, Mr. Chairman, at a time when we have limited financial resources at our disposal, should we start a brandnew program, a foreign aid expenditure that has dubious value. I think the compelling answer is that we should not, and there is no question in this gentleman's mind that this \$7 million should be reduced from NOAA. And that is what I am asking this House to do today.

The CHAIRMAN. The time of the gentleman from Texas [Mr. FIELDS] has expired.

(At the request of Mr. ROGERS and by unanimous consent, Mr. FIELDS of Texas was allowed to proceed for 5 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I assume, this being a brandnew and potentially a large entitlement program, surely there have been hearings on this and we have aired out all of the pros and cons of this matter? Is that correct or not?

Mr. FIELDS of Texas. There have not been hearings. We had a markup but we have not completed the authorization process.

Mr. ROGERS. You mean there have been no hearings on this matter before any committee of the Congress?

Mr. FIELDS of Texas. No.

Mr. ROGERS. Has it been authorized by any of the authorizing committees of the House?

Mr. FIELDS of Texas. The Committee on Merchant Marine and Fisheries has voted on this particular program.

Mr. ROGERS. That was the authorization?

Mr. FIELDS of Texas. We have not gone through the House of Representatives and completed the authorization process.

Mr. ROGERS. So at this stage of the game, the House has not been allowed to act on whether or not we want to authorize such a program?

Mr. FIELDS of Texas. The gentleman is absolutely correct. Again, I want to state I have a great friendship for our Vice President, who has been very proactive on environmental matters. We have had discussions on this particular program. We certainly have a disagreement, not only as to process, but also as to Federal expenditures. I think in concept the idea is noble, but I think this is a perfect example where the private sector, if there is a good scientific value, should step forward and participate. We should not ask the taxpayers to shoulder this burden.

Mr. ROGERS. If the gentleman would yield further, this is basically an education program of sorts, is it not?

Mr. FIELDS of Texas. That is absolutely true, the way I understand it. The gentleman has to understand there are a lot of questions that have not been answered, that have not been fleshed out.

Mr. ROGERS. Has the Education Committee of the House had a chance to hold hearings on this and to flesh out whether or not it is a good expenditure of dollars?

Mr. FIELDS of Texas. My understanding is the Education Committee has not had hearings on this, and the Department of Education is not involved.

Mr. ROGERS. So the Merchant Marine Committee, which is the authorizing committee for NOAA, although it may have passed out a bill, it has not been acted on on the floor?

Mr. FIELDS of Texas. That is absolutely correct.

Mr. ROGERS. Authorizing or not authorizing this program? The Education Committee of the House has not had hearings and has made no recommendation on it?

Mr. FIELDS of Texas. This is the first floor activity for this particular program, the appropriation, but it is also important to point out to the gentleman that \$500,000 has already been spent out of NOAA's budget in creating an office that has a director. Now, we just in the past several days have received that reprogramming notice after the fact and after we had raised objection.

Mr. ROGERS. If the gentleman will continue to yield, do I understand you that the projections are this program could cost up to \$100 million a year in just a few short years?

Mr. FIELDS of Texas. That is absolutely correct.

Mr. ROGERS. Where would this money come from, from the NOAA budget?

Mr. FIELDS of Texas. It would be, I assume, additional appropriations, because NOAA is not planning to cut its functions for this particular program.

Mr. ROGERS. The gentleman has indicated that he has been in touch with the administration about this program. Is that correct?

Mr. FIELDS of Texas. I have talked with the Vice President.

Mr. ROGERS. Have you tried to work something out?

Mr. FIELDS of Texas. I told the Vice President I would be amenable if we could find some cost effective way to implement this particular program, and I will share with the gentleman the first response that we got was that this program would cost \$7 million in fiscal year 1995, \$25 million in fiscal year 1996, and \$40 million per year thereafter. That was the first suggestion. The second suggestion was \$7 million, in fiscal year 1995, \$15 million in 1996, and \$25 million in 1997. So I have to ask myself, is this one of those programs that is the bottomless pit where expenditures are going to continue, and again you have to come back and ask, is this a viable, productive program.

It is thought that much of what would be done would have dubious, questionable scientific value.

Mr. ROGERS. If the gentleman will yield further now, we have had to cut funds for everything from the FBI to the courts to U.S. attorneys to the State Department in our bill, and we have not done a lot of things we would have loved to have done in hundreds of agencies.

Is the gentleman saying here that we are being asked to appropriate some of those hard-saved dollars so that kids in Europe can go out and count trees?

Mr. FIELDS of Texas. Not just Europe. I gave a list of the countries just a moment ago, the 40 countries that we think would most likely have an interest in participating in the program, but

it is important to point out to the gentleman we are not suggesting cutting some of the vital functions of NOAA. We are talking about reducing the level of funding for this brand-new program that had not gone through the authorization process.

Mr. ROGERS. I thank the gentleman. Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to the amendment offered by the gentleman from Texas [Mr. FIELDS].

I think that he strikes funding for a program that has great merit and really looks in a couple of different directions.

We might look at this funding as having a couple of advantages; in one direction, this funding will provide a program to educate young people as to the importance of the environment, to make them concerned and aware about their environment. On the other hand, the program will provide very useful scientific information for our scientists and for agencies that are monitoring and evaluating global and climate change. This program, I think, conceptually is very useful.

We are providing funds that will establish a worldwide system where young people all around the globe will be able to go out and collect environmental information and feed it back into a system electronically through computers, and thus contribute to a global initiative.

Now there are some concerns being raised about why the United States should fund such a program around the world. Well, indeed, very little funding will come from the United States. Foreign governments, who have signed up for this program, will pay for their own country's participation to the extent that they are able. There may be in this program some U.S. Government funding used to pay for a small number of pilot sites overseas to demonstrate and to test the technologies, but it is not anticipated that we would fund the global initiative. We anticipate that countries around the world would fund their own participation.

The scientific data that is to be collected will be extremely useful. The student-acquired information will be used for environmental research activities globally. It will complement information which is retrieved with remote sensing by our satellites and aircraft data gathering mechanisms.

□ 1210

And it will provide a detailed complement to that remote data by an on-the-ground, if you will, and probably very cheap and inexpensive way. For the purpose of involving scientists at the beginning—and scientists are going to be involved at the beginning of the program—is to make the program substantive, to insure that it is not simply an information-field-trip kind of exer-

cise for youngsters. It will be designed with scientists involved in the beginning to insure that the kind of measurements made are meaningful, accurate, and that they will indeed be useful for scientific purposes.

The program involves youngsters from kindergarten up through graduation and high school. I think that is a marvelous concept that we involve these young people at an early age and involve them increasingly, as they mature and become increasingly sophisticated, the information they are allowed to retrieve and participate in and manipulate will be increasingly sophisticated.

Mr. Chairman, there are a number of countries already expressing an interest in GLOBE, some 40 countries I am advised. There are at least 200 schools and maybe as many as 500 that will participate in GLOBE in 1995 with the implementation of the program and the support of this funding.

Now it is important to ensure that individuals throughout the world understand the concern for our environment. I can think of no better way than to begin educating young people through this kind of program that makes them technologically and computer literate, that allows them to participate in a worldwide effort that they know other young people around the world are participating in and allows them to gather good quality information.

There is some concern expressed about the agencies which are involved in this program. I would advise the committee that the National Science Foundation is actively involved with this program as is the Department of Education, the Department of State, NASA, and NOAA.

So I would hope that this amendment would be defeated, Mr. Chairman, and that this very worthy program would receive this funding.

I might add that in the future the amount of funding requested for the program will always be reviewed by this committee and to the extent that funding is unreasonable it certainly will not be approved.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House, I rise in support of my colleague Mr. FIELDS' amendment to strike funding for the GLOBE Program. I do so reluctantly, but I think here we have a classic case of where good intentions take us on a path that leads to some very undesirable consequences which I am not sure are being adequately foreseen.

To spend \$7 million to have schoolchildren around the world taking environmental measurements is to my mind something that would only occur to people inside the beltway. If this is a valid educational program we do not

need to spend \$7 million in fiscal year 1995 to accomplish it; we certainly do not need to spend the projected \$100 million by the year 2000 to achieve it. All it takes is for the people in charge of the educational systems of this country and other countries to determine that this is a valid educational exercise that students and their school systems should go through. And almost without funds you have created it, if it is a valid educational exercise.

If you are trying to argue the case that these expenditures and this program are necessary or desirable because of its scientific and technical merit I would question the judgment that says if you want scientific technical data to enlarge the scope of human knowledge and our ability to deal with problems, do you really think you are going to get that data by sending kindergarten children or even seventh graders out to collect that data?

This is logic run amuck.

I know the good intentions which underlie it. I do not dispute the good intentions. But to the extent there are valid things to make our young people sensitive to environmental concerns you simply do not need the this program and these expenditures in order to do it.

It may be a bit in the way of hyperbole but I would suggest that during the Middle Ages zealots recruited and dispatched a Children's Crusade to make war on those they regarded as infidels in the Holy Land. Here again I think we are at risk of launching another Children's Crusade. I do not think this is a justifiable project. The budget and concerns of NOAA for other legitimate projects and activities are being stretched beyond the proper limit and we certainly should not distract from them by a new, untried, and to my mind unnecessary program whose lawful and proper objectives can be attained without the action of Congress in appropriating this kind of money now and the kinds of money that have been projected for the future.

Mr. Chairman, I urge a vote for the Fields amendment.

The account which is being diluted by the GLOBE appropriation provides funds for important regional research programs supported by many Members of the House. These programs have by and large not seen any increases in several years. The account also funds NOAA's mapping and charting efforts, an area where we are in some cases decades behind in work that needs to be updated. The Sea Grant Program which translates marine research into valuable real world applications is funded out of this account, as is long-term climate change research and oceanic observation and prediction work. All these programs are important in the here and now, and cannot afford to compete with a new education program that will consume \$100 million a year

by the year 2000. If you analyze the costs relative to the merits of this program, it is dramatically deficient. It is an idea whose time has not come.

Mr. SKAGGS. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Colleagues, if anyone thinks it is somehow a luxury to develop a worldwide understanding and appreciation of exactly what are the dimensions of the risk that this planet is in, I hope that they can be disabused of that notion because it is absolutely essential and important to this country, to our leadership in the world and to the planet as a whole that we be taking this kind of initiative.

I was visiting recently with some of this Nation's premier atmospheric scientists and they made a startling observation which was basically this: We do not know whether we may have already pushed the planet's ecosystems, its atmosphere, its other ecology past the point of no return. We do not know exactly what degree of peril the future of the planet may be in. It is clearly in the interests of the developed world with the United States in the leadership to induce, particularly, the underdeveloped world, the Third World, to get a stake in the solution to this problem. It is not going to be solved simply by the United States and Europe and those countries with high GDP doing their share. We have got to bring along the rest of the world.

So a program that deals with education in this area is critical. For us to sow the seeds around the world for schoolkids to start to get it, to start to understand their stake in the future of the planet and the measurements that inform judgments about what we do to make sure that we survive as a race and as a planet, could not be anything more profoundly in our national interest and in the international interest than helping move that process along.

So I hope that my colleagues, for all of the points on process and otherwise that have been raised in support of this amendment, I hope they will keep their eye on the ball, the GLOBE, and defeat this amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding to me.

Mr. Chairman, I want to associate myself with the gentleman's remarks. He I think very eloquently put his finger on what is at stake here. I of course am shocked at the distinguished gentleman from Texas [Mr. FIELDS] who is right an astonishing proportion of the time on these matters. This is most out of character for him. This is a very important, very inexpensive, very symbolic and I think very rewarding program. To raise consciousness around

the world and achieve some scientific benefits simultaneously for a relatively small price, to bring forth a generation, not just in our country but in all the countries of the world who are aware of and are committed to environmental progress, I think is a pretty sound investment.

So I commend the gentleman [Mr. SKAGGS] for his eloquent defense of the program. I think this is something which I think Members know is personally dear to the heart of the Vice President who I suspect has made that abundantly clear even to the gentleman from Texas, whose phone must have been out of order. I hope very much with all due respect and affection for my ranking member this amendment ought to be rejected.

I thank the gentleman for yielding.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks and just say when we look at many of these Third World countries where we believe we still have an opportunity, if we can help them choose the right environmental path that they will be able to secure a future of great economic independence should they make that choice. But that choice is going to come through education.

What we now see, unfortunately, is because of the lack of data, because of the lack of education on these issues of environmental concern, of environmental sustainability, economic sustainability, many of these countries are headed down the same path that other countries have gone, that end up being very, very costly for them in the long term, and then coming back with remediation, with trying efforts at mitigation. We have an opportunity in this program to take young children, make them environmentally aware, have them participate in understanding not only the environment of their own country but the environments of the other countries of the world and the interconnectiveness of those environments.

□ 1220

We know, that as hard as we try in this country to clean up the air, to clean up the waters, to protect the oceans, that that can be swamped by what can take place in terms of environmental degradation in the Third World. If China does not choose the right path in terms of energy production, it can overwhelm everything we are doing here in terms of clean air. If other countries do not choose the right path in terms of ocean pollution, it can overwhelm what we are doing in this country. So, we can end up spending billions and billions of dollars, billions

of dollars for remediation in this country, to have it be for naught if other countries do not start to take and choose those paths.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. SKAGGS] has expired.

(On request of Mr. FIELDS of Texas and by unanimous consent, Mr. SKAGGS was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I would just say that that is the option that this program provides us in some small way and to try to provide some seed money so we can encourage others to participate in this, and I would hope that we would reject the amendment offered by the gentleman from Texas [Mr. FIELDS] to the bill.

Mrs. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fields amendment. This amendment would cut \$7 million from the Commerce appropriations bill. This money is earmarked for GLOBE, the Global Learning and Observation to Benefit the Environment Program. This program is part of Vice President GORE's book, "Earth in the Balance." The program calls for a worldwide system in which schoolchildren and their teachers would monitor the global environment.

Included in this is a tree census to monitor the worldwide tree population. In addition to the \$7 million appropriation in this legislation, EPA and NASA are expected to contribute another \$6 million for a total of \$13 million in fiscal year 1995 funds. Mr. Chairman, I oppose funding this program for several reasons.

First, the program has never been authorized. In fact there have never even been hearings on this proposal. While we can think of many questions to ask of this program, there has never been an opportunity to do so.

Second, we simply cannot afford to begin funding yet another new program. Appropriations for the GLOBE program for fiscal year 1995 total \$13 million. These costs soar to \$100 million in the year 2000. This is money we could be using on drug interdiction, U.S. shipbuilding, crime, or welfare reform. Instead, the GLOBE program will force us to spend these funds on tree counting.

Finally, I oppose the program because it puts the United States in a position of funding schools and teachers in foreign countries to participate in this program. Given our Federal deficit and the need to wisely use Federal resources, it makes no sense to send our limited Federal tax dollars to unnamed foreign countries to use on their educational systems.

I urge my colleagues to support the Fields amendment and eliminate funding for the GLOBE Program.

Mr. FIELDS of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I would like to respond for just a moment to some of the thoughtful statements that have been made by my friends from West Virginia, Colorado, Massachusetts, and California.

Conceptually we think this has much merit. We have a real problem, however, with process, that we did not complete the authorization process. We have heard some very good statements today. As my colleagues know, it would be nice to hear these statements at the subcommittees, the full committee level, and then finally here on the floor, before we rush to an appropriation. So, there is a process problem.

Second, Mr. Chairman, we have a real concern about the amount of Federal tax dollars that will not only be spent in this fiscal year, but that will be spent in years in the future. We are getting conflicting numbers from a number of different people. We know what it is this year, but we also have to remind the House that \$500,000 was reprogrammed without any notice to this body until after the fact. That is a great concern to the minority.

Mr. Chairman, those are the reasons that we are standing here today saying that this is a program that should not be funded, it is a program that should be zeroed out, and this the opportunity.

Mrs. UNSOELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to associate myself with the remarks of the chairman, and the gentleman from Colorado, and the gentleman from Massachusetts in opposition to this amendment.

We adults tend to overlook the real value that children and students can bring, not only to their own learning, but to the contribution they can make to the world's knowledge. In my own community we have a businessman, the Saturn dealer to be exact, who has had such a program as this where students are gathering information on the water quality, on fish-spawning habitat, supplying it to the Department of Natural Resources, actually doing the valuable work toward the improvement of the quality of the environment in their community and in the State. It not only entices them for what needs to be done and makes them potentially so much more likely to be leaders in their communities when they are adults in addressing some of these issues, but it translates also into greater action and involvement by their parents. This is an opportunity with a very small United States match to spread that concept around the globe and to give young

people real opportunity to contribute to scientific knowledge and to contribute to benefiting this globe on which we share.

As the gentleman from California [Mr. MILLER] mentioned earlier, if we take inordinate measures to protect the environment in this country, if some other country has a totally different standard because the people are not enthusiastic about the protection, our efforts are in vain. The expenditures that our businesses and our people will make will be in vain. So, involving these young people while they are students, while they can become world citizens for the protection of the globe, now is the time to do it, and I oppose this amendment.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the amendment offered by the gentleman from Texas [Mr. FIELDS] to remove the funding for the GLOBE Program.

This appropriation bill appropriates \$7 million for GLOBE—an unauthorized new Federal foreign aid program. I am very concerned about the projection that this new program may cost the American taxpayer as much as \$2 billion by the year 2010.

Though I believe it is important that we should all work to take steps to preserve and protect the environment, this project is clearly the wrong approach.

The information gathered by these untrained foreign students will have dubious scientific value. In addition, the National Oceanic and Atmospheric Administration [NOAA] has indicated to the Merchant Marine and Fisheries Committee, in which I serve, that they are not sure how they are going to use this information that was collected.

Mr. Chairman, it is clear this program is a highly questionable expenditure of our scarce Federal dollars.

In these tight fiscal times—choice is the key word. NOAA is facing a reduced budget and could better use the money for such things as nautical charting or fleet repair. Or even better, my fellow colleagues can support the Fields amendment which will allow this Congress to direct the savings to job creation or fighting crime, a much higher priority for the American people.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's remarks, and I think the gentleman is right on in supporting the amendment offered by the gentleman from Texas [Mr. FIELDS]. I would just like to add a few things to what the gentleman from California has said.

As my colleagues know, the Democrats have the President and the White

House and all that that implies, and I know that the Democrats have a vast majority in the House, and they have a majority in the Senate. But I just think it is really unfortunate that we now have a new process of government. If the Vice President of the United States wants a new program, we just slide it into a bill and kick it off, no hearings, nothing. We are just going to do it. No accountability is there, no real airing of what is going on here.

