United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

## SENATE—*Wednesday, June 29, 1994*

*(Legislative day of Tuesday, June 7, 1994)*

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

### PRAYER

The Reverend Oliver Dewayne Walker, Phillips Temple C.M.E. Church, Indianapolis, IN, offered the following prayer:

Let us pray:

*If my people who are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin and will heal their land.*—II Chronicles 7:14.

Eternal God our Creator, source of truth and justice, we are ever thankful to You for Your love, mercy, and grace. We look to You as the source of all our blessings. We praise You O God for the orientation we receive regarding You from our families, our religious communities, our heritage, from the foundation of this great Nation, and from nations that the myriad cultures we find represented in our country. We applaud the many persons who labor for righteousness, justice, freedom, and concerns for all humanity. The challenges we face as a nation can be dealt with O God as we have managed in the past. First, we place total confidence in You. Second, we rely on our ability to do the best in quality, and third, we have learned that a strong spirit of working together with all persons brings victory. Ever increase our sensitivity to the pain, violence, racism, hate, and greed that is ever present. That we may do all in our power with You working through us to erase these wrongs in society. Bless our lawmakers here today. We thank You for hearing and granting these requests. In and through Thy name we pray. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 29, 1994.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

Mrs. FEINSTEIN 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.

### PRODUCT LIABILITY FAIRNESS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 687, which the clerk will report.

The 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 resumed consideration of the bill.

Pending:

Dorgan-Moseley-Braun Amendment No. 1895, to eliminate provisions limiting punitive damages concerning certain drugs and medical devices and certain aircraft and components.

The ACTING PRESIDENT pro tempore. The time until 10 a.m. shall be equally divided and controlled by the Senator from South Carolina [Mr. HOLLINGS] and the Senator from West Virginia [Mr. ROCKEFELLER], or their designees.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Madam President, I will be the designee, and I ask unanimous consent to have printed a letter to me from Mothers Against Drunk Driving with respect to the debate on the amendment adopted yesterday approving that amendment withdrawing any objections that organization might otherwise have had to the bill.

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

MOTHERS AGAINST DRUNK DRIVING,
*Irving, TX, June 28, 1994.*

Re: S. 687.

Hon. SLADE GORTON,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR GORTON: In my letter of June 22 to you and all Senators, I expressed MADD's concern about the potential adverse impact of S. 687 on dram shop actions in state courts. While MADD has not taken a position in support of, or opposition to this bill as a whole, we were concerned about what we perceived as unintended consequences of the bill. Our Public Policy department at the National Office has been in contact today with Senator Danforth's staff concerning proposed amendments to the bill, aimed at clarifying that the bill does not preempt dram shop laws or dram shop actions. We have also reviewed the proposed amendment submitted by you, Senator Rockefeller and Senator Lieberman.

Subject to introduction and adoption of an amendment(s) setting forth that civil actions seeking recovery under dram shop laws/statutes, or seeking recovery from a seller of alcohol products on the theory of common law negligence, are not subject to this act; MADD withdraws its objections to Senate consideration of S. 687.

MADD greatly appreciates your response to our concerns.

Sincerely,

REBECCA A. BROWN,
*National President.*

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. HEFLIN. Madam President, I suggest the absence of a quorum and ask that the time be equally divided.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to vote on the Dorgan amendment to Senate bill 687.

Mr. HEFLIN. We object.

The ACTING PRESIDENT pro tempore. There is objection.

Mr. ROCKEFELLER. There being objection, and since we cannot proceed to the amendment, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, I rise today in opposition to S. 687. This is a very complex piece of legislation which could have a harmful effect on the lives of millions of Americans. If enacted, the bill would hurt consumers in Washington State, and throughout the Nation.

I am not a lawyer and do not wish to discuss the legal intricacies of the bill. However, I do want to raise some very serious, commonsense problems I have with this legislation.