□ 1230

I take one issue with the gentlewoman from Washington, who has seemed to be very enthusiastic, and I think laudable, in the fact she wants to create world citizens to do this kind of work using school children.

I might tell the gentlewoman that I have a degree, a bachelor of science degree in biology. I have had a lot of work in sampling programs and sampling courses, and I have got to admit to the gentlewoman that college students that have been taught to do sampling and use sampling methods provide terrible data. College students, people over the age of 18. Yet what this proposal is is to have seventh graders out there collecting data.

Now, what that suggests to me is that you do not care what the data says. In fact, NOAA does not know how to use the data if you did collect it correctly.

But you do not care what the data says, and that has been shown to me time and time again in the Clean Air Act. I can remember vividly that we had a \$100 million program that spent 10 years investigating acid rain. Yet we made sure that we passed the Clean Air Act before they published the conclusions on acid rain. And the conclusion was, by good scientists, Ph.D's out there collecting data, that acid rain was not the crisis that people on this floor wanted to portray.

I even asked Carol Browner, the Administrator of EPA, in our subcommittee, if she saw that science got in the way of her agenda on policy, what would she do? She virtually, and I am paraphrasing, said, that if science gets in the way, we will push it aside, because good policy is more important than good science.

That is what is happening here. And I think Members really ought to understand. We are going to spend millions of dollars collecting faulty data that will be assimilated so that we can prove a conclusion that has already been written in a book called "Earth In The Balance." That is the book that Vice President GORE wrote as a campaign piece. That is what is happening here, using taxpayer money, paying for a program that has not even been looked at and authorized by this House, to substantiate a conclusion written in a campaign book. That is what is happening here.

If you vote against the Fields amendment, you are supporting such nonsense.

Mr. POMBO. Mr. Chairman, reclaiming my time, in conclusion I would just like to say I am personally offended that we would use this process to further the unproven-by-scientists agenda of the Vice President, and try not only to inject that into the schools of America, but to inject that into schools worldwide, in order to further an agenda that scientists cannot even reach consensus on.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is important to stress a worldwide awareness that the ecosystems of the planet are being destroyed. Our oceans are being polluted, our rain forests are being destroyed, and I would think that foreign countries need to put an emphasis on our protecting those areas.

But to take \$700 million away from NOAA, \$6 million from NASA, with EPA contributing an amount of up to \$2 billion, for kids to collect scientific data, we have got to draw the line.

Let us let NOAA and the scientists that have the responsibilities for doing these things do it. It is also important, I think I would rather have \$7 million go for a tax cut for middle-class Americans.

We are trying to find a lot of dollars right now to fund a health care bill. We cannot do that right now. We have got a health care bill coming on the floor shortly that is underfunded. But yet we are going to spend up to \$2 billion on this. We are going to spend over 5 years, \$1 billion on the National Endowment for the Arts. We are going to have a California desert plan that is going to cost us billions of dollars. There is 336,000 acres. We do not have the money to pay for it, but it is OK, we will put it on the national debt, we will increase the deficit.

My constituents are telling me, "DUKE, do not raise my taxes and cut spending." Yet we continually find new ways to spend money. Nearly \$5 trillion, that equates to \$1.3 billion a day we pay on the national debt. That is just for the interest. That does not even include the principal.

Let us blame defense. We have cut defense \$177 billion, but we still increase the national deficit, through programs like I just have spoken about.

\$700 million, \$6 million request from NASA, the EPA contributing, for kids collecting scientific data.

Mr. Chairman, if we are going to be serious in Congress about reducing spending, the President said he wants to reduce the deficit, we are not going to do it by adding and adding and adding for all these different programs for new spending. We have environmental programs. One of the good things that

the President has done is focused on the environment.

A lot of our military bases today have dumped fuel oil and polluted the Earth, and a large part of it is companies that did not look ahead, and now it is costing us millions and millions of dollars to clean it up. Let us take the \$700 million or the \$2 billion and put it in something worthwhile, that is, a tax reduction, that is, for something that will help the environment. But to have foreign kids collect scientific data is not good for the American people.

Mr. GOODLATTE. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, today I rise in support of Mr. Fields' amendment and urge my colleagues to join me.

The Fields amendment strikes \$7 million from the National Oceanic and Atmospheric Administration appropriations for fiscal year 1995. This amount is equivalent to the funding level proposed for the GLOBE, the Global Learning and Observations to Benefit the Environment Program.

GLOBE was proposed by Vice President AL GORE in his book, "Earth in the Balance." NOAA would run the program to enhance the awareness of individuals throughout the world concerning humanity's impact on the environment.

Under this program, the United States would pay for schoolchildren around the world to take temperature, wind, and air chemistry measurements as well as to conduct an annual tree census.

But, one thing is certain—no matter how many trees are counted, the Vice President's program will not locate an oak, pine, or bamboo tree that has dollar bills as foliage. Money simply does not grow on trees.

While the concept of encouraging schoolchildren to take part in scientific experiments may be meritorious, this program is a highly questionable expenditure of our scarce Federal dollars.

In fact, GLOBE is so questionable that it has not been authorized by this Congress. Once again, however, the Appropriations Committee has adopted an elitist attitude and disregarded the decisions of the authorizing committee. This is an outrageous disregard for the rules of this body.

The authorizing committee is clearly in the best position to weigh the merits of the program and decide if it is worthy of Federal funding. I am confident that they had very good reasons for denying this program authorization.

For example, this year's requested funding for GLOBE is only \$7 million in fiscal year 1995, but projections indicate that spending will skyrocket to \$100 million in the year 2000. This means that the U.S. cumulative investment could total more than \$2 billion.

Not only is this program an enormous expense, most of this money will

be spent on other nations to train foreign teachers, buy satellite time, computers, and solar TV's.

With a ballooning national debt, Congress can hardly justify spending hard-working American taxpayers dollars on foreign schools.

Despite the expensive data to be collected by GLOBE, NOAA does not intend to reduce its budget for global climate research. This is a clear indication that the data obtained through GLOBE will be of dubious scientific value and that it is duplicative of other NOAA observations. In either case, it is obviously not worth the expenditure in a time when we should be pinching pennies.

Mr. Chairman, in addition to eliminating the \$7 million, the Fields amendment prohibits the use of any dollars appropriated to NOAA for the GLOBE Program. This is clearly necessary because last year NOAA blatantly ignored and violated Public Law 102-567, which requires that notice be given to the Committee on Merchant Marine and Fisheries before the agency reprogrammed \$500,000 of its fiscal year 1994 funds to start this program.

This is another example of the Congress disregarding its own rules of procedure. The GLOBE Program is unnecessary and wasteful and was denied authorization by the appropriate committee for very good reasons. I urge my colleagues to vote "yes" on the Fields amendment.

□ 1240

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

I have to rise in support of this amendment. There have been no hearings on this potentially very large project that eventually is supposed to reach every nation on Earth. This program has not been authorized by the House. The Committee on Education and Labor has not had hearings on the matter and by and large this is, if anything, an educational program. But the Committee on Education and Labor has had no hearings and has certainly not authorized this very new project.

No. 2, the money is being taken from the NOAA account.

NOAA is very precise in their mission. That is to make very scientific measurements of the environment, of research matters that are precise and that people depend upon even with their very lives in the case of the National Weather Service. No one is saying that the data to be collected worldwide by children will be anything near reliable scientific and research quality items. And yet, the money to be taken by this dubious project from the NOAA account would take money that we had to skimp to find from such things as the Modernization Program and the National Weather Service. We are underfunding that account by less than

the money in this bill. We are underfunding the polar spacecraft and the geostationary spacecraft that the National Weather Service has to have for the safety of every single American. If we want to find the money from some other agency, go to the Education bill, go to the Committee on Education and Labor, that is where this belongs, if anywhere. It does not belong in the NOAA account, Mr. Chairman, because we are underfunding critical programs in the NOAA account to fund this very dubious tree-counting mission in Argentina.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, \$59 million has been cut from drug interdiction. Fourteen Coast Guard search and rescue stations around the country have been eliminated. The Boat Safety Act has been zeroed out, and we will be coming before this body, as we have already, asking for funds for U.S. shipbuilding which is a high priority.

Mr. ROGERS. Mr. Chairman, I wish that we would pass this over for the time being. Vote for the Fields amendment. Let us eliminate this money so we can put it back in the National Weather Service to complete the Modernization Program and be able to launch the weather satellites in an appropriate way to fund them as we have. And let us pass the Fields amendment and have the Committee on Education and Labor, the authorizing committee, where this belongs, hold a couple of days of hearings, maybe 1 day of hearings. Let us know what we are dealing with. We are buying a pig in a poke here. The poke has some holes in it, because we have had to cut the NOAA account in so many other ways. I urge a vote for the Fields amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the distinguished ranking minority member for yielding to me.

I just wanted to clarify, I believe the gentleman from Virginia that preceded the distinguished ranking minority member, the gentleman from Virginia [Mr. GOODLATTE], probably misspoke and indicated that the authorization for this program had been denied. I am advised that the authorizing committee or one of the committees that would have jurisdiction, the Committee on Merchant Marine and Fisheries, has reported the bill and recommended an authorization of \$7 million. So there obviously has been very serious consideration by the authorizing committee.

Also I would like to point out that this program was the subject in one of our hearings in which Dr. Baker, who is head of NOAA, indicated that the

GLOBE Program, "is an opportunity for us to respond, to have a better educated public on environmental issues and also to engage our science and technology base in some educational activity." And then finally, "We see a real value-added activity here in terms of the data that will be produced."

So it obviously has the support of NOAA. It has had considerable consideration of the authorizing side while at the same time it has not gone completely through that process.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 1 additional minute.)

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, just to clarify very quickly, there were no hearings in the Committee on Merchant Marine and Fisheries. There was a subcommittee vote. There was a full committee vote.

Under a normal set of circumstances, this would now get to the Committee on Science, Space, and Technology.

That has not even taken up this particular piece of legislation. This is not completed, the normal authorization process wherein we have debate, wherein we can flush out issues and Members have an opportunity to act on a particular piece of legislation.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Kentucky for yielding to me and to clarify my remarks, which were what I gave in the RECORD, I stated that this House had not authorized this program. I stand by those remarks.

Mrs. BENTLEY. I rise in support of the amendment offered by Mr. FIELDS which eliminates the \$7 million from the unauthorized GLOBE Program.

Under GLOBE, the American taxpayer soon will pay for a worldwide education program under which schoolchildren from 20 foreign countries will monitor the earth daily by taking air chemistry measurements and conduct an annual global tree census.

Further, the \$7 million will be used, in part, to purchase solar-powered television sets, buy satellite time so children around the planet can compare data, train foreign teachers, and establish a new office under NOAA.

Mr. Chairman, why should the U.S. taxpayer provide the funding for foreign schools to participate in such a program? I am sure the American people would much rather see this money used for schools and schoolchildren here in the United States.

During a time of skyrocketing debt and when illiteracy is running rampant among our school-age children, we should not be spending \$7 million on GLOBE.

GLOBE may be a good concept; however, the private sector should finance it, not the cash-strapped American Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. FIELDS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 192, not voting 57, as follows:

[Roll No. 277]

## AYES—190

Allard	Goodling	Morella
Andrews (NJ)	Goss	Myers
Applegate	Grandy	Neal (NC)
Archer	Greenwood	Nussle
Armey	Gunderson	Orton
Bachus (AL)	Hall (TX)	Oxley
Baesler	Hamilton	Packard
Baker (CA)	Hancock	Parker
Baker (LA)	Hansen	Paxon
Ballenger	Harman	Payne (VA)
Barca	Hastert	Penny
Barrett (NE)	Hayes	Peterson (MN)
Bartlett	Hefley	Petri
Barton	Herger	Pickett
Bateman	Hobson	Pombo
Bentley	Hoekstra	Pomeroy
Bereuter	Hoke	Porter
Billakis	Holden	Portman
Bliley	Horn	Pryce (OH)
Blute	Huffington	Quinn
Boehlert	Hunter	Ramstad
Boehner	Hutto	Regula
Bonilla	Hyde	Roberts
Brewster	Inglis	Roemer
Bunning	Inhofe	Rogers
Burton	Insee	Rohrabacher
Byrne	Istook	Roth
Callahan	Johnson, Sam	Santorum
Camp	Kasich	Saxton
Canady	Kim	Schiff
Castle	King	Sensenbrenner
Chapman	Kingston	Shaw
Clinger	Klug	Shays
Coble	Knollenberg	Shuster
Collins (GA)	Kyl	Sisisky
Combest	Lambert	Skeen
Condit	Laughlin	Skelton
Coppersmith	Lazio	Smith (MI)
Cox	Leach	Smith (NJ)
Crane	Lehman	Smith (TX)
Crapo	Levy	Snowe
Cunningham	Lewis (CA)	Spence
DeLay	Lewis (KY)	Spratt
Dickey	Linder	Stearns
Dooley	Livingston	Stenholm
Doolittle	Lucas	Stump
Dornan	Mann	Swett
Dreier	Manzullo	Talent
Duncan	Margolies-	Tauzin
Dunn	Mezvinsky	Taylor (NC)
Emerson	McCandless	Thomas (CA)
Everett	McCrery	Thomas (WY)
Ewing	McDade	Thurman
Fawell	McHugh	Torkildsen
Fields (TX)	McInnis	Trafilant
Fowler	McKeon	Upton
Franks (NJ)	McMillan	Volkmer
Gallo	Meyers	Vucanovich
Gekas	Mfume	Walsh
Geren	Miller (FL)	Wolf
Gilchrest	Minge	Young (AK)
Gillmor	Molinari	Young (FL)
Gingrich	Montgomery	Zimmer
Goodlatte	Moorhead	

## NOES—192

Abercrombie	Barlow	Bilbray
Andrews (ME)	Barrett (WI)	Bishop
Andrews (TX)	Becerra	Blackwell
Bacchus (FL)	Bellenson	Bonior
Barcia	Bevill	Borsari

Brooks	Hochbrueckner	Poshard
Browder	Houghton	Price (NC)
Brown (CA)	Hoyer	Rangel
Brown (FL)	Hughes	Ravenel
Brown (OH)	Jefferson	Reed
Bryant	Johnson (CT)	Richardson
Cantwell	Johnson (GA)	Romero-Barcelo
Cardin	Johnson (SD)	(PR)
Carr	Johnson, E.B.	Ros-Lehtinen
Clayton	Johnston	Rose
Clement	Kanjorski	Rostenkowski
Clyburn	Kaptur	Rowland
Coleman	Kennedy	Roybal-Allard
Collins (IL)	Kennelly	Rush
Conyers	Kildee	Sabo
Cooper	Klecza	Sanders
Coyne	Klein	Sangmeister
Cramer	Kopetski	Sarpalius
Danner	Kreidler	Sawyer
Darden	LaFalce	Schenk
de la Garza	Lancaster	Schroeder
de Lugo (VI)	Lantos	Scott
DeFazio	LaRocco	Serrano
DeLauro	Levin	Sharp
Dellums	Long	Shepherd
Derrick	Lowey	Skaggs
Deutsch	Maloney	Slaughter
Diaz-Balart	Manton	Smith (IA)
Dicks	Markey	Stark
Dixon	Martinez	Strickland
Durbin	Mazzoli	Studds
Edwards (CA)	McCloskey	Stupak
Edwards (TX)	McDermott	Swift
Engel	McHale	Synar
English	McKinney	Tanner
Eshoo	McNulty	Tejeda
Evans	Meehan	Thompson
Farr	Meek	Thornton
Fazio	Menendez	Torres
Fields (LA)	Miller (CA)	Torricelli
Filner	Mineta	Tucker
Fingerhut	Mink	Underwood (GU)
Fish	Moakley	Unsold
Foglietta	Mollohan	Valentine
Ford (TN)	Moran	Velazquez
Frank (MA)	Murphy	Vento
Frost	Murtha	Visclosky
Furse	Nadler	Walker
Gejdenson	Neal (MA)	Watt
Gibbons	Oberstar	Weldon
Gilman	Obey	Whitten
Glickman	Olver	Williams
Gonzalez	Ortiz	Wilson
Gordon	Owens	Wise
Green	Pallone	Woolsey
Hamburg	Pastor	Wyden
Hastings	Payne (NJ)	Wynn
Hefner	Pelosi	Yates
Hinchee	Peterson (FL)	
Hoagland	Pickle	

NOT VOTING—57

Ackerman	Hall (OH)	Reynolds
Berman	Hilliard	Ridge
Boucher	Hutchinson	Roukema
Buyer	Jacobs	Royce
Calvert	Klink	Schaefer
Clay	Kolbe	Schumer
Collins (MI)	Lewis (FL)	Slattery
Costello	Lewis (GA)	Smith (OR)
Deal	Lightfoot	Solomon
Dingell	Lipinski	Stokes
Ehlers	Lloyd	Sundquist
Faleomavaega	Machtley	Taylor (MS)
(AS)	Matsui	Towns
Flake	McCollum	Washington
Ford (MI)	McCurdy	Waters
Franks (CT)	Mica	Waxman
Gallegly	Michel	Wheat
Gephardt	Norton (DC)	Zeliff
Grams	Quillen	
Gutierrez	Rahall	

□ 1310

Messrs. GLICKMAN, EDWARDS of Texas, and STRICKLAND changed their vote from "aye" to "no."

Messrs. GOODLING, SPRATT, POMEROY, and WALSH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROGERS. Mr. Chairman, did the Delegates to this body make the difference in this vote in the Committee?

The CHAIRMAN. The gentleman is correct.

The Chair was just about to address that matter.

Mr. ROGERS. I thank the Chairman.

The CHAIRMAN. Pursuant to clause 2(d) of rule XXIII the Committee rises.

Pursuant to clause 2(d) of rule XXIII the Committee rose; and the Speaker pro tempore (Mr. HUTTO) having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that the 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, 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. FIELDS of Texas: Page 39, line 24, strike "\$1,792,978,000" and insert "\$1,785,978,000".

Page 40, line 10, strike "\$1,751,978,000" and insert "\$1,744,978,000".

The SPEAKER pro tempore. Pursuant to clause 2(d) of rule XXIII, the Chair will now put the question de novo on the amendment offered by the gentleman from Texas [Mr. FIELDS].

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

RECORDED VOTE

Mr. FIELDS of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 184 not voting 66, as follows:

[Roll No. 278]

AYES—184

Allard	Blute	Combest
Andrews (NJ)	Boehlert	Condit
Applegate	Boehner	Coppersmith
Archer	Bonilla	Cox
Armey	Brewster	Crane
Bachus (AL)	Bunning	Crapo
Baker (CA)	Burton	Cunningham
Baker (NE)	Byrne	DeLay
Barca	Callahan	Diaz-Balart
Barrett (NE)	Camp	Dickey
Bartlett	Canady	Dooley
Barton	Castle	Doolittle
Bateman	Chapman	Dornan
Bentley	Clinger	Dreier
Bereuter	Coble	Duncan
Bliley	Collins (GA)	Dunn

Emerson	Klug	Porter
Everett	Knollenberg	Portman
Ewing	Kyl	Pryce (OH)
Fawell	Laughlin	Quinn
Fields (TX)	Lazio	Ramstad
Fish	Leach	Ravenel
Fowler	Lehman	Regula
Franks (NJ)	Levy	Roberts
Gallo	Lewis (CA)	Roemer
Geren	Lewis (KY)	Rogers
Gilchrest	Linder	Rohrabacher
Gillmor	Livingston	Ros-Lehtinen
Gingrich	Lucas	Roth
Goodlatte	Mann	Royce
Goodling	Manzullo	Santorum
Goss	Margolies-Schiff	Saxton
Grandy	Mezvinsky	Schiff
Greenwood	McCandless	Sensenbrenner
Gunderson	McCrary	Shaw
Hall (TX)	McDade	Shays
Hamilton	McHugh	Shuster
Hancock	McInnis	Sisisky
Hansen	McKeon	Skeen
Harman	Meyers	Skelton
Hastert	Mfume	Smith (MI)
Hayes	Miller (FL)	Smith (NJ)
Hefley	Minge	Smith (TX)
Heger	Molinari	Snowe
Hobson	Montgomery	Stenholm
Hoekstra	Moorhead	Stump
Hoke	Morella	Swett
Holden	Myers	Talent
Horn	Neal (NC)	Tauzin
Huffington	Nussle	Taylor (NC)
Hunter	Orton	Thomas (CA)
Hutto	Oxley	Thomas (WY)
Hyde	Packard	Thurman
Inglis	Parker	Torkildsen
Inhofe	Paxon	Trafficant
Insole	Payne (VA)	Upton
Istook	Penny	Vucanovich
Johnson, Sam	Peterson (MN)	Walsh
Kasich	Petri	Wolf
Kim	Pickett	Young (AK)
King	Pombo	Zimmer
Kingston	Pomeroy	

NOES—184

Abercrombie	English	LaRocco
Andrews (ME)	Eshoo	Levin
Andrews (TX)	Evans	Long
Bacchus (FL)	Farr	Lowey
Baessler	Fazio	Maloney
Barcia	Fields (LA)	Manton
Barlow	Filner	Markey
Barrett (WI)	Fingerhut	Martinez
Becerra	Flake	Mazzoli
Bellenson	Foglietta	McCloskey
Bevill	Ford (TN)	McDermott
Bilbray	Frank (MA)	McHale
Bishop	Furse	McKinney
Blackwell	Gejdenson	McNulty
Bonior	Gekas	Meehan
Borski	Gibbons	Meek
Brooks	Gilman	Menendez
Browder	Glickman	Miller (CA)
Brown (CA)	Gonzalez	Mineta
Brown (OH)	Gordon	Mink
Bryant	Green	Moakley
Cantwell	Hall (OH)	Mollohan
Cardin	Hamburg	Moran
Carr	Hefner	Murphy
Clayton	Hinchee	Murtha
Clement	Hoagland	Nadler
Clyburn	Hochbrueckner	Neal (MA)
Coleman	Houghton	Oberstar
Collins (IL)	Hughes	Obey
Conyers	Jefferson	Olver
Cooper	Johnson (CT)	Ortiz
Coyne	Johnson (GA)	Pallone
Cramer	Johnson (SD)	Pastor
Danner	Johnson, E.B.	Payne (NJ)
Darden	Johnston	Pelosi
de la Garza	Kanjorski	Peterson (FL)
DeFazio	Kaptur	Pickle
DeLauro	Kennedy	Poshard
Dellums	Kennelly	Price (NC)
Derrick	Kildee	Rangel
Deutsch	Klecza	Reed
Dicks	Klein	Richardson
Dixon	Kopetski	Rose
Durbin	Kreidler	Rostenkowski
Edwards (CA)	LaFalce	Rowland
Edwards (TX)	Lancaster	Roybal-Allard
Engel	Lantos	Rush

Sabo	Stark	Vento
Sanders	Strickland	Visclosky
Sangmeister	Studds	Volkmer
Sarpalius	Stupak	Walker
Sawyer	Swift	Waters
Schenk	Synar	Watt
Schroeder	Tanner	Whitten
Scott	Tejeda	Williams
Serrano	Thompson	Wilson
Sharp	Torres	Wise
Shepherd	Torricelli	Wyden
Skaggs	Tucker	Wynn
Slaughter	Unsoeld	Yates
Smith (IA)	Valentine	
Spratt	Velazquez	

## NOT VOTING—66

Ackerman	Hilliard	Reynolds
Ballenger	Hoyer	Ridge
Berman	Hutchinson	Roukema
Bilirakis	Jacobs	Schaefer
Boucher	Klink	Schumer
Brown (FL)	Kolbe	Slattery
Buyer	Lambert	Smith (OR)
Calvert	Lewis (FL)	Solomon
Clay	Lewis (GA)	Spence
Collins (MI)	Lightfoot	Stearns
Costello	Lipinski	Stokes
Deal	Lloyd	Sundquist
Dingell	Machtley	Taylor (MS)
Ehlers	Matsui	Thornton
Ford (MI)	McCollum	Towns
Franks (CT)	McCurdy	Washington
Frost	McMillan	Waxman
Galleghy	Mica	Weldon
Gephardt	Michel	Wheat
Grams	Owens	Woolsey
Gutierrez	Quillen	Young (FL)
Hastings	Rahall	Zeliff

□ 1332

The Clerk announced the following pairs:

On this vote:

Mr. Deal for, with Mr. Ackerman against.  
McCollum for, with Mr. Berman against.  
Mr. Calvert for, with Miss Collins of Michigan against.

Mr. Grams for, with Mr. Dingell against.  
Mrs. Roukema for, with Mr. Hilliard against.

Mr. Schaefer for, with Mr. Mica against.

Mr. VOLKMER and Mr. GEKAS changed their vote from "aye" to "no."  
So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I would like the RECORD to reflect that I was unavoidably detained for rollcall Nos. 277 and 278.

## PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I was absent for rollcall vote No. 278. I would have voted "aye" on rollcall vote No. 278.

The SPEAKER pro tempore (Mr. HOYER). Pursuant to clause 2(d), rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4603.

□ 1333

## 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. 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, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas [Mr. FIELDS] had been rejected on a recorded vote on which the votes cast by the Delegates and the Resident Commissioner were decisive. That result has since been affirmed by the House. Accordingly, the amendment offered by the gentleman from Texas [Mr. FIELDS] was rejected.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 5 minutes.

Mr. OBEY. Mr. Chairman. I would just like to take this time to discuss the time situation that we are in. I know that the gentleman from West Virginia [Mr. MOLLOHAN] has been asked to rise because of the natural gas situation at National Airport. Evidently a large traffic jam is developing because of that problem out there, and it is the Committee's intention to rise. But before that happens, Mr. Chairman, I simply want to make this point:

Before we adjourn in July for the July 4th recess, we have to finish this and all remaining appropriations bills, and that is going to mean that we are going to need the utmost cooperation of the membership with respect to limiting the time taken to discuss each of the amendments on each of the bills before us, and it is also going to mean that we are going to have to be here until midnight virtually every night next week.

So, Mr. Chairman, I simply take this time to bring to the attention of the House the fact that we are going to need that cooperation or we are going to be here substantially later than midnight every night next week.

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

Mr. ORTON. Mr. Chairman, I rise today for the purpose of stressing the importance of fully funding for the National Instant Criminal Background Check System [NICBCS] and to support the passage of this legislation. While this bill does not appropriate as much funding for the background check system as I would have liked, it is a step in the right direction. What we all have to realize is that in our efforts to reduce our Nation's enormous budget deficit, the amount of available funding sources are becoming more and more scarce. I also recognize the extraordinary pressures that members of this subcommittee, and every appropriations subcommittee for that matter, are facing when trying to craft a specific appropriations act.

This year's Commerce-Justice-State Appropriations Act, as reported to the House, provides a \$6 million appropriation for the FBI to

complete their NICBCS efforts. More importantly, however, is the expansion of the traditional Byrne law enforcement grants that will now allow States to use this funding source to upgrade criminal history records in their respective States. I view this as a major victory for every State across the Nation, since Congress is actually getting around to appropriating the funds that are needed to carry out the mandate that was incorporated as a part of the Brady bill. Unfunded Federal mandates have probably caused more friction between the U.S. Congress and our individual States than almost any other specific issue. This appropriations act will send a strong message to our State governments that Congress is starting to get serious about unfunded Federal mandates.

However, my overriding goal in obtaining full funding for the NICBCS is to sunset the 5-day waiting period before the 5-year moratorium on the waiting period is reached. I believe this goal is good public policy for two distinct reasons. First of all, it will accomplish what the Brady bill set out to do—to check the criminal background histories of potential gun buyers. Under the current law, before the NICBCS is fully operational, the local and State governments are not even mandated to check the criminal background records of every gun buyer—they are only required to make a good faith effort to run the background check within 5 days, and if it is not completed within the 5 day timeframe the gun sale may still go through. This is very different from the provisions of the current law which mandates that once the NICBCS is on-line, a criminal background check must take place before the sale can be completed. Second, the NICBCS will not infringe on the rights of law-abiding gun owners in the same onerous way that the Brady bill does.

Again, I thank the subcommittee and acting Chairman MOLLOHAN for their efforts and hard work on this legislation.

Mr. BROWN of California. Mr. Chairman, I rise in support of this Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill and I commend the gentleman from West Virginia 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. I wish I could say that I am pleased that the bill is free of earmarks, but I cannot—a point I will return to later.

With respect to the substance of the bill, I am extremely pleased that the committee has produced a bill consistent with the administration's requests for substantial increases in technology investment programs. Increasingly, economists and other public policy analysts have come to recognize that arguments for Government support of research and development activities apply not only to basic research but also farther down the R&D scale toward commercial development. R&D investments like those in the Advanced Technology Program, for example, 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. I am also pleased that the committee was able to increase funding for NOAA operations, research, and facilities above the fiscal year 1994 level in a tight budget environment.

Mr. Chairman, the Committee on Science, Space, and Technology has been investigating the practice of academic earmarking of appropriations bills for some time now. We have achieved some successes and we have run into some roadblocks in trying to keep this practice under control. This bill provides a good illustration of what has been happening. First, the good news. Last year we identified almost \$80 million in 63 earmarks in the Commerce, Justice, State conference report. This year, many of those earmarks are missing from the House report, and I commend Mr. MOLLOHAN for his efforts to keep academic earmarking under control. Unfortunately, this is a bill that is prone to earmarking by the other body and in conference. Also, some report language funds programs that have been authorized in House bills but not enacted into law.

As my colleagues may be aware, I do not count as earmarks those projects which have been requested by the President or have been authorized and signed into law. It is with some regret that I include the National Undersea Research programs five regional centers as an earmark. These centers, which are funded at \$16 million out of NOAA, have been authorized by the House in the past. The Merchant Marine and Fisheries Committee has finished their markup of a new authorization and that bill is ready for floor consideration. I fully expect the House to deal with that bill in the near future. However, we often cannot get the other body to act on NOAA authorizations and rarely have our authorizations become law. So long as that is the case, I must continue to report NURP as an earmark. I hope that my good friend from West Virginia recognizes that no blame accrues to him for funding this program. The House does the responsible thing. I want to commend my colleagues on the Merchant Marine and Fisheries Committee who moved the authorization this year and my colleagues on the Appropriations Subcommittee who are funding the program for their actions. However, I also ask that my friend from West Virginia point out to his counterparts from the other body that we in the House expect them to move these authorizations. Until that happens, I will continue to count such programs as earmarks and continue to complain about a process which effectively denies our authorizing committees and the members of those committees a voice in legislation.

Notwithstanding these concerns, Mr. Chairman, this is a good bill and I urge all Members to support it.

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. TORRES) 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 Commit-

tee, 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.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORTS ON H.R. 3636, NATIONAL COMMUNICATIONS COMPETITION AND INFORMATION INFRASTRUCTURE ACT OF 1993, AND H.R. 3626, COMMUNICATIONS REFORM ACT OF 1993

Mr. MARKEY, Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tonight to file a report on the bill (H.R. 3636) to promote a national communications infrastructure to encourage deployment of advanced communications services through competition, and for other purposes, and on the bill (H.R. 3626) to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled *United States versus Western Electric*, civil action No. 82-0192, U.S. District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes.

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

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, but I do so to yield to the gentleman from Massachusetts [Mr. MARKEY], my good friend, for further explanation.

Mr. MARKEY. Mr. Speaker, the Committee on Energy and Commerce intends to file the reports on H.R. 3636 and H.R. 3626 before the end of the day, but, because the House may not be in session at that time, we are affording the committee the opportunity to file the report today. It is our hope that these bills can be considered by the full House next week, and we want to give the Members the opportunity to review the report in a timely fashion.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, and I am not going to object, but I want to inform the Members on this side that the minority has had the opportunity to review this and there is no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORTS ON S. 1458, GENERAL AVIATION REVITALIZATION ACT OF 1994, AND ON H.R. 3626, COMMUNICATIONS REFORM ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 6 p.m. today to file a report on the Senate bill (S. 1458) to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes, and midnight tonight to file a report on the bill H.R. 3626 to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled *United States v. Western Electric*, Civil Action No. 82-0192, United States District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes. I do not believe the other side has any objection to these requests.

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

There was no objection.

□ 1340

COMMUNICATION FROM THE HONORABLE TOM DELAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM DELAY:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 23, 1994.

Hon. THOMAS S. FOLEY,  
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, This is to inform you pursuant to Rule L (50) of the Rules of the House that an employee in my office has been served with a subpoena issued by the United States District Court for the Eastern District of Virginia.

After consultation with the General Counsel, it was determined that compliance was consistent with the privileges and precedents of the House.

Sincerely,

TOM DELAY,  
Member of Congress.

LEGISLATIVE PROGRAM

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

Mr. DREIER. Mr. Speaker, I take this opportunity to address the House for 1 minute so that I might inquire of my very dear friend and Rules Committee colleague, the majority whip, the program for next week and our plans as we begin to head toward the July 4 district work period.

I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my friend for yielding. I will read the schedule for next week.

We will meet at noon on Monday, after a restful and happy weekend. We will have suspensions, 11 of them, as follows:

S. 1458, General Aviation Revitalization Act;

H.R. 2238, Federal Acquisition Improvement Act;

H.R. 4635, to extend the Export Administration Act of 1979 until August 20, 1994;

H.R. 4595, Marian Oldham Post Office;

H.R. 4596, John L. Lawler, Jr., Post Office;

H.R. 4400, Postal Inspection Service and Inspector General Act;

H.R. 2559, to designate a Federal building located in Kansas City, MO, as the "Richard Bolling Federal Building"; H.R. 3567, the John F. Kennedy Center Act Amendments of 1994;

H.R. 4576, to designate a Federal building in Washington, DC, as the "Jamie L. Whitten Federal Building";

H.R. 4577, to designate a Federal building and U.S. courthouse in Bowling Green, KY, as the "William H. Natcher Federal Building"; and

S. 832, to designate the plaza on the Federal Triangle Property in Washington, DC, as the "Woodrow Wilson Plaza."

We expect to conclude debate on those somewhere in the neighborhood of 2 to 3 o'clock. If votes are asked on any of the 11, we will roll them until Tuesday.

At approximately 2 or 3 o'clock, whenever we get there, we will recommence the Commerce-Justice-State appropriations bill and complete that, successfully, and then we will move on to the Labor, HHS, and Education appropriation bill for fiscal year 1995.

On Tuesday, Members should expect we will be working late every day next week, with hopefully a reasonable hour on Thursday. But we want to complete all 13 appropriation bills before the recess.

Tuesday, June 28, and Wednesday, June 29, and Thursday, June 30, the House will meet at 10:30 in the morning on Tuesday for morning hour, and then on Wednesday and Thursday we will meet at 10 a.m. There will be on suspension two bills, H.R. 3626, the Antitrust Reform Act, and H.R. 3636, the National Communications Competition and Information Infrastructure Act.

Then we plan to move, if we are at that point, having finished the Labor, HHS, and Education appropriations bill, we plan to move to the VA, HUD, and independent agencies bill, subject to a rule, and, of course, then to finish the others, the District of Columbia appropriations bill, and the Defense appropriation bill. In addition to that, Expedited Rescissions Act of 1994, subject to a rule, the California Desert

Protection Act could continue, and there is some discussion of the Antiredding and Insurance Disclosure Act, subject to a rule, also being part of the week.

That is what we intend to do.

Mr. DREIER. If I could reclaim my time and ask my friend a couple of questions, for starters, will we not be holding the morning hour on Monday? Am I correct in assuming that, that the House will convene at noon, but without having gone through a morning hour on Monday?

Mr. BONIOR. That is my information.

Mr. DREIER. The schedule now calls for Tuesday evening our Oxford style debate on trade and human rights. I was wondering if that is still scheduled, as the plan calls for us to go late each night?

Mr. BONIOR. Well, given what we have before us and the schedule that I read, I really think that we have to have further discussions with the minority on that. It seems to me it would be very difficult to fit that in. Before that decision is finally made, we obviously want to consult with the minority on that.

Mr. DREIER. I would be happy to yield to my friend, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding. I have had discussions with the gentleman from Pennsylvania [Mr. WALKER], and as the distinguished majority whip has said, because of the schedule and because of the fact we do not want the debates to start, say, at 10 or 11 o'clock at night, it is a problem.

Mr. DREIER. Which would be prime time for California, I should say.

Mr. HOYER. I do not want to debate the gentleman's definition of prime time, of course. But notwithstanding that, in discussing it with the gentleman from Pennsylvania [Mr. WALKER] and others, I think we believe we will probably put it over until after we come back. The majority whip is correct that that is under consideration. But I think that will be the result.

Mr. DREIER. Also, that provides an opportunity for the two of us to hone our arguments in advance of that debate and keep us busy over the break.

I would like to further inquire of my friend from Michigan, as we look at the Expedited Rescissions Act of 1994, what kind of rule can we anticipate on that Expedited Rescissions Act?

Mr. BONIOR. Well, I do not know. I cannot tell my colleagues. The Committee on Rules will have to hear it. As you know, we have upstairs in the Committee on Rules, as members of that committee, original jurisdiction on that bill. Of course, we also have the ability to set the procedures by way of the rule. And that, I do not know what we will do. It will depend upon the will of the majority of the committee.