I am deeply concerned about the bill's potential to disproportionately harm women. It would restrict their ability to recover for injuries caused by defective products. Women have been the victims of many of our Nation's most severe drug and medical device disasters. DES, Dalkon shield and Copper-7 IUD's, and silicone breast implants are just three examples.

S. 687 would eliminate the possibility of punitive damages if the Food and Drug Administration approved the drug or device. The courts would be forced to treat FDA approval as a guarantee of product safety. Given that drugs and devices with FDA approval have killed and injured consumers, relying on FDA regulation alone is inadequate consumer protection. The threat of punitive damages is an important mechanism to keep dangerous products off the market.

S. 687 also would abolish joint and several liability for noneconomic damages—compensation for intangible losses such as fertility, disfigurement, and pain and suffering. By making noneconomic damages more difficult to recover, S. 687 places less importance on a women's loss of her ability to bear children, or the disabling of a child, than on a corporate executive losing his salary.

It is not fair to only require the victims of noneconomic damages to bear the burden of pulling all the defendants who caused them harm into court. Joint and several liability allows injured victims to receive full compensation, and leaves it to the guilty defendants to divide the damages appropriately among themselves. It is much fairer to place this burden with the guilty parties than with those who are injured.

Madam President, Senator KOHL attempted to introduce more fairness into this bill earlier today. Restricting the ability of Federal courts to sanction secrecy in cases affecting public health and safety is a noble goal. I was proud to join him as a cosponsor of his antisecrecy amendment, and I am sorry that the amendment was not adopted.

The settlement of the Stern case in 1985 by Dow Corning is illustrative of why such change is necessary. As a result of a secret settlement agreement, Dow Corning was able to hide its decade-old knowledge of the serious health problems its silicon breast implants could cause for 6 additional years. The damaging information did not become public until the FDA launched a breast cancer implant investigation in 1992. In the interim, nearly 10,000 women received breast implants every month, and countless women were harmed.

Madam President, S. 687 would not only disproportionately harm women, it would also deprive injured consumers in my home State of Washington of rights they currently have. This is significant because Washington has one of the most conservative tort law scheme's in the Nation.

This bill would reduce the statute of limitations in my home State of Washington from 3 years to 2 years. Injured consumers would have less time in which to file lawsuits when they are harmed by dangerous products.

The bill would reduce the number of situations in which product sellers can be held liable in Washington State.

And, the bill would abolish joint and several liability for noneconomic damages currently available in Washington when the injured person has not contributed to her injury.

Madam President, I have serious concerns about S. 687 and cannot support passage of this bill as currently drafted. I urge my colleagues to think long and hard about consumer health and safety, as well as the potential impact of this bill on women.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HEFLIN. Madam President, I yield myself such time as I may take.

The ACTING PRESIDENT pro tempore. Is the Senator the designee of the Senator from South Carolina?

Mr. HEFLIN. Yes.

The ACTING PRESIDENT pro tempore. So we may proceed, and the Senator from Alabama is recognized.

Mr. HEFLIN. Madam President, this debate has gone on for a good while, and there has been almost every conceivable subject discussed as it would relate to the issue at hand. I do not want to be repetitious and redundant and repeat a lot of things. But, nevertheless, there are some things that, maybe put in a different perspective, ought to be considered.

We have had a lot of discussion on women's rights involved in this legislation. I think it would be appropriate to consider what has happened in the judicial system in the civil arena of the courts over the years relating to women's rights.

When I first started practicing law not too many years ago, relatively speaking, there were no women on the juries. There were very few women lawyers. I was in law school in 1946 through 1948 at the end of World War II. Most of the students were veterans of World War II and had returned. I believe that probably out of 600 that were in law school with me at the time, there were probably six women. Today you go to law schools and you will find that probably 50 percent or more are women.

Certainly as to juries, the average jury you see in the box, if it is not a majority of women, there are a goodly number there that are in the jury box. There are many women trial lawyers, and as to the judges today many judges are women.