Mr. DREIER. Let me also inquire, if I might, the second suspension on the list, the Federal Acquisition Improvement Act, I understand there are a number of members of the Committee on Armed Services who are still making an attempt to work that issue out. Is that in fact going to be the number two item on the suspension calendar?

Mr. BONIOR. We understand there are still discussions ongoing between the ranking member and its chairman, and, of course, as always, if the committee asks us to pull that, we will pull it.

Mr. DREIER. I would also like to ask, as I look at the schedule, it states that the votes on the suspensions on Monday will take place at the end of debate on that. You have said that we would have those votes postponed until Tuesday.

Mr. BONIOR. The latter is correct. I will restate that for my friend. The suspensions, the votes if ordered, will be taken on Tuesday, and not at the end of the day on Monday.

Mr. DREIER. So on Monday we can anticipate beginning sometime after 3 o'clock?

Mr. BONIOR. We expect these 11 suspensions will run their total out at probably 2 to 3 o'clock. Then we will get into the amendment process. Of course, we do not know how long the debate will take on the first amendment. Three o'clock I think is probably a safe hour for Members to plan on.

Mr. DREIER. I have been told by some of my fellow California colleagues that we most likely will not see the California Desert Protection Act coming up next week. Is there any indication as to that?

Mr. BONIOR. As you can tell from the heavy schedule that I have outlined, it is going to be very difficult to get all this work and get back to California desert. But the Committee on Appropriations and its members and its leadership and its chairman are moving with good speed, and we may just finish early enough that we might want to consider that important environmental bill.

Mr. DREIER. Now, while we are planning to work late each night next week, what time could we anticipate completing our work on Thursday? A number of my colleagues on this side have been asking.

Mr. BONIOR. People should not count on an early finish on Thursday. It would be nice, that would be our goal, that is what we will aim for so people can travel for the 4th of July recess period. But we will stay, as of right now, to finish the important appropriation work, and that may take us late into the evening.

Mr. DREIER. Just one final question. We have discussed this issue before, but as we all know, in a bipartisan way, we spent calendar year 1993 and until the Joint Committee on the Organization

of the Congress and successfully marked up H.R. 3801 just before Thanksgiving and our adjournment of the first session of the 103d Congress. There have been plans for the reform package, H.R. 3801, to come to the floor on four or five different occasions, and I was wondering if my friend might give us any indication as to when we might have the measure, with the generous rule intact, so that the full House can take up the package that was worked on so diligently by Members of our joint committee?

Mr. BONIOR. Well, the description that my colleague has just given with respect to how it will reach the floor will obviously be altered by what type of rule we provide and where we go with the package in its aggregate or individually. Those decisions have not been made yet. We hope to get something to the floor by the August recess, as I told the gentleman when we discussed this last week in this very same exercise.

□ 1350

Mr. DREIER. Mr. Speaker, I thank the gentleman.

#### ADJOURNMENT TO MONDAY, JUNE 27, 1994

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from Michigan? There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

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 will be recognized for 5 minutes each.

#### KEEPING FATHERS AT HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] will be recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, tonight 15 million children, about one-

third of the children in America, will go to bed in a house where no father lives. In many cases they do not even know who their father is. Yet 90 percent of the children on public assistance are in this situation. They live in fatherless homes.

The Journal of Research and Crime and Delinquency, which indicates and tracks the correlation between crime and family structure, has said that the real predictor of crime in a neighborhood is not income level and it is not education. But it is how many fathers live at home and how many do not.

Seventy percent of the children in long-term juvenile homes grew up in households without fathers. It goes on and on about the impact of what it is like to grow up in a family without a father.

One of the interesting cases is that of abused children—the odds that if the father abuses that child—it is 40 to 1 that that father is not the child's biological father. This is a tremendous problem, Mr. Speaker. It is something that I do not feel we as a body have done enough to address, because if you look at these statistics and you track along teenage pregnancy, drop-out rates, lower grades, crime problems, emotional problems and so forth, yes, there is a relationship between living in a household with a father and living without one.

We talk about welfare reform. We debate it over and over again. Yet we are missing the basic component of it, and that is getting the dad back at home.

Now, if you look at our society and what we have done to fathers, look at them on television. Fathers are depicted as being silly, superfluous buffoons. They are overgrown children and silly or, if not, they are the greedy, malicious person who is the protagonist in the story and one who is causing all the problems. That is the Hollywood depiction of a father.

Of course, then there is the politically correct depiction of a father, one who cries and whines, really, not just at proper times but incessantly as a way to diminish his masculinity. He will just show emotions at all costs and basically to try to run from what I would say would be his masculine role in the family structure.

But the government's view is the worst, Mr. Speaker, because what we say is that if a dad lives at home, the family welfare units, his income added to the total income is what causes the family to have to go back out on the streets, what causes the family not to be eligible for public assistance and what causes the family in most cases to break up, his income.

I believe that is, we are going to do something about crime, do something for education, something for teenage pregnancy and so forth, we have to start with the dad. We have to have the father at home.

If we do reform welfare and, based on some of the things around here, I do not know that we ever will get significant welfare reform done, but if we do, a chief component has to be getting dad's income in there. That father has to become part of the formula. He cannot act like an alley cat, get some woman pregnant or in some cases a girl, that is what they are, children, and then run off to the next conquest. We have to say to that young 17-year-old boy that, you are indeed on the hook, just as much as the 17-year-old mother is, and as long as that child is a member of the minority, until she becomes 21 years old, she is your responsibility. And regardless of where you are, a portion of your paycheck and energy is going to be going to raise that family.

But where he is, I hope, is at home under the same roof with the biological mother. Because, Mr. Speaker, statistics tell us that we have to do this if we are going to rebuild the family structure and bring down crime and the education dropout and so forth.

What I would like to see, as a Member of Congress, is a study on bringing the dad back in. Let us forget a traditional conservative view of welfare reform. Let us forget the traditional liberal view of welfare reform. Let us just talk about family reform and getting that father back at home, getting them under one roof.

I think the first thing we have to start with is rent reform that will allow the dad to live with the family and not have his income throw them out of public housing. There is a bill on that. I have cosponsored that. But that is only a step.

I think the second thing is saying that if you get someone pregnant and you are a man that you are on the hook for 21 years. We are going to track you down and so forth. We do not have a bill on that right now, but I want to look into it. And I am trying to separate this from a sweeping welfare reform and only target on where I believe the critical need is.

#### MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time to talk about a critically important foreign policy issue which is going to be debated in the next several weeks here in the Congress. I am talking about a decision that President Clinton made with which I agree, and that happens to be his very wise and thoughtful choice to proceed with the granting or renewal of most-favored-nation trading status for the People's Republic of China.

Let me, at the outset, say that it is extraordinarily surprising to me to see

the top leaders of the Democratic Party standing up and opposing their President on what is clearly a very important foreign policy question. I am referring, of course, to the majority leader of the U.S. Senate, Mr. MITCHELL, and to the leaders here in the House, the gentleman from Michigan [Mr. BONIOR] and the gentleman from Missouri [Mr. GEPHARDT] and others who have chose to, in fact, try to defeat President Clinton in his very wise decision to proceed with MFN for China. Obviously, every one of us are concerned about the human rights situation as it exists in China. I am one who has proudly said on many occasions that I joined with Democrats and Republicans alike in marching up to the Chinese Embassy 5 years ago this month and demonstrating, joined in demonstrating our concern and outrage over the Tiananmen Square massacre which took place on the 4th of June 1989.

□ 1400

Having done that, Mr. Speaker, I came to the conclusion that if we really want to deal effectively with the human rights problems that exist in China, and they are very serious, they have been and they continue to be, the best way for us to effectively address that, and President Clinton has decided the same thing, is to proceed with most-favored-nation trading status, basically strengthening, strengthening the exposure of Western values to the people of China. Most everyone has concluded that.

In fact, Mr. Speaker, if we look at a recent quote from Nicholas Christoff, who happens to be the Beijing bureau chief from the New York Times, he said it very clearly, having traveled throughout the country, of a country of between 1.2 and 1.3 billion people, he said "If you talk with the peasants, if you talk with workers in China, if you talk with the intellectuals, they all unite in one simple statement: Do not curb trade."

They know that as we look toward the future of the most populous country on the face on the earth, that we do not want to see an economically devastated country. We have to realize that \$8 billion a year is being exported from the United States to the People's Republic of China, so jobs are created here in this country, and at the same time the relationship that we have with China allows consumers here in the United States to have the chance to purchase goods at prices which are more affordable, basically enhancing the standard of living right here in the United States.

Of course, having referred to those benefits, one cannot say that we have those as priorities over human rights. I happen to believe that human rights are very important there, but as we look at the past decade in China, we

have seen improvements in human rights. After all, if we look at the statements that have been made by many Chinese dissidents, they have acknowledged that it has been the involvement of the United States which has improved the standard of living there.

Mr. Speaker, I have told this story before. When I was in China a couple of months ago, one of the people who was with us, a tour guide, when we were outside of Beijing, was reminded of how devastating the quality of life has been in the former Soviet Union, and he responded by saying, "That was the way things were in China 10 years ago."

If you look at the standard of living in the People's Republic of China, clearly it has seen improvements, steady improvements, and the elimination of most-favored-nation trading status I sincerely believe would not only reduce the standard of living for the 1.2 billion people in China, but in fact would exacerbate, rather than improve, the human rights situation there.

That is why, Mr. Speaker, I find it absolutely shocking that the leadership on the majority side, the Democrat leadership in both the House and Senate, have chosen to stand up to President Clinton in this decision. I hope that when we face what certainly will be a motion here of disapproval for the President's decision, that in a bipartisan way we will be able to come together in the name of improving human rights in the People's Republic of China and improving the standard of living for people in China, the United States, and other countries throughout the world.

#### SILLINESS ABOUT SOVEREIGNTY?

The SPEAKER pro tempore (Mr. PENNY). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, President Clinton is urging the public to pressure Congress into passing the expanded General Agreement on Tariffs and Trade [GATT] this year, not next. That, despite estimates that tariff cuts negotiated in the treaty could cut \$12 to \$14 billion from Federal revenue over 5 years.

The loss of revenue is a major concern. However, what is more distressing is the loss of sovereignty of the United States under the agreement.

Individual States and American citizens are waking up to the truth about GATT. According to the North Carolina Winston-Salem Journal, the new GATT can be used to overturn tax laws that foreigners consider unfair.

American citizens understand this fact and also are loudly voicing concerns about the loss of sovereignty of the United States under the World

Trade Organization [WTO], one of the 200 agreements included in GATT. Those concerns are legitimate.

GATT supporters insist they will be able to make up the revenue loss through eventual economic growth. However, once you've lost your sovereignty, it is gone.

Countries assuming the right to reject GATT rulings as a sovereign prerogative were criticized by Peter Sutherland, director general of the GATT, in a June 16 Reuters story.

In his interview, Mr. Sutherland said countries assuming the right to reject GATT rulings as a sovereign prerogative "amounts to a country choosing to be above the law whenever it is inconvenient to observe the law and this option would not be open to countries under the WTO."

That means the United States of America is expected to abide by and live under the WTO law—laws made by international bureaucrats, trade lawyers and other approved representatives from 118 nations and not—I repeat—not your elected representatives.

Proof of this fact is in a Wall Street Journal story which reported on a letter written about the telecommunications bill by U.S. Trade Representative Mickey Kantor.

In his letter, Ambassador Kantor warned Members of Congress who sought to require jobs for Americans in the bill,

That the local manufacturing and local content requirements [in the telecommunications bill] would be inconsistent with existing U.S. obligations under the GATT.

When he was questioned about what the United States could do if it violated the WTO provision, Ambassador Kantor replied by citing both NAFTA and GATT that

If a dispute settlement panel found the provision [the U.S. law] to be inconsistent with the NAFTA, the United States would have the choice of either bringing the provision into conformity with the NAFTA, through congressional amendment or agreeing on alternative trade compensation.

In other words, the United States has no other choice but to adhere to regulations set up by an organization made up of 118 nations.

Under the new GATT, Congress will have limited power over trade. If passed, the WTO and GATT commission will supersede U.S. law. We cannot allow this to happen.

In criticizing opponent to the GATT, one newspaper headline read, "Silliness About Sovereignty."

I disagree heartily that protecting the rights of Americans is silly. To quote Thomas Jefferson in a March 1809 address to the citizens of Washington County, MD, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."

It seems to me that a sovereign nation is obligated to act to protect its

citizens. Not after the NAFTA and not under the WTO.

Florida found out what happens with the dumping of Mexican tomatoes into the State which is destroying the Florida farmers. Now, the fresh-cut flower industry is suffering because of the dumping of roses from South America at below market prices. Neither the State nor the Federal Government can act to protect those businesses.

Our Founding Fathers would turn over in their graves if they knew what is happening to this country under these international agreements.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at the request of Mr. GEPHARDT), for today, after 12:15 p.m., on account of family problems.

Mr. DEAL (at the request of Mr. GEPHARDT), for today, after 12:30 p.m., on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT), for today, after 12 noon, 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 heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

(The following Member (at the request of Mr. BONIOR) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. CAMP.

Mr. SOLOMON.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. EDWARDS of Texas.

Mr. SHARP.

Mr. BOUCHER.

Mr. RUSH.

Mr. RICHARDSON.

Ms. WATERS.

Mr. RANGEL.

Mr. STARK.  
Mr. PAYNE of New Jersey.  
Mr. BONIOR.  
Mr. BARLOW.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 1994, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3419. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the June 1994 semi-annual report on the tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking, Finance and Urban Affairs.

3420. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting notice of final priority—Cooperative Demonstration Program (Manufacturing Technologies), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3421. A letter from the Secretary of Transportation, transmitting the semiannual report of the inspector general for the period October 1, 1993, through March 31, 1994, and management report, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3422. A letter from the Public Printer, U.S. Government Printing Office, transmitting the Office's management report for the 6-month period ending March 31, 1994, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3423. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing nominating conventions, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

3424. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of the Pueblo of Nambé's judgment funds in Docket 358, before the U.S. Court of Federal Claims, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Natural Resources.

3425. A letter from the Secretary of Commerce, transmitting the Department's report regarding bluefin tuna for the periods 1987-1988, 1989-1990, and 1991-1992, pursuant to 16 U.S.C. 971i; to the Committee on Merchant Marine and Fisheries.

3426. A letter from the Chairman, Competitiveness Policy Council, transmitting the Council's third report to the President and the Congress on the current state of U.S. competitiveness and recommendations for needed policy changes, pursuant to 15 U.S.C. 4803; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Science, Space, and Technology, and Banking, Finance and Urban 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. BROOKS: Committee on the Judiciary. S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; with an amendment (Rept. 103-525, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 8. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1998; with amendments (Rept. 103-535, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee on Appropriations. H.R. 4649. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-558). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3626. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled U.S. versus Western Electric, Civil Action No. 82-01982, U.S. District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; with an amendment (Rept. 103-559, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3626. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled U.S. versus Western Electric, Civil Action No. 82-0192, U.S. District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; with amendments (Rept. 103-559, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3636. A bill to promote a national communications infrastructure to encourage deployment of advanced communications services through competition, and for other purposes; with an amendment (Rept. 103-560). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committees on Armed Services and the Judiciary discharged from further consideration of H.R. 4299; H.R. 4299 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. SHARP, Mr. MARKEY, and Mr. DINGELL):

H.R. 4645. A bill to amend the Federal Power Act to authorize the Federal Energy Regulatory Commission to disallow recovery of certain costs incurred by public utilities pursuant to transactions authorized under section 13(b) of the Public Utility Holding Company Act of 1935, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEAL (for himself, Mr. JOHNSON of Georgia, Mr. GENE GREEN of Texas, Mr. PARKER, and Mr. SANDERS):

H.R. 4646. A bill to amend title XIX of the Social Security Act to make optional the requirement that a State seek adjustment or recovery from an individual's estate of any medical assistance correctly paid on behalf of the individual under the State plan under such title, and to raise the minimum age of the individuals against whose estates the State is permitted to seek such adjustment or recovery; to the Committee on Energy and Commerce.

By Ms. SCHENK:

H.R. 4647. A bill to direct the Secretary of the Interior to convey to the city of Imperial Beach, CA, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 4648. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. BEREUTER:

H. Con. Res. 260. Concurrent resolution calling for the United States to propose and seek an international conservatorship in Haiti; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. CRAMER, Mr. SAM JOHNSON, Mr. BACCHUS of Florida, Mr. DEAL, Mr. BOEHLERT, Mr. BOUCHER, and Mr. TANNER):

H. Con. Res. 261. Concurrent resolution to honor the U.S. astronauts who flew in space as part of the program of the National Aeronautics and Space Administration to reach and explore the Moon; to the Committee on Science, Space, and Technology.

## MEMORIALS

Under clause 4 of rule XXII,

432. The SPEAKER presented a memorial of the Legislature of the State of Missouri, relative to unfunded Federal mandates; jointly, to the Committees on Government Operations and the Judiciary.

## ADDITIONAL SPONSORS

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

H.R. 65: Mr. MENENDEZ, Ms. ENGLISH of Arizona, and Mr. GEKAS.

H.R. 291: Mr. THOMAS of Wyoming, Mrs. LLOYD, Mr. APPELGATE, Mr. WELDON, Ms. DELAURO, Mr. STENHOLM, and Mr. JACOBS.

H.R. 1277: Mr. KNOLLENBERG.

H.R. 1500: Ms. VELAZQUEZ.

H.R. 1532: Mr. SCHAEFER and Mr. ALLARD.

H.R. 1671: Mr. GONZALEZ, Mr. APPELGATE, and Ms. ESHOO.

H.R. 1900: Mr. KENNEDY.

H.R. 2229: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. MARTINEZ, Mr. OLVER, Mr. LEWIS of Georgia, Mr. MINK of Hawaii, Mr. FOGLETTA, Mr. HOCHBRUECKNER, Mr. DEFazio, Mr. FLAKE, Mr. TOWNS, Mr. ABERCROMBIE, and Mr. DELLUMS.

H.R. 2420: Mrs. UNSOELD.

H.R. 2443: Mr. KYL, Ms. ENGLISH of Arizona, and Mr. HILLIARD.

H.R. 2672: Mr. WILLIAMS.

H.R. 3472: Mr. JOHNSTON of Florida.

H.R. 3507: Mr. BREWSTER, Mr. SPENCE, and Mr. CLYBURN.

H.R. 3523: Mrs. ROUKEMA.

H.R. 3594: Mr. ZELIFF.

H.R. 3626: Mr. FISH, Mr. MOORHEAD, Mr. MARKEY, and Mr. FIELDS of Texas.

H.R. 3835: Mr. CRANE and Mr. ORTON.

H.R. 3913: Mrs. MEYERS of Kansas.

H.R. 3940: Mrs. MEYERS of Kansas and Mr. SOLOMON.

H.R. 3967: Mr. FRANKS of Connecticut, Mr. ZELIFF, and Mr. FRANKS of New Jersey.

H.R. 3990: Mrs. BYRNE, Mrs. CLAYTON, Ms. LOWEY, and Mr. ROYCE.

H.R. 4068: Mr. HERGER and Mr. DOOLEY.

H.R. 4069: Ms. VELAZQUEZ, Mr. BRYANT, Mr. FROST, Mr. DELLUMS, and Mr. HILLIARD.

H.R. 4070: Ms. VELAZQUEZ, Mr. BRYANT, Mr. FROST, Mr. DELLUMS, and Mr. HILLIARD.

H.R. 4071: Ms. VELAZQUEZ, Mr. BRYANT, and Mr. DELLUMS.

H.R. 4188: Mr. KOPETSKI, Mr. RAHALL, and Mr. LEACH.

H.R. 4195: Mr. COLEMAN.

H.R. 4198: Mr. ARMEY, Mr. ARCHER, Mr. SAXTON, and Mr. DELAY.

H.R. 4315: Mr. FROST.

H.R. 4345: Mr. CANADY, Mr. ABERCROMBIE, and Mr. OXLEY.

H.R. 4347: Mr. SANDERS.

H.R. 4386: Mr. GILMAN.

H.R. 4399: Mr. MORAN.

H.R. 4404: Mr. HOUGHTON, Mr. DREIER, Ms. LONG, and Mr. MACHTLEY.

H.R. 4507: Mr. OWENS.

H.R. 4517: Mr. MURPHY.

H.R. 4527: Mrs. ROUKEMA, Mr. DICKEY, and Mr. CRAMER.

H.R. 4565: Mr. SCOTT, Mr. JACOBS, and Mr. ANDREWS of New Jersey.

H.R. 4582: Mr. SHAYS.

H.J. Res. 287: Mr. GENE GREEN of Texas, Mr. WOLF, Mr. BONIOR, Mr. MOLLOHAN, Mr. UPTON, Mr. KNOLLENBERG, Mr. FAWELL, Mr. MARTINEZ, Mr. LAFALCE, Mr. GORDON, Mr. KILDEE, Mr. PALLONE, and Mr. GRAMS.

H.J. Res. 326: Mr. HALL of Ohio and Mr. MARTINEZ.

H.J. Res. 332: Mr. PICKLE, Mr. GINGRICH, and Mr. HAYES.

H.J. Res. 353: Mrs. KENNELLY, Mr. BARCIA of Michigan, Mr. TORKILDSEN, Mr. SANGMEISTER, Mr. FAZIO, Ms. WOOLSEY, Mr. STARK, Mr. DIXON, Mr. BERMAN, Mr. DREIER, Mr. TORRES, Mr. BLACKWELL, Mr. BECERRA, Mr. HUTTO, Mr. SWETT, Mr. ZELIFF, Mr.

LAUGHLIN, Mr. SHARP, Mr. FORD of Tennessee, Mr. ANDREWS of New Jersey, Mr. HOCHBRUECKNER, Mr. MOAKLEY, Mr. HOLDEN, Mr. CONYERS, Mr. MONTGOMERY, Mr. EWING, Mr. EVANS, Mr. UNDERWOOD, Mr. DEFazio, Mr. GONZALEZ, Mr. MURTHA, Mr. QUILLEN, Mr. ROSE, Mr. DEUTSCH, Mr. HAYES, Mr. LIGHTFOOT, Mr. KLECZKA, Mr. MOORHEAD, Mr. LEWIS of California, Mr. SCOTT, Mr. COYNE, Mr. MURPHY, Mr. FORD of Michigan, Mr. COBLE, Mr. DEAL, Mr. DIAZ-BALART, Mr. FIELDS of Texas, Mr. GILCHREST, Mr. HUNTER, Mr. INHOFE, Mr. KIM, Mr. KREIDLER, Mr. LAROCO, Mr. MACHTLEY, Mrs. MALONEY, Mr. MCINNIS, Mr. MICHEL, Mr. POMBO, Mr. RAVENEL, Miss COLLINS of Michigan, Mr. SPENCE, Mr. STUMP, Mr. TALENT, Mr. SAM JOHNSON, Mr. KINGSTON, Mr. PASTOR, Mr. PAYNE of Virginia, Mr. SLATTERY, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. MCDERMOTT, Mr. RIDGE, Mr. ORTON, Mr. OBEY, Mr. CLYBURN, Mr. DOOLITTLE, Mr. FALEOMAVAEGA, Mr. GALLO, Mr. REED, Mr. ROWLAND, Mr. GALLEGLY, Mr. SPRATT, Mr. MANTON, Mr. COSTELLO, Mr. HORN, Mr. TUCKER, Mr. PETERSON of Florida, Mr. JOHNSON of Georgia, Mr. STENHOLM, Mr. BEREUTER, Mr. BOEHLERT, and Mr. PORTER.

H.J. Res. 378: Mr. BALLENGER, Mr. LIGHTFOOT, Mr. MOORHEAD, Mr. JACOBS, Mr. CRAMER, and Mr. CLEMENT.

H. Con. Res. 84: Mr. SOLOMON and Mr. BARRETT of Wisconsin.

H. Res. 451: Ms. LONG, Mr. COOPER, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Mr. SCOTT, Mr. JACOBS, and Mr. ANDREWS of New Jersey.

## DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 22, June 21, 1994, by Mr. INHOFE on House Resolution 409, has been signed by the following Members: James M. Inhofe, Peter Hoekstra, Michael A. "Mac" Collins, Y. Tim Hutchinson, Bill Baker, Tillie K. Fowler, Peter Blute, Peter G. Torkildsen, Joe Knollenberg, Michael Huffington, Richard W. Pombo, Cass Ballenger, Lamar S. Smith, Dana Rohrabacher, Edward R. Royce, Ken Calvert, Howard P. "Buck" McKeon, Thomas W. Ewing, Jennifer Dunn, and Timothy J. Penny.

## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. TRAFICANT on H.R. 3261: Frank D. Lucas.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Sam Johnson and Christopher H. Smith.

Petition 18 by Mr. HASTERT on House Resolution 402: Michael A. "Mac" Collins.

Petition 19 by Mr. EWING on House Resolution 415: Bill Paxon, Robert K. Dornan, Peter G. Torkildsen, Ernest J. Istook, Jr., Jim Lightfoot, Joe Barton, Richard K. Arney, and Henry Bonilla.

## EXTENSIONS OF REMARKS

## RUSSIAN CHEMICAL WEAPONS

## HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SOLOMON. Mr. Speaker, a recent New York Times article reveals that administration officials believe that Russia is continuing to develop advanced chemical weapons, despite assurances to the contrary. I do not know why anyone would be surprised by this, Mr. Speaker. We already know that Russia is in violation of the CFE accords, as well as the Biological Weapons Convention.

Let the record also show, Mr. Speaker, that what worries the Clinton administration most is not the security threat from these weapons or the dubious light that this finding sheds on our so-called partnership with Russia. No, as the article states, what worries the Clinton team most is that this new evidence might give ammunition to those of us in Congress who might oppose the global treaty on chemical arms, to be debated in the Senate shortly.

How typical of this administration's foreign policy, Mr. Speaker. National interests, security threats, and well-grounded alliances mean nothing, but appearances mean everything.

I would hope that the Senate would take a good look at the Russian chemical program before ratification. Regardless of how the debate on this treaty unfolds however, this news underscores the importance of the Senate adopting the Kyl amendment to the Defense authorization bill, which would deny any DOD funds from being used for the purpose of helping Russia destroy weaponry to meet her treaty obligations. If either the Senate or the conferees do not adopt the Kyl amendment, they will have to explain to their constituents why they voted to give American defense dollars to a country that is spending a lot of money in violation of several treaties and agreements.

Conventional weapons, biological weapons, and now chemical weapons. How about three strikes and you're out for Russia, Mr. Speaker?

[From the New York Times, June 23, 1994]

## RUSSIA HIDES EFFORT TO DEVELOP DEADLY POISON GAS, U.S. SAYS

(By Michael R. Gordon)

WASHINGTON.—Russia is concealing efforts to develop advanced chemical weapons, despite its pledge to disclose details of its poison gas program to the United States, Clinton Administration officials said today.

That assessment illustrates the problems that Washington has in dealing with the new Russia, as Moscow has pledged to cooperate with the West, but has been dragging its feet on putting some important arms control accords into effect.

It also has important ramifications for the Senate, which is considering whether to approve a global treaty banning poison gas. Suspicions about Russia's poison gas pro-

gram and Moscow's difficulties in devising an effective plan to destroy the stocks—at 40,000 tons, the largest arsenal in the world—have become an important issue in the Senate debate.

## EXCHANGE OF DATA

Administration officials said Washington's concerns arose in recent weeks when Russian and American officials carried out a long-planned exchange of data on their past efforts to develop, produce and stockpile chemical weapons.

Administration officials looked forward to receiving the information—the most comprehensive accounting of the Russian chemical weapons program—with more than usual interest: American intelligence has long concluded that the Russians have worked to develop binary chemical weapons, but Moscow has never formally acknowledged the effort. Binary weapons are an advanced munition in which two different types of chemical agents are mixed together to produce a deadly type of poison gas.

"We have long believed the Russians have been pursuing a binary weapons capability," a senior Administration official said, referring to Russian efforts to develop and test the weapons.

## ASSERTION BY RUSSIAN CHEMIST

The American concerns over Russian's chemical program were also underscored when Vil Mirzayanov, a Russian chemist, was charged by Russian authorities with revealing state secrets after he asserted Moscow had not only developed binary weapons but had produced an especially potent type.

Mr. Mirzayanov also asserted that the Russian military and civilian officials who invented the binary weapons planned to cite a technicality in the global agreement banning poison gas to keep working on them.

Mr. Mirzayanov was jailed in 1992 and 1993. Washington protested his arrest, and Russian authorities have since dismissed the case against him.

Some Administration officials are skeptical about some of the Mr. Mirzayanov's more alarming claims, but American officials believe his statements that Russia has sought to develop binary weapons are credible.

## NOT DISCLOSED INFORMATION

In any event, Administration officials who are reviewing the new Russian information say there is an important gap in the data—there is nothing in it about binary weapons.

"Our preliminary assessment is that the Russians have not disclosed information about what we believe to be a binary chemical weapons program," an Administration official said.

Some officials say the failure to provide the information could be an oversight or the result of bureaucratic confusion. But since Washington has asked Moscow to provide a full accounting of the binary program as a result of Mr. Mirzayanov's assertions, the weight of opinion among Administration experts is that Russia is well aware of American concerns and is concealing data about the program.

One official said Washington planned to go back to the Russians and insist on a clari-

fication of the matter. "We plan to seek urgent consultations," an official said.

The exchange of data, which is the focus of the dispute, was called for by a understanding on chemical weapons that the United States and Russia hammered out in 1989.

## MAY HELP CRITICS

The agreement on sharing the data is not part of the global treaty banning chemical weapons. But Administration officials are nonetheless concerned that the dispute over the gaps in the data may be used as ammunition by Congressional critics of the global treaty, some of whom have argued the accord cannot be effectively verified.

Supporters of the chemical weapons treaty argue, however, that the accord will strengthen the legal barriers against possible cheating and put pressure on the Russians to provide a more thorough accounting of their chemical weapons program.

So far the Administration's effort to build support in the Senate for the treaty have gone smoothly. John Holum, the director of the Arms Control and Disarmament Agency, said today that he hoped the Senate will approve the accord by early July.

Seven nations have already ratified the treaty. If 65 nations ratify the treaty by mid-July, the accord would legally take effect next January.

## CONGRATULATIONS TO CHARLES JOHNSON

## HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me today in honoring the achievements of a very special person, Mr. Charles Johnson, on the occasion of his retirement.

Mr. Johnson received a B.S. in biological sciences from Morgan State University where he served as president of his class, was chosen as an all conference selection in football, was also a member of a championship basketball team and a member of the Omega Psi Phi fraternity. Upon graduation, Mr. Johnson enrolled in the graduate education program at New York University.

Charles Johnson started his Newark, NJ, teaching career at Cleveland Junior High School and embarked on a lifelong commitment to helping youth. While at Cleveland, he served as a science and mathematics teacher, guidance counselor, and recreation director. In 1959, he was transferred to West Kinney Junior High School, where he served in various teaching positions and is presently the coordinator of a program for disruptive children and field supervisor for the after school youth development program for the Newark Board of Education.

● 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.

Upon his retirement at the end of this school year, many Newark youth will miss his presence. Over the past decades, Mr. Johnson utilized his skills to make significant contributions to student athletes by channeling them into classrooms and assisting them in meeting the challenge of the mainstream job market.

Mr. Speaker, I know my colleagues join me in congratulating Mr. Charles Johnson on his retirement and in wishing him every success in the years ahead.

TRIBUTE TO ST. DANIEL PARISH  
IN CLARKSTON, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. CAMP. Mr. Speaker, It is with great pleasure I rise today to congratulate St. Daniel Parish of Clarkston, MI on their 25 years of community service and development.

In 1958, in response to a growing Roman Catholic community in northern Oakland County, the Archdiocese of Detroit purchased land in Independence Township to establish St. Daniel Parish to serve the community. This parish was to serve the residents and help them better their lives through spiritual guidance.

From its humble beginnings on June 24, 1961, the parish enjoyed the unwavering support of the area residents with 70 families celebrating the first mass in the gymnasium of Clarkston Junior High School.

On January 30, 1965, a church building was constructed to house St. Daniel. Soon after, St. Daniel was granted parish status, with Father Francis A. Weingartz as its first pastor and grew to include over 1,300 families.

The parish enjoyed continual growth as it expanded its relationship with the community and touched the lives of many people. Throughout its 25-year history, the parish has displayed the commitment and caring which has made Clarkston the wonderful city it is today.

St. Daniel has been instrumental in improving the community and the lives of its residents. By sponsoring biannual blood drives, providing meeting rooms for social events, collecting toys for needy children, collecting canned goods for the hungry, and providing counseling for those in need, St. Daniel has demonstrated the leadership and guidance that strengthens communities and enhances the lives of its residents.

From the many events in which they sponsor and participate, to providing an outlet for those giving generously of their time and efforts to improve the lives of those around them, St. Daniel is an outstanding parish.

It is this spirit of selfless giving and community strength that makes Clarkston, MI a sterling example of a friendly, caring community. We can all learn how to give unselfishly by following the example St. Daniel has given us.

Mr. Speaker, I know you will join me in congratulating St. Daniel on this special day and in wishing the residents of Clarkston, MI and St. Daniel Parish success for years to come.

THE PUBLIC UTILITY HOLDING  
COMPANY ACT OF 1935

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SHARP. Mr. Speaker, I am happy to co-sponsor this important legislation, which will restore to millions of electric ratepayers an important economic protection Congress conferred 59 years ago which recently was lost as a result of an unfortunate court decision. I appreciate my colleague RICK BOUCHER's leadership on this matter, and his persistence in ensuring the practical problems of this somewhat arcane issue are addressed.

In 1935, following years of speculation and abuse in the electric utility industry, Congress enacted two statutes designed to protect both utility customers and investors. The Public Utility Holding Company Act of 1935, known as PUHCA, and the Federal Power Act, were crafted to work in concert, and assigned complementary powers and responsibilities to two newly created agencies.

For five decades the Securities and Exchange Commission [SEC] and the Federal Power Agency, followed by its successor the Federal Energy Regulatory Commission [FERC], issued decisions guiding the electric industry and protecting consumers from unscrupulous or imprudent decisions on the part of utilities. Among the most important functions the agencies performed was to scrutinize transactions between affiliated entities within large registered utility holding companies. These transactions, which typically involved a subsidiary selling fuel, goods, or services to its parent, had been prime candidates for pre-1935 abuses in the form of sweetheart deals. The temptation, which persists today, is for the sale price to be set at a higher than fair-market level—so that the utility's shareholders receive a handsome payoff funded by captive ratepayers with no alternative source of electricity.

Prior to the 1992 Ohio Power court decision, the temptation for affiliates of registered holding companies to enter into such sweetheart deals was moderated by the knowledge that both the SEC and FERC would review the affiliate transaction to ensure consumer interests were not jeopardized. SEC review took place before the contract went into effect; FERC review occurred when the parent utility sought to flow through the costs of the contract to its customers. As in all electric rate cases, if FERC found the resulting cost to consumers was not "just and reasonable," it would deny recovery of some or all of the utility's rate request.

In 1992, however, the D.C. Court of Appeals decided in the Ohio Power case that FERC could not review an affiliate transaction involving a coal purchase, based on an interpretation of the agency's administrative rules. While FERC has now addressed this administrative problem, it also has interpreted somewhat ambiguous dicta in the case as requiring it to dismiss similar rate complaints.

As a result, some 49 million households in 30 States which are served by large registered holding companies do not enjoy the protection

of FERC rate review in cases where the fuel is sold between affiliates of a registered holding company. While the SEC's review role continues, this alone cannot fully protect ratepayers from a utility's actions after the initial approval of the contract. For example, while the original contract price for fuel purchased from an affiliate may be reasonable, market conditions can change and warrant a price renegotiation. While it is to be fervently hoped that no utility would take advantage of the absence of FERC review, Congress would not be doing its duty if it did not close the door to the temptations that led to the enactment of PUHCA and the Federal Power Act nearly 60 years ago.

This bill has three parts. First, it makes clear that the Federal Power Act authorizes FERC to review affiliate contracts, to ensure that rates are just and reasonable. Of course, the requirement that the SEC approve such transactions is maintained.

Second, the bill establishes a rebuttable presumption that FERC will adopt the SEC's prior finding with respect to an interaffiliate transaction. This provision expresses Congress preference for complementary agency policies, but also acknowledges the fact that the SEC and FERC's responsibilities are distinct and may result in different findings.

Third, the bill grandfathers the costs of affiliate transactions to the extent they have been recovered from ratepayers—in other words, if a utility in good faith has billed its customers for certain costs on the date of enactment, pursuant to a FERC-approved rate, FERC could not compel the utility to refund the costs.

Finally, it is particularly important to restore FERC's authority now, at a time when registered holding companies are seeking a PUHCA amendment to permit them to diversify into the telecommunications business. While my subcommittee has not yet held a hearing on the merits of that proposal, and I have not reached a conclusion about it, I would be extremely reluctant to support such a change without the protection that this bill affords.