But somehow or another relative to product liability, there seems to be a much larger number of women who are affected by certain defective products. We have had a list presented here, the Dalkon shield, high-absorbent tampon linked to toxic shock syndrome, and numerous others.

When I look at this bill, I do not think it was intended necessarily by the authors of the bill, not certainly the Members of the Senate or their staffs, because this thing has been drafted and redrafted over the 16 or 17 years that it has been here. Nevertheless, there are numerous instances that affect women probably more so than men.

Of course, the one that has caused such a debate among the various women's groups has been the approval of the language in there dealing with FDA and the premarket approval, giving a complete excuse against punitive damages. But the joint and several liability issue on noneconomic damages likewise affects women much more so than men in regards to activities that would go on.

It just seems that what has happened really, this bill has not grown with the changes. It has inherent things that you do not always articulate or see exactly that have stayed in it since it was first drafted 16 and 17 years ago, and there has not been an evolution and recognition of women's rights and women's protection that should be included or how it might affect women.

These things are built in, and every time I read it I keep finding language that seems to discriminate against children, the elderly, or women involved in it.

I think that mindset took place years ago, 16 or 17 years ago, or 18 or 19 years ago. I think Senator HOLLINGS indicated that there was the first effort in drafting this when it was presented, which was about 1974 or 1975, or something like that, I just do not think it has evolved as we have moved forward.

There are other aspects of this that I do not want to go through a lot of repetition dealing with. There are things that I have not articulated, but nevertheless I think are important that we consider. Other people may have, and maybe I can give a little different viewpoint to it relative to some of the matters pertaining to it.

Some of these deal with the issue of whether or not it is going to lower any cost to business. There have been hearings numerous times in which there have been representatives of the American Insurance Association and they have clearly made known that this bill is not going to affect insurance rates. There have been studies over the years that indicate that really product liability costs are a negligible part of the overall cost relative to business.

The Conference Board survey of risk managers of corporations show that product liability costs for most businesses are 1 percent or less of the final product. A Rand Corp. study found that only 9 out of every 1,000 manufacturers were named in any product liability suits in any given year. The survey states that available evidence does not support the notion that product liability is crippling American business.

I am going to talk a little further. I want to reserve the time for some of the others that will be coming to the floor, so I suggest the absence of a quorum.

I ask unanimous consent that the time be equally charged for the quorum call.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. I ask unanimous consent that the Senator from Pennsylvania be permitted to speak as if in morning business. For how long?

Mr. SPECTER. Ten minutes.

Mr. GORTON. To be equally divided on this current debate.

The ACTING PRESIDENT pro tempore. Is there objection? There being none, the Senator from Pennsylvania is recognized to speak in morning for 10 minutes.

Mr. SPECTER. I thank the Chair and I thank my colleague from Washington for permitting this 10 minutes as if in morning business in the absence of any proceeding pending before the Senate on the issue of product liability.

## HEALTH CARE

Mr. SPECTER. Madam President, I have sought recognition for a few moments this morning to talk about an important report from the General Accounting Office on the cost relating to the administration of President Clinton's health care program.

When the President submitted legislation, ranging some 1,342 pages, Senator HARKIN and I—Senator HARKIN being the chairman of the Appropriations Subcommittee on Labor, Health, Human Services, and Education, and I being the ranking member—submitted a letter, dated November 30, 1992, to the Comptroller General, Charles Bowsher, asking for a cost estimate on the administration of the Clinton health care program. This was requested because of the complexity of the Clinton health care program.

By letter dated June 15, 1994, the General Accounting Office responded and, in effect, said that they could not verify the administration cost of $5.4 billion over a 5-year period because the Office of Management and Budget, which had prepared the cost estimate, was doing so out of the range of their ordinary responsibilities. And, to quote directly from the conclusion of the Office of Management and Budget, they stated the following:

> OMB