While I do not expect all of the affected utilities to welcome this bill with open arms, I believe it should come as no surprise. This legislation merely restores the regulatory environment which existed for 57 years, and will not result in unfairness to any registered holding company. Indeed, any utility which is fulfilling its obligation to its customers has nothing to fear from the restoration of FERC's authority. I commend Mr. BOUCHER for his leadership in pursuing this important issue, and look forward to working with him to enact the legislation.

KENTUCKY SENATE RESOLUTION  
NO. 9

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BARLOW. Mr. Speaker, I rise today to submit for the record a resolution adopted by the State Senate of Kentucky. Senate Resolution No. 9 urges Congress to oppose any increase in the Federal excise tax on cigarettes or other tobacco products.

Mr. Speaker, the Commonwealth stands united behind our farmers and workers in opposition to further tobacco taxes. Proposed increases in the tax on tobacco products threaten our well-being and our way of life.

**KENTUCKY SENATE RESOLUTION NO. 9**

A Resolution opposing any increase in the federal excise tax on cigarettes or other tobacco products.

Whereas, in 1993, \$12.9 billion in excise taxes were paid by consumers of cigarettes and other tobacco products to federal, state, and local governments; and

Whereas, the tobacco industry produced a net positive contribution of \$4.1 billion to the nation's balance of trade; and

Whereas, increased taxes on tobacco would reduce tobacco production; and

Whereas, a reduction in tobacco production would have a devastating effect on Kentucky's agricultural economy and social fabric; and

Whereas, present taxes on tobacco are already excessive; and

Whereas, no single group such as smokers, no single commodity such as tobacco, or no specific states should be singled out to bear the cost of health care reform; Now, therefore, be it

*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Kentucky General Assembly opposes any increase in the federal excise tax on cigarettes and other tobacco products.

Section 2. That this Resolution be transmitted to the Governor of Kentucky, the President of the United States, and the Congressional Delegations of Kentucky and other tobacco-growing states.

**INTRODUCTION OF THE MUNICIPAL SOLID WASTE FLOW CONTROL ACT OF 1994**

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. RICHARDSON. Mr. Speaker, my colleague JACK FIELDS and I have introduced H.R. 4643, the Municipal Solid Waste Flow Control Act of 1994. I am pleased that Representatives JOHN BRYANT and ROD GRAMS have joined us in support of this legislation. Our bill sets a historic precedent by simultaneously addressing the needs of local governments, the business community, and the environmental community.

The flow control issue has taken on a new urgency in light of the Supreme Court's recent Carbone decision dealing with municipal solid waste flow control. Flow control is the authority by which local governments require trash to be disposed of at waste management facilities that they specify. In many cases, these facilities have been municipal waste combustors. In the 1980's, local governments concluded that they needed to direct waste to these facilities to keep them in business and satisfy the demands of the contracts they had signed for financing of the facilities.

In the late 1980's, several legal challenges were filed to flow control laws around the country as an unconstitutional interference with interstate commerce. On the basis of that argument, several courts struck down flow

control laws around the country. The issue finally reached the Supreme Court in the context of the Carbone case. The Supreme Court's ruling made clear as a national matter what these other courts had already said—flow control represents a clearly unconstitutional interference with interstate commerce.

The urgency of this situation is made real by the hundreds of local governments now seeking relief from Congress as a result of the Supreme Court decision. Without flow control authority, they argue, they cannot hope to maintain successful waste management policies without bankrupting their local customers. While it makes sense that municipalities need limited relief from the effects of the Carbone decision, unlimited flow control in the future will have a damaging effect on competition, waste reduction, recycling, and effective waste management policies.

There are many reasons against conferring unlimited flow control authority on State and local governments. For one, I believe that open competition is preferable to the monopolization of waste management disposal. With flow control, waste management decisions are often based not on best management practices or the most environmentally preferable disposal options, but on the cheapest method possible with the least financial risk for the local government.

The free market is better able to address solid waste needs than is a government monopoly. A small business owner would presumably prefer to have the benefit of competition which drives down collection rates for his trash than doing business in a marketplace where disposal costs are established by the local government.

There is evidence already that waste collection prices for small businesses will decrease in the absence of flow control. With the many pressures already facing small businesses, isn't it only fair that we give them the benefits of competition to control their waste disposal costs in the future rather than saddling them with a regime that could increase their costs?

Second, flow control is counter to the liability scheme we have developed under Superfund. This law confers on waste generators, transporters and disposers liability for their role at Superfund sites. As a result, waste generators and transporters now must take steps to avoid sending waste to sites that either are or could be on the national priorities list. It would seem to make little sense to maintain such a liability scheme while giving local governments the power to direct waste to the site of their choice, perhaps against the wishes of waste generators concerned that such a site could make them a potentially responsible party under Superfund. So long as the liability system under the Superfund places responsibility on waste generators to follow the safest disposal practices possible, flow control will render waste generators unable to fully control their liability.

Flow control can be used to mask the full cost of waste management services in a community by lumping together the separate costs for recycling, household hazardous waste collection, and other waste management-related services in addition to disposal. Waste reduction is most likely to take place when consumers receive clear signals from the marketplace

about what the actual cost is for waste collection and disposal. When, as under flow control, the prices for a number of separate waste management practices are jumbled together, consumers receive totally nuclear price signals and therefore have little understanding about the extent to which waste reduction will benefit them. Waste reduction and recycling goals are actually impeded by flow control.

Scrap recyclers, paper recyclers, and others in the recycling business feel that flow controlling recyclables might actually reduce—not increase—recycling. The best way to advance recycling is to encourage utilization of postconsumer recyclables in new products and packaging and to eliminate impediments to the movement of recyclables to locations at which there is the greatest demand for them.

Finally, perhaps my biggest concern is that the strongest proponents of flow control are companies, local governments, and others with a stake in securing financing for large municipal waste-to-energy combustion facilities. My opposition to waste combustion is widely known. In fact, Congressman ED TOWNS and I have introduced H.R. 2488, legislation which would impose a temporary moratorium on waste incinerators in this country and establish tough conditions for new construction or expansion. There is no question that with flow control there will be more waste incinerators built. Without it, there will be fewer. My colleagues who have cosponsored H.R. 2488 or who oppose excessive waste-to-energy combustion should think carefully about supporting flow control. The Sierra Club has endorsed H.R. 4643 for the same reasons.

Notwithstanding my opposition to flow control, I am sympathetic to the situation facing local governments today that have invested substantial sums of money in facilities dependent on flow control. For Congress to take no action is to leave these communities in the lurch, unsure whether their flow control laws are enforceable and therefore unsure whether billions of dollars in municipal bonds can be paid off.

Contrary to the claims of flow control proponents, there are many States today that do not have flow control authority but that do have quite sophisticated solid waste management systems. These States are as committed to waste reductions, recycling, and composting—rather than incineration and landfilling—as States that have flow control. I am uncomfortable with Congress dictating solid waste policies for State and local governments and I do not believe that Congress should micromanage the local solid waste management business.

If you want to assure that local governments are held harmless from the effects of the Supreme Court's Carbone decision and also are committed to the virtues of the competitive market in the future, this legislation deserves your support. I urge my colleagues to add their names to the growing chorus for real flow control reform by cosponsoring H.R. 4643.

GALLAUDET: A NATIONAL  
TREASURE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BONIOR. Mr. Speaker, last month, President Clinton gave a stirring address for Gallaudet University's 125th commencement. As a trustee of Gallaudet, I was deeply moved by the President's words. I am honored to share a copy of his speech with my colleagues:

THE PRESIDENT: Thank you. Thank you so much for the warm reception and for the honorary degree.

I must tell you at the beginning that I have been deeply moved by the wonderful statements of your students, Jeanette and Andre. I think they have already said everything I could hope to say as well or better. And I wish only that I could say it to you in their language as well. (Applause.)

I'm delighted to be here with Dr. Jordan, whom I have admired so much; and Dr. Anderson, a native of my home state; with my great friend and your champion, Senator Tom Harkin—(applause); with many Members of Congress, including Major Owens, who will receive an honorary degree; Congressman David Bonior; Congressman Steve Gunderson; and your own representative in Congress, Eleanor Holmes Norton. (Applause.)

I honor, too, here the presence of those in the disability rights community, the members of our own administration, but most of all, you the class of 1994, your families and your friends. You have come to this extraordinary moment in your own life at a very special moment in the life of your country and what it stands for.

Everywhere, nations and peoples are struggling to move toward the freedom and democracy that we take for granted here. Our example is now over 200 years old, but it continues to be a powerful magnet, pulling people toward those noble goals. This week we all watched and wondered as a former prisoner stood shoulder to shoulder with his former guards to become a president of a free and democratic South Africa. (Applause.)

Yet, each day across the—from Bosnia to Rwanda and Burundi, and here in America in neighborhood after neighborhood, we wonder whether peace and progress will win out over the divisions of race and ethnicity, of region and religion, over the impulse of violence to conquer virtue. Each day we are barraged in the news as mutual respect and the bonds of civility are broken down a little more here at home and around the world.

It is not difficult to find in literature today many who suggest that there are large numbers of your generation who feel a sense of pessimism about the future. People in my generation worry about that. They worry whether young people will continue to try to change what is wrong, continue to take responsibility for the hard work of renewing the American community.

I wish everyone who is worried about America could see your faces today and could have heard your class speakers today. Our whole history and our own experience in this lifetime contradict the impulse to pessimism. For those who believe that nothing can change I say, look at the experience of Rabin and Arafat as the police representing the Palestinians begin to move into Gaza and to Jericho. (Applause.)

For those who proclaim there is no future for racial harmony and no hope in our common humanity. I say look at the experience of Mandela and de Klerk. For those who believe that in the end people are so vulnerable to their own weakness they will not have the courage to preserve democracy and freedom. I say look to the south of our borders where today of almost three dozen nations in Latin America, all but two, are ruled by democratically-elected leaders. (Applause.)

Here at home, with all of our terrible problems, for every act of craven violence, there are 100 more acts of kindness and courage. To be sure, the work of building opportunity and community of maintaining freedom and renewing America's hope in each and every generation is hard. And it requires of each generation a real commitment to our values, to our institutions and to our common destiny.

The students of Gallaudet University who have struggled so mightily, first for simple dignity and then for equal opportunity—you have built yourselves and in the process, you have built for the rest of us, your fellow citizens of this country and the world, a much better world. You have re-given to all of us our hope. Gallaudet is a national treasure.

It is fitting, as Dr. Anderson said, that President Lincoln granted your charter because he understood better than others the sacrifices required to preserve a democracy under diversity. And ultimately, Lincoln gave his life to the cause of renewing our national rights. He signed your first charter in the midst of the Civil War where he had the vision to see not just farmland and a tiny school, but the fact that we could use education to tear down the walls between us, to touch and improve lives and lift the spirits of those who for too long had been kept down.

Over the years, pioneers have built Gallaudet—sustained by generations of students and faculty, committed to the richness and possibility of the deaf community, and the fullness of the American Dream. This school stands for the renewal that all America needs today.

Lincoln's charter was an important law. But let me refer to another great president to make an equally important point—that just as important as laws are the attitudes that animate our approach to one another. The president that I'm referring to is approach to one another. The president that I'm referring to is your president, King Jordan. (Applause.) When the Americans with Disabilities Act passed, he said—and I quote—we now stand at the threshold of a new era for all Americans—those of us with disabilities and those of us without. He went on to say that in this pursuit, as in every pursuit of democracy, our task is to reach out and to educate each other about our possibilities, our capabilities and who we are.

I ran for President because I thought we were standing on the threshold of a new era, just as President Jordan says. I felt we were in danger of coming apart when we ought to be coming together; of arguing too much about going left or right, when we ought to be holding hands and going forward into the future together.

I grew weary of hearing people predict that my own daughter's generation would be the first generation of Americans to do less well than their parents. I was tired of hearing people say that our country's best days were behind us. I didn't believe it in 1992, and I sure don't believe it after being here with you today.

My responsibilities to you and your generation are significant. That's why all of us

have worked hard to restore the economy, to reward work, to bring down the deficit, to increase our trade with other nations, to create more jobs; why we've worked to empower all Americans to compete and win in a global economy through early education and lifetime training and learning, through reforming the college loan program, to open the doors of college to all Americans; why we have worked to strengthen the family through the Family and Medical Leave Act; why we have worked to create a safer America with the Brady Bill, and the ban on assault weapons, and putting more police on the street, and punishing and preventing more crime as well. (Applause.)

But I say to you that, in the end, America is a country that has always been carried by its citizens, not its government. The government is a partner, but the people, the people realize the possibility of this country and ensure its continuation from generation to generation.

I think there is no better symbol of this than the program which I hope will be the enduring legacy of our efforts to rebuild the American community, the National Service Program. Six Gallaudet students, including four members of this class, will be part of our National Service Program, Americorps' very first class of 20,000 volunteers. I am very proud of you for giving something back to your country. (Applause.)

By joining the Conversation Corps and committing yourselves to rebuild our nation, by exercising your freedom and your responsibility to give something back to your country and earning something for education in return, you have embodied the renewal that America must seek. As King Jordan reminded us, government can make good laws, and we need them. But it can't make good people. In the end, it's our values and our attitudes that make the difference. Having those values and attitudes and living by them is everyone's responsibility and our great opportunity.

Look at the changes which have occurred through that kind of effort. Because previous generations refused to be denied a place at the table simply because others thought they were different, the world is now open to those of you who graduate today. Most of you came here knowing you could be doctors, entrepreneurs, software engineers, lawyers or cheerleaders. (Laughter.)

Because over the years, others spoke up for you and gave you a chance to move up. And you have clearly done your part. You have made a difference. You have believed in broadening the unique world you share with each other by joining it to the community at large and letting the rest of us in on your richness, your hearts, your minds and your possibilities. For that, we are all in your debt.

Perhaps the greatest moment in the history of this university occurred in 1988 when the community came together and said, we will no longer accept the judgment of others about our lives and leadership in this university—these are our responsibilities and we accept the challenge. In days, what was known as the "Deaf President Now" movement changed the way our entire country looks at deaf people. The nation watched as you organized and built a movement of conscience unlike any other. You removed barriers of limited expectations. And our nation saw that deaf people can do anything hearing people can, but hear. (Applause.)

That people's movement was a part of the American disability rights movement. Just two months after King Jordan took office,

the Americans with Disabilities Act was introduced with the leadership of many, including my friend, Tom Harkin. In two years it became law, and proved once again that the right cause can unite us. Over partisanship and prejudice we can still come together.

For the now more than 49 million Americans who are deaf or disabled, the signing of the ADA was the most important legal event in history. For almost a billion persons with disabilities around the world it stands as a symbol of simple justice and inalienable human rights.

I believe that being deaf or having any disability is not tragic, but the stereotypes attached to it are tragic. Discrimination is tragic. (Applause.) Not getting a job or having the chance to reach your God given potential because someone else is handicapped by prejudice or fear is tragic. It must not be tolerated because none of us can afford it. We need each other, and we do not have a person to waste. (Applause.)

The ADA is part of the seamless web of civil rights that so many have worked for so long to build in America—a constant fabric wrapped in the hopes and aspirations of all right-thinking Americans. As your President I pledge to see that it is fully implemented and aggressively enforced—in schools, in the work place, in government, in public places. It is time to move from exclusion to inclusion, from dependence to independence, from paternalism to empowerment. (Applause.)

I mention briefly now only two of the many tasks still before me as your President, and you as citizens. Our health care system today denies or discriminates in coverage against 81 million Americans who are part of families with what we call preexisting conditions, including Americans with disabilities. It must be changed. (Applause.) If we want to open up the workplace, and if we are serious about giving every American the chance to live up to his or her potential, then we cannot discriminate against which workers get health care and how much it costs. If you can do the job, you ought to be able to get covered. It's as simple as that. (Applause.)

And that simple message is one I implore you to communicate to the Congress. We have fooled around for 60 years. Your time has come. You are ready. You are leaving this university. You want a full, good life and you do not wish to be discriminated against on health care grounds. Pass health care reform in 1994. (Applause.)

The last thing I wish to say that faces us today also affects your future. The Vice President has worked very hard on what is called the information superhighway. We know that America is working hard to be the technological leader of the information age. The technologies in which we are now investing will open up vast new opportunities to all of our people. But information, which will be education, which will be employment, which will be income, which will be possibility, most flow to all Americans on terms of equal accessibility without regard to physical condition. And we are committed to doing that. (Applause.)

Finally, let me just say today a personal word. A few days ago when we celebrated Mother's Day; it was my first Mother's Day without my mother. And so I have been thinking about what I should say to all of you, those of you who are lucky enough still to have your parents and perhaps, some of you who do not.

On graduations, it is important for us to remember that none of us ever achieves any-

thing alone. I dare say as difficult as your lives have been, you are here today not only because of your own courage and your own effort, but because someone loved you and believed in you and helped you along the way. I hope today that you will thank them and love them and, in so doing, remember that all across this country, perhaps our biggest problem is that there are too many children, most of who can hear just fine, who never hear the kind of love and support that every person needs to do well. And we must commit ourselves to giving that to those children. (Applause.)

So I say, there may be those who are pessimistic about our future. And all of us should be realistic about our challenges. I used to say that I still believed in a place called Hope, the little town in which I was born. Today I say, I know the future of this country will be in good hands because of a place called Gallaudet. (Applause.)

For 125 years, young people have believed in themselves, their families, their country and their future with the courage to dream and the willingness to work to realize those dreams. You have inspired your President today and a generation. And I say to you, good luck and Godspeed. (Applause.)

#### ST. STEPHEN: 125 YEARS OF EXCELLENCE IN EDUCATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor the staff, student body and alumni of St. Stephen School. For 125 years, St. Stephen School has been an integral part of the education of the youth in my district. Established in 1868, it has served over six generations of students with a quality that is unequalled. Of 3,000 graduates, 98 percent have graduated from high school. The concept of individual attention, coupled with providing an atmosphere in which one can teach, learn and be happy in school, is their simple key to success. St. Stephen School has already accomplished and surpassed President Clinton's educational goals for the year 2000.

Mr. Speaker, St. Stephen School is the oldest Catholic school in Mahoning, Trumbull, Columbiana, and Astabula Counties. It is a model for all schools, and I am extremely proud to recognize their excellence on this anniversary year. May their current staff, led by Principal Judy Conti, alumni, and student body be blessed with continued success in the constant pursuit to educate our young.

#### EXPEDITED RESCISSIONS: C-Y-A FOR A-Z

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. SOLOMON. Mr. Speaker, next week the House is scheduled to take up H.R. 4600, the Expedited Rescissions Act, reported from the Rules Committee yesterday on a 5-3 party-line vote.

The bill is identical to a bill passed by the House last year. Why then are we doing it again? Our chairman tells us it is to impress the Senate with the importance we attach to it and the need for action. However, it is no secret that this is part of a deal the Democratic leadership cut with some Democrats to keep them off the A-Z discharge petition.

At this point in the RECORD, Mr. Speaker, I include my opening statement from yesterday's markup, our minority views, a summary of the reported bill, and a summary of the substitute we offered embodying the text of Republican leader MICHEL's true legislative line-item veto bill. The materials follow:

OPENING STATEMENT ON EXPEDITED RESCISSION MARKUP, COMMITTEE ON RULES, HON. GERALD B. SOLOMON OF NEW YORK, THURSDAY, JUNE 23, 1994

Mr. Chairman, I have searched the draft committee report on this expedited rescissions bill in vain for a *rational* explanation as to why we are reporting a bill identical to one we passed last year that is now pending in two Senate committees.

Instead of a rational explanation, all I could find were these words, and I quote: "Senate inaction on these bills [referring to entitlement reform and expedited rescissions] has prompted the House to reconsider these measures . . . The House hopes to impress upon the Senate the importance of its own support for and action on these budget process reforms."

Mr. Chairman, it seems to me if the House really wants to impress upon the Senate the importance of its support for and action on this bill, it would be much cheaper and more compelling if the Speaker sent a strongly worded letter to the Senate majority leader urging prompt action on the first bill we passed.

I don't think the Senate will be any more impressed by House passage of a bill identical to one already referred to it since, as far as I know, they don't operate under rule requiring action when they reach a certain saturation point with identical House bills.

Mr. Chairman, I think we all know the real reason we are here and that is that this is part of a publicly announced deal between your leadership and a few "deficit chicken hawks" to keep them off the A to Z discharge petition.

Instead of A to Z, they have been bought-off by what I would call C-Y-A that says, "Let the House consider a number of budget process reforms instead of being forced to consider real spending cuts under an open amendment process." They think that somehow these budget process reforms will give them enough political cover to hide behind. But I think we can all see through that transparent fig leaf: it offers no real cover.

Mr. Chairman, instead of wasting our time and that of the House in recycling this warmed over piece of bad sausage—and this is a tainted bill—we should be considering the congressional reform bill that has been languishing in this Committee since last February 3rd.

And, if you really want to get the attention of the Senate and the American people, we should be reporting a real legislative line item veto like the Michel bill which would ultimately require two-thirds of both Houses to block a presidential rescission or veto of a targeted tax provision. This bill instead permits just a simple majority of either House to block a rescission.

That's not the kind of line-item veto Candidate Clinton had in mind when he promised

during the campaign he would seek line-item veto authority from Congress. I regret that he has flip-flopped on that campaign pledge, as he has on so many others. But at least you are helping to remind the American people of that flip-flop by bringing-up again this non-line-item veto bill. At least for that we can thank you.

MINORITY VIEWS OF HON. GERALD B. SOLOMON, HON. DAVID DREIER, HON. JAMES H. QUILLEN, AND HON. PORTER GOSS ON H.R. 4600

Reasonable people might wonder why the Rules Committee would take its time, and that of the House, to consider a bill that is identical to one already passed by the House in this same Congress while not finding time to consider a major congressional reform bill that has been languishing in the Rules Committee since last February 3rd (H.R. 3801, the "Legislative Reorganization Act of 1994").

The apparent answer is that we are never too busy to recycle meaningless budget process reforms in an election year to give certain Members political cover for not making real spending cuts. But we are always too busy to get around to making meaningful changes in the institution of the Congress. In short, this bill is part of a political deal the majority leadership has cut with a small coterie of "deficit chicken hawks" to substitute C-Y-A for A-Z (the Andrews-Zeliff spending cut plan and discharge petition).

While this may seem less than a small price to pay for keeping a comprehensive spending-cut process off the floor, what mystifies us is the willingness of the Democrat Leadership to embarrass its own President by reminding everyone of his flip-flop on the issue of the line item veto.

Candidate Clinton, in his campaign book, "Putting People First," pledged that, "To eliminate pork-barrel projects and cut government waste, we will ask Congress to give the line item veto" (p. 25). But, shortly after becoming President, Mr. Clinton caved-in on that campaign promise in favor of this weak alternative known as the "Expedited Rescission Act."

Unlike a real line-item veto whereby a President can cancel wasteful spending items, subject to override by two-thirds of both Houses of Congress, this bill requires that a majority of both Houses must approve any veto of appropriations items. Put another way, instead of two-thirds of both Houses being necessary to reverse an item veto, under H.R. 4600, a majority of either House can block such a veto.

We do credit the sponsors of the "Expedited Rescission Act" for truth-in-labeling. They do not claim this is a true line-item veto bill and have admitted in the past that they oppose the line-item veto because they think it gives the President too much power.

Just as they have been consistent in opposing the true line item veto under both Republican and Democratic Presidents, we have consistently supported the true line item veto under Presidents of both parties. During the markup of this bill, for instance, we offered a substitute consisting of the text of H.R. 493, "The Enhanced Rescissions/Receipts Act of 1993," introduced by Representative Michel on January 20, 1993, and have even filed a discharge petition on it (Discharge Motion #1).

Under the Michel bill, any presidential rescission of budget authority or veto of a targeted tax benefit (defined as one which gives differential treatment to either a particular taxpayer or limited class of taxpayers) would take effect unless a majority of both Houses

of Congress pass a disapproval bill within 20 days of session. The President would then have 10 calendar days to sign or veto the disapproval bill, and Congress would have an additional five days of session to override a veto.

In short, this is a true legislative line-item veto in that ultimately a two-thirds vote of both Houses would be necessary to override a likely presidential veto of any bill disapproving his rescissions or special tax benefit veto.

Moreover, the Michel bill gives the President this new, enhanced rescission and special tax veto authority on a permanent basis, whereas H.R. 4600 gives the President expedited rescission authority only with respect to appropriations bills enacted during the 103rd Congress. Given the fact that the 103rd Congress is rapidly drawing to a close, and that the previously-passed identical House bill (H.R. 1578) has yet to be reported from either of the two Senate committees to which it was referred, the chances are nil to none that the authority will ever take effect during the limited period to which it applies.

While the proponents of the expedited rescission approach boast that it will force the Congress to act on these special presidential rescission messages or the money cannot be spent, the House Parliamentarian's Office issued a contrary interpretation when the identical bill was pending last year (see attached Memoranda of April 19 and 21, 1993, from Jerry Solomon to House Members).

First, the bill, by reference to section 904 of the Budget Act, makes clear that it is enacted as part of the rulemaking authority of Congress "with full recognition of the right of either House to change such rules . . . at any time." This means that a majority of the House, by a special rule from the Rules Committee, could change any of the rules contained in the bill and thereby avoid the so-called action-forcing mechanisms to either table consideration of the President's bill or vote first (rather than second) on a substitute bill reported by the Appropriations Committee.

Second, in the view of the Parliamentarian, if the House did not act within the required 10-legislative days, and a special rule could block such action, the money would be released. So there are no penalties or disincentives for inaction.

In summary, H.R. 4600 suffers from the same deficiencies as the current rescission process. While it may expedite the consideration of rescissions, it is still prone to either blockage or substitution by alternative rescissions, thereby thwarting the President's recommendations either way.

Instead of addressing these obvious flaws, or confronting the need for a real line-item veto, the Rules Committee has chosen instead to report the same old toothless tiger that was passed last session. This may be a sufficient sop to keep some Members from signing the A-Z spending cut discharge petition, but it does nothing to put in place a meaningful spending cut process which spawned the need for such a discharge petition in the first place. The American people will not be fooled by such hollow gimmicks. The proof is in the pudding. And this recipe for instant, expedited rescission pudding is lacking in all the ingredients except one—it just adds water to water.

[Memorandum]

April 19, 1993.

To: House Republican Members  
From: Jerry Solomon, Rules Committee Ranking Member  
Subject: The Truth about H.R. 1578, the expedited Rescission Bill

Introduction: We have received several inquiries from Members and staff as to whether the process established by H.R. 1578, the "Expedited Rescissions Act of 1993," could easily be waived, suspended, altered or otherwise circumvented without changing the law. The purpose of this memo is to address those questions. The short answer is, "yes."

Provisions: H.R. 1578 (as proposed to be amended by the modified Spratt substitute printed in the Rules Committee's report on the rule) amends Title X of the Congressional Budget and Impoundment Control Act by inserting a new section providing for "expedited consideration of certain proposed rescissions." It permits the President, within 3-days after the enactment of any appropriations bill during the 103rd Congress, to submit to the House a rescission message canceling budget authority in whole or in part for any items contained in the bill, together with a draft bill that would rescind the budget authority upon enactment.

The House majority or minority leaders would be required to introduce the rescission bill "by request" within two legislative days of the receipt of the message, and, if they do not, any other Member may do so on the third legislative day.

The rescission bill would be referred to the House Appropriations Committee which would be required to report it without change within seven legislative days after receipt of the message. If it does not report, it is automatically discharged of the bill which is then placed on the appropriate calendar of the House.

The Appropriations Committee may simultaneously report an alternative rescission bill with respect to the same message and appropriations bill, provided it contains the same or a greater amount of rescissions as the President's proposal.

A motion to proceed to the consideration of a proposed rescission bill is highly privileged and not subject to debate. If adopted, the House proceeds to consider the bill subject to four hours of general debate divided between proponents and opponents. The bill is not subject to amendment in the House.

The House must vote final passage of the rescission bill not later than the tenth legislative day after receipt of the message. If the bill is defeated, the alternative rescission bill, if one is reported by the Appropriations Committee, is subject to the same procedures and must be voted on by the eleventh legislative day, provided the Appropriations Committee calls it up.

In the Senate, a bill received from the House shall be referred to the Appropriations Committee which must report it by the seventh legislative day after its receipt or it is automatically discharged. The Senate Committee may report an amendment in the nature of a substitute to the bill if it goes to the same appropriations bill and is of the same or greater amount in rescissions, or if it contains the text of the President's bill.

[MEMO]

APRIL 21, 1993.

Re the effect of non-action on rescissions under H.R. 1578.

To: House Members.  
From: Jerry Solomon.

Introduction: The question has been raised as to whether the failure of Congress to act

on a proposed rescission under the new process established by H.R. 1578 would prevent the money from being released. Notwithstanding an interpretation to the contrary in an April 21st memo from Charlie Stenholm's LA claiming the funds would continue to be impounded, *our reading from the Parliamentarian's Office is that at the funds would be released if the House has not acted within 10 legislative days.*

Discussion: At first blush, it would seem there would be no way to avoid a vote on a presidential rescission package since:

The majority or minority leader shall introduce the President's bill by request within two legislative days of its receipt, or, if they don't, any other Member may;

The Appropriations Committee shall report the bill within seven legislative days or it is automatically discharged;

A motion to proceed to consideration is highly privileged (and may be offered by any Member);

There are no amendments and debate time is limited to four hours; and

The House must vote on final passage before the close of the tenth legislative day.

However, as was pointed out in our April 19th memo on the "Truth About H.R. 1578," the House may set aside all these requirements by the adoption of a special rule.

What may be confusing is the provision in section 1013(e) of the Budget Act as amended by the bill that "Any amount of budget authority proposed to be rescinded . . . shall be made available for obligation on the earlier of" House rejection of the President's bill and an Appropriations Committee alternative, if any, or the Senate rejection of the President's bill.

However, this provision does not say that the budget authority proposed to be rescinded shall only be made available for obligation if the House rejects both bills or the Senate rejects the President's. It simply allows for the earlier release of funds than the 10-day House time frame for consideration or the additional 10-day time frame for Senate consideration.

In discussing this with the Parliamentarian's Office, they agree that if the House doesn't act on anything within the 10-day period, the money shall be made available for obligation.

The bill and any amendments are subject to not more than ten hours of debate divided equally between the majority and minority leaders. The Senate must vote on final passage not later than the tenth legislative day after the bill has been received from the House. It is not in order in the Senate to consider an alternative rescission bill or amendment unless it first rejects a substitute containing the President's proposal.

Subsection 1013(e), "Amendments and Divisions Generally Prohibited," prohibits any motion or unanimous consent request to suspend the application of the subsection (which prohibits amendments in the House, narrowly limits and prescribes the amendment process in the Senate, and prohibits a division of the question in either House). However, this provision does not preclude consideration of a special rule changing the amendment process as the discussion below will demonstrate.

The Procedural Escape Hatch: Section 2(b) of the bill makes this new section 1013 rescission process under the Budget Act subject to the provisions of Section 904 of the Budget Act. That section indicates that the specified sections of the Act are enacted as an exercise of the rule-making power of the House and Senate, "with full recognition of the con-

stitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House."

The above paragraph makes it quite clear that any of the procedural requirements for either House in section 1013 may be changed by the adoption of a simple resolution of either House, so long as they only change the procedures that apply to that House alone.

In the House of Representatives, this would take the form of a special rule from the Rules Committee. That special rule could alter any of the procedures contained in section 1013 including (but not limited to) any of the following deviations:

Permitting amendments to be offered to a rescission bill;

Providing for the consideration of the alternative rescission bill reported from the Appropriations Committee before the President's rescission bill is considered and voted on;

Preventing the automatic discharge of a bill not reported from the Appropriations Committee within seven days, thereby blocking its consideration; or

Suspending the application of all of the procedures with respect to any individual presidential rescission message, or for all such messages for the entire Congress.

Conclusion: The so-called expedited and mandatory consideration and voting procedures contained in H.R. 1578 can easily be waived, suspended, circumvented, ignored or otherwise violated so long as either House passes a simple resolution to do so. And this is exactly how the House majority leadership and Rules Committee in the 102nd Congress used the "rule-making authority" of the House under the existing rescission process to avoid separate votes on President Bush's rescissions and provided instead for the consideration of an alternative rescission package reported by the Appropriations Committee. In short, this bill has less teeth than a commemorative bill since at least the latter cannot be altered by a special rule of the House.

#### SUMMARY OF H.R. 4600, EXPEDITED RESCISSIONS ACT

H.R. 4600 is identical to H.R. 1578 as passed by the House last session. That bill is still pending in the Senate Budget and Government Affairs Committees. The bill as introduced amends the Budget Act to provide that:

In addition to the existing rescission process, the President may submit special rescission messages within 3 calendar days of the enactment of any appropriations bill during the remainder of the 103rd Congress;

Within two legislative days after the receipt of the message by Congress, the majority or minority leader of the House must introduce, by request, the draft rescission approval bill submitted with the President's message, and if the bill is not introduced, any Member may introduce the bill on the following day;

The bill would be referred to the Appropriations Committee in the House which shall report it without substantive revision, and with or without recommendation, within seven legislative days after receipt of the message, and, if not reported, the committee is automatically discharged and the bill shall be placed on the appropriate calendar;

The House Appropriations Committee may also report an alternative rescission bill within the same seven day period with respect to the same appropriations measure,

containing rescissions of the same or greater amount than the President's bill. The alternative bill would be privileged for consideration in the House only if the President's bill is rejected by the House;

A motion to proceed to the consideration of either rescission bill in the House is highly privileged, the bill is debatable for four hours divided between proponents and opponents, no amendments are in order, a motion to recommit is not in order, nor is a motion to reconsider the final passage vote;

The House must vote on final passage of the President's bill no later than 10 legislative days after receipt of the message, and, if rejected, the alternative bill must be voted on no later than the 11th legislative day;

In the Senate, the bill shall be referred to the Committee on Appropriations which shall report it within seven legislative days of its receipt, without substantive change, or with an amendment in the nature of a substitute consisting of equal or greater rescissions in the same appropriations act; and if the bill is not reported, it shall be discharged and placed on the appropriate calendar;

The bill is debatable in the Senate for not more than 10-hours divided equally between the majority and minority leaders, and no amendment are in order except an amendment in the nature of a substitute reported by the Appropriations Committee or an amendment in the nature of a substitute consisting of the text of the President's bill, and the latter shall have priority over a vote on any alternative;

A vote on final passage in the Senate must take place no later than 10 legislative days after the bill has been transmitted to the Senate;

The funds shall be available for expenditure on the day after either House defeats the rescission approval bill;

Any Member of Congress may file suit challenging the constitutionality of the Act, and such suit shall be considered under expedited judicial review procedures.

#### SUMMARY OF MICHEL-SOLOMON AMENDMENT TO H.R. 4600

(Text of H.R. 493, the Enhanced Rescissions/Receipts Act of 1994)

The President may submit to Congress a special message for each appropriation bill or revenue bill within 20-days of their enactment, proposing to rescind all or part of any budget authority or veto any targeted tax benefit (defined as a benefit for the differential treatment to a particular taxpayer or limited class of taxpayers).

The budget authority shall be rescinded or the tax benefit vetoed unless a bill of disapproval is passed by Congress within 20 days of session and enacted into law. The President would have the constitutional 10 days to sign or veto a disapproval bill and Congress would have 5 days of session to override a veto.

If the last session of Congress adjourns sine die before the expiration of the 20 day period, the rescission of tax veto will not take effect but will be considered to be automatically retransmitted on the first day of the next Congress.

Each rescission or tax veto message shall be referred to the appropriate committees of the House and Senate.

Any disapproval bill introduced shall be referred to the appropriate committees of the House and Senate.

Disapproval bills in the Senate would be limited to not more than 10 hours of debate equally divided between the majority and minority leaders.

It would not be in order in either House to consider a disapproval bill that relates to any matter other than the President's message; nor shall it be in order in either House to consider an amendment to a disapproval bill; and these requirements may not be waived or suspended in the Senate except by a vote of three-fifths of the duly sworn Members of that body.

**INTRODUCTION OF A BILL TO RESTORE FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION**

**HON. RICK BOUCHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. BOUCHER. Mr. Speaker, today I am pleased to be joined by Mr. DINGELL, Mr. SHARP, and Mr. MARKEY in introducing legislation that will restore a measure of protection for utility ratepayers served by the operating subsidiaries of multistate public utility holding companies known as registered holding companies.

The 1992 Federal appeals court ruling in Ohio Power Co. versus FERC removed the authority of the Federal Energy Regulatory Commission [FERC] to review the costs of goods and services that are supplied as part of a registered holding company interaffiliate contract. The court held that the Securities and Exchange Commission [SEC] has sole authority to regulate such transactions.

The SEC does not have the expertise or the resources to protect consumers from potential abuses of the interaffiliate relationship. Therefore, the effect of this ruling is to allow the affiliates of a registered holding company to purchase goods and services from each other with little review of whether the costs associated with these transactions are reasonable, prudent, or comparable to the cost of similar goods and services from unaffiliated suppliers.

Prior to the Ohio Power decision, the FERC had authority to review, and did review, the costs of goods and services, including fuel, supplied as part of a registered holding company interaffiliate transaction. The decision placed these costs, which make up a significant portion of the electric rates ultimately charged to the consumers of some companies, outside of FERC's purview. As a result, affiliates of registered holding companies are now in a position to overcapitalize and goldplate functions that are performed for their sister companies and thereby enjoy an increased and uncontested rate of return as these costs are passed on to ratepayers. This regime represents a major assault on FERC's ratemaking responsibilities and a threat to all customers of these companies. It must be corrected.

The legislation that I am introducing today makes the necessary correction by restoring the essential regulatory tools necessary to protect adequately utility consumers. My bill effectively reverses the Ohio Power decision. Section 318 of the Federal Power Act is amended to provide FERC with jurisdiction to disallow recovery in rates of any costs incurred through an interaffiliate transaction that

it determines are not just and reasonable and are unduly discriminatory or preferential. The SEC retains its jurisdiction pursuant to the Public Utility Holding Company Act to review and approve interaffiliate transactions prior to consummation. The bill provides that there will be a rebuttable presumption in FERC rate cases that these costs, once approved by the SEC, are just, reasonable and not unduly discriminatory or preferential. Moreover, so as not to apply this legislation retroactively, the authority conferred on FERC will not apply to any cost incurred and recovered prior to the date of enactment.

At the hearing convened to examine the policy issues presented by the Ohio Power decision, one registered holding company testified that the reversal of the decision would result in disparate treatment of the registered companies, whose interaffiliate fuel contracts would then be reviewed by the SEC at a cost standard as well as by the FERC at a market comparability standard, and the nonregistered companies who would be subject only to FERC review. Under this scenario, the registered companies could recover only the lower of cost or market price, whereas the nonregistered companies could recover market price, regardless of whether it was above or below their cost. In its testimony, the SEC indicated that it will issue a proposed rule designed to harmonize the SEA standard with that used by FERC. Given this testimony, I do not believe it is necessary to address the appropriate standard of review in legislation, and I look forward to an administrative resolution of this matter.

It is, however, critical that we address the regulatory gap created by the Ohio Power decision. I urge my colleagues to join me in supporting this measure.

**THE NATION CELEBRATES 50 YEARS OF THE GI BILL**

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. EDWARDS of Texas. Mr. Speaker, with the stroke of his pen on June 22, 1944, President Roosevelt transformed the face and future of American society, giving us a prudent and profitable domestic program, originally called the Servicemen's Readjustment Act of 1944—currently referred to as the GI bill of rights. Yesterday several Members of the House and Senate joined President Bill Clinton and Secretary of Veterans' Affairs Jesse Brown in celebrating the 50th anniversary of the GI bill of rights with a ceremony at the Department of Veterans Affairs.

The distinguished chairman of our Committee on Veterans' Affairs, the Honorable G.V. (SONNY) MONTGOMERY, joined President Clinton and Secretary Brown on the platform. The President and Secretary Brown were warm in their praise of the chairman's leadership and his lifetime of dedication to the cause of our Nation's veterans. In 1984, Chairman MONTGOMERY led the effort to enact the current Montgomery GI bill.

They gathered to commemorate the GI bill, which was created to ease the transition of

World War II veterans into civilian life. Housing, education, employment, and corporate America are all areas of our society that have directly benefited from the assistance provided under this landmark legislation.

After our Armed Forces returned from World War II, the hopes and expectations of young Americans of modest economic means were no longer restricted because the key to advancement—higher education—was available to them through the GI bill.

Higher education and home ownership, which were privileges of the fortunate few, were no longer beyond reach. They became part of the American dream available to all citizens who served their country through military service.

Today's Montgomery GI bill, which is available to active-duty military personnel and members of the Selected Reserve, continues the tradition established in 1944 and is currently enabling hundreds of thousands of young veterans to further their education. Since 1944, 20 million veterans, including Vice President AL GORE, have earned and used benefits under the GI bills.

Today's GI bill serves as a tremendous incentive for bright young men and women to join our Armed Forces. Their desire for higher education and an improved quality of life has resulted in the strongest and brightest military in U.S. history.

Yesterday was a very important date in our history—the 50th anniversary of the signing of the GI bill of rights. I would like to share with my colleagues the following statements made by the Honorable Jesse Brown, Secretary of Veterans' Affairs; Mr. Garnett Shropshire, a veteran of World War II who used the GI bill following his service; and President Bill Clinton.

HON. JESSE BROWN, SECRETARY OF VETERANS AFFAIRS

President Clinton, my colleagues from the veteran community, distinguished guests, my fellow VA employees, ladies and gentlemen, good afternoon.

This is truly a month of celebrations for those who put veterans first.

A few weeks ago, I joined our Commander in Chief, President Clinton, in Europe. We commemorated the fiftieth anniversary of D-day.

Never have I been in a place where the debt America and the world owe our veterans was more clear; 50 years after D-day, I stood at Pointe du Hoc.

I looked out at the sea, which carried so many young men to an uncertain destiny. I looked to Omaha Beach, where every foot of sand was paid for with the blood of our veterans. I looked at the cliffs, where the American Rangers achieved the impossible.

And I heard our President speak so movingly of "the thousands of people who gave everything they were or might become." I heard him tell the veterans of World War II that "We are the sons and daughters you saved from tyranny's reach. We are the children of your sacrifice."

His words on that day and in that place made it clear that these men and women changed the course of history. And for that, we are most thankful.

Today, we mark another anniversary of importance to veterans and the nation. It is the fiftieth anniversary of one of the greatest programs ever passed by Congress—the GI Bill of Rights.

And it is a special pleasure for me to be here for this event with several gentlemen who are strong supporters of the VA's mission: Senator George Mitchell, Senator Pat Moynihan, Senator Strom Thurmond, Senator Frank Murkowski and Congressman Sonny Montgomery. The current version of the GI Bill is called the Montgomery GI Bill in his honor. I would like to ask these gentlemen to stand and be recognized—and any other Members of Congress who are here with us today.

The impact of the GI Bill cannot be overstated. It helped veterans make the transition from military to civilian life; it changed the course of higher education in America; and it stimulated economic growth and development in the United States.

Since the passage of the original bill: More than 20 million veterans have received education or training, and over 14 million home loans, valued at more than 400 billion dollars, have been issued.

Clearly, the GI Bill has been good for the nation. The billions of dollars spent to educate veterans have been recovered many times over.

The home loan feature of the bill has pumped billions of dollars into the Nation's economy. The GI Bill shows us what happens when we invest in the American people. It shows us what happens when we invest in veterans. It shows us the importance of VA's mission.

The Administration, the Congress, VA employees and Veterans Service Organizations are and will continue to work hard to make sure that our veterans receive their benefits. This is as it should be—for our veterans have earned those benefits.

We in the VA understand that our nation is built upon the contributions and sacrifices of our veterans. And therefore, we consider it an honor to work on their behalf.

We must be certain: That our veterans continue to receive the benefits that they are entitled to; that they enjoy the fruits of their sacrifices; and that they never suffer because of their service.

That was the purpose of the GI Bill. That is our purpose at VA. We are proud to be a part of the process that helps those who have secured and protected our liberty. Thank you all—and keep up the good work.

At this time, I would like to introduce two special guests. Our first guest was born here in Washington. He graduated from High School in 1987 and enlisted in the Marine Corps. He saw combat in the Persian Gulf and was honorably discharged in December, 1991. He is currently attending college under the GI Bill and works part-time with VA.

Ladies and gentlemen, I am proud to introduce to you—Mr. Hugo Mendoza, Jr.

Our second guest was born in North Carolina and graduated from high school at the age of 17. He enlisted in the Navy in 1943, and served on Guam during World War II. When he returned home, he attended college under the GI Bill. He became a pioneer in the computer field, and has been very successful. He also used the GI Bill to purchase his first home. I am proud to introduce him to you.

Ladies and gentlemen: Mr. Garnett Shropshire.

#### STATEMENT OF GARNETT SHROPSHIRE

Mr. President, Mr. Secretary, Members of Congress, ladies and gentlemen:

It is difficult for me to describe my emotions as I stand here today.

Many years ago, when I decided to attend college, I never dreamed that one day I would be in Washington, representing millions of fellow veterans.

But here I am today—and I am very proud to be representing veterans from across this great country.

I recently returned from Europe, where our President spoke at the Colleville Cemetery—and, I might add, with dignity befitting all Americans who died there.

Also, I visited Omaha and Utah Beaches. What a feeling—as if you were there on D-Day, June 6, 1944.

I was 17 years old when I joined the Navy. Almost everyone I knew was joining up. It was the thing to do.

We didn't think about what was in it for us. We didn't think about asking Uncle Sam for anything in return.

Our country was at war, and we knew we were needed.

Most of us never thought about going to college or owning a home. These were impossible dreams for many of us.

Then President Roosevelt signed something called the GI Bill of Rights. And everything changed.

When I came home, the GI Bill helped make my dreams come true.

Two of the proudest days of my life were the day I graduated from college, and the day my wife and I moved into our first home.

My friends have similar stories. And the GI Bill is still helping those who serve.

My fellow veterans and I were proud of what our service men and women did in the Persian Gulf.

They proved that America still stands up for freedom, and that we still stand tall.

We were proud of young men like Hugo Mendoza. And we believe they deserve the same help we got.

I thank our elected representatives for realizing that this is true—and I thank our President for his help and support.

Ladies and Gentlemen, I have the great honor to introduce a man whom I believe to be a great friend of veterans—a man who is not afraid to tackle tough issues to make things better for all Americans—the President of the United States: the Honorable Bill Clinton.

#### REMARKS BY THE PRESIDENT AT THE COMMEMORATION OF THE 50TH ANNIVERSARY OF THE GI BILL

THE PRESIDENT. Thank you so much, Mr. Shropshire, for that introduction and for your service to your country and for making the most of the GI Bill. And thank you, Mr. Mendoza, for your service to your country and for reminding us of the future of the GI Bill.

Thank you, Secretary Brown, leaders of veteran service organizations, and staff of the Department of Veterans Administration who are here; to all the members of Congress—Senator Robb, Senator Thurmond, Senator Jeffords, Congressman Price, Congresswoman Byrne, Congressman Sangmeister, Congresswoman Brown, Congressman Bishop. And thank you especially, Congressman Sonny Montgomery, for a lifetime of devotion to this cause.

I'd like to also acknowledge three of Congressman Montgomery's colleagues in the Senate and House on the relevant committee who could not be with us today; Senator Rockefeller, Senator Murkowski, and Congressman Stump.

Before I begin, if I might, I'd like to say a brief word about a development in Brussels this morning that is in so many ways a tribute to the men and women who have worn the uniform of this country over the last 50 years. Today Russia took an important step to help shape a safer and more peaceful post-Cold War world.

As all of you know, it wasn't very many days ago that we and the Russians were able to announce that, for the first time since both of us had nuclear weapons, our nuclear weapons were no longer pointed at each other. Today, Russia made a decision to join 20 other nations of the former Soviet Union and Eastern Europe and Western Europe in NATO's Partnership for Peace—to work together on joint planning and exercises, and to commit themselves to a common future, to a unified Europe where neighbors respect their borders and do not invade them, but instead, work together for mutual security and progress.

I want to join with the Secretary of State, who was on hand for the signing in Brussels, in commending the Russian people and their leaders on this farsighted choice. And I think that all of us will join them in saying this is another step on our long road in man's everlasting quest for peace. We thank them today.

As Secretary Brown and Mr. Shropshire said in their eloquent remarks, I had the opportunity not long ago of commemorating the service of our veterans at Normandy and in the Italian campaign. Joined by some of the veterans who are here today, including General Mick Kicklighter, who did such a wonderful job in heading the committee that planned all those magnificent events, we remembered the sacrifices of the brave Americans and their allies who freed a continent from Tyranny.

Almost everything we are trying to do is animated by the spirit and the ideas behind the GI Bill. Give Americans a chance to make their own lives in the fast-changing world. They will secure the American Dream. They will secure our freedom. They will expand it's reach if you give them the power to do it.

At Normandy I was able to pay special tribute to the first paratroopers to land in the D-Day operation, called the Pathfinders, because they lighted the way for those who followed. Today, it is up to us to be the pathfinders of the 21st century. The powerful idea behind the Bill of Rights for the GIs is still the best light to find that path.

Our job now is to do everything we can to help Americans to have the chance to build those better lives for themselves. That is the best way to prove ourselves worthy of the legacy handed down by those who sacrificed in the second world war, those who have worn our uniform since, and those who have been given their just chance at the brass ring through the Bill of Rights for the GIs.

Thank you very much.

#### AFRICAN-AMERICAN WOMEN WISH TO BE CONSIDERED DURING CONGRESSIONAL ACTION ON HEALTH CARE

#### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Ms. WATERS. Mr. Speaker, I would like to include in the RECORD a letter sent to me by Ms. Lillian Mobley, a constituent in my district, the director of the South Central Multi-Purpose Senior Citizens Center, the chair of the Black Women's Forum Health Task Force, and a long time friend. Ms. Mobley wrote the letter in response to an invitation to attend the Women's Health Forum on June 16, 1994. I believe

it is critically important that the concerns she raises, on behalf of African-American women, are taken into account during congressional action on health care reform.

There are several types of cancers that afflict Black women in disproportionate numbers. These include: breast cancer, cervical cancer and leukemia. Just this past week alone, we lost three very close friends to this disease. If other non-Black women are alarmed that there is a lack of research, resources, education and services for women who are afflicted by this disease, you can imagine what the conditions are for African American women. Just before one of the women mentioned above passed away, she called the South Central Multi-Purpose Senior Citizens Center. She was confronted with a situation in which the cost of her prescription drugs was \$150.00. She only had \$400 and she needed that to pay her rent. Everyday poor Black women who are ill are confronted with having to make this kind of cruel and inhuman choice.

As African American people we face discrimination and neglect daily. We are served by physicians who are culturally insensitive. We have to virtually insist on information about our medical condition from them that they should, as a matter of basic primary care, provide to us on their own accord. Catastrophic illness causes a tremendous hardship on the families and friends of Black women who are victims of cancer. Many find it extremely difficult to adjust to the changes in their activities of daily living and the stresses that accompany their medical condition. They have to drastically alter their social agendas. Many can no longer drive automobiles and, hence, they cannot attend church.

I request that my letter be entered into the CONGRESSIONAL RECORD in memory of attorney Linda Taylor Ferguson, a brave sister who struggled for women's rights in the 35th Congressional District until she succumbed to breast cancer.

**A TRIBUTE TO EDWARD "POP" STEWART**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, the life of a special man, one who was a fixture here in these Halls of Congress until his recent pass-

ing on Sunday, June 19, 1994. That man is Edward "Pop" Stewart.

Cheerful and ever-optimistic, "Pop" was an institution at the House of Representatives, where he worked as a banquet waiter for many years. He started his working career in the 1920's at the White House as a waiter. In the 1930's, he worked for the merchant marine and in various clubs. During the war years, he was a dedicated worker for Southern Railroad where he was a dining car steward, and in the 1950's, he worked at the old Burlington Hotel here in Washington as its service manager.

"Pop" Stewart came to the House of Representatives in the early 1960's, where he worked as a waiter in the Members' Dining Room. As the years passed, he would come to work in the House Office Building catering operation, where he was employed until the day he died at the age of 86.

Edward "Pop" Stewart was born in Troy, NY, on September 12, 1907. During his lifetime, he was a member of the Pigskin Club of Washington, the Elks Club, the NAACP, and the AARP. Perhaps his most-loved association was as a senior Mason. He was the oldest living member of Lodge 20, Jefferson Lodge, in Charlottesville, VA, and had been a respected member for over 60 years.

"Pop" leaves behind to mourn a sister, Juanita Stewart Hargrove; a daughter, Annie Harris; 8 grandchildren; 21 great grandchildren; 2 great-great-grandchildren; and a host of loving and caring friends. He will be sorely missed by all those who had the pleasure of knowing him and hearing him say, "You're the best!"

**RECOGNIZING RAUL JARAMILLO FOR HIS 18 YEARS OF SERVICE TO THE ALAMEDA COUNTY OFFICE OF EDUCATION**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1994

Mr. STARK. Mr. Speaker, today, I would like to congratulate Raul Jaramillo for his successful tenure with Alameda County Office of Education. After 18 years, he will be retiring as their deputy superintendent.

Mr. Jaramillo's career, however, expands well beyond his years of service at the Alameda County Office of Education. He started

teaching in 1965 with the Menlo Park Elementary School District in California. It was immediately evident that Mr. Jaramillo was to have an enormous impact because he was quickly selected as Teacher of the Year. Soon afterwards, he was recruited by Alum Rock Union Elementary School District in San José, CA, as their project coordinator. Within a few years he became their assistant superintendent.

As a member of Alameda County Office of Education, Mr. Jaramillo has administered all their programs at one time or another. These include the establishment and expansion of community schools which assist with the transition process for delinquents from juvenile hall back into a regular school setting, a program for chemically dependent youth, and a program for the developmentally delayed infants. Mr. Jaramillo has also been a prominent advocate of affirmative action. He has been sought by many organizations at all levels to assist them in minority teacher recruitment.

Raul Jaramillo has made many other contributions to our community through other organizations. The one I am most familiar with is his vital role with the Hispanic Community Affairs Council. As one of the Padrinos of HCAC, he was instrumental in initiating a scholarship program for Latino students and is one of the reasons it's so successful today. This year, HCAC awarded \$37,500 in scholarships to 36 Latino students. He is also active in the Puente and Camino Nuevo Project, both mentorship programs, the Alameda County Hispanic Chamber of Commerce, the National Hispanic Foundation, and the Latino Community Policy Group.

Mr. Jaramillo has been recognized with many awards for all his contributions to education. These include: The Don Quixote Award for exemplary contributions to the Hispanic Community Affairs Council, the Association of California School Administrators for outstanding service, Alameda Technical College for outstanding service, and special recognition from the Comprehensive Teen Age Pregnancy Prevention Program for his contribution to Oakland's teen parents and their children.

Mr. Speaker, I come before you today to recognize Raul Jaramillo for his 29-year commitment to our youth and all his accomplishments. I hope you and my colleagues will join me in congratulating this educational leader for all his accomplishments and tenacious spirit and wish him well in all his future endeavors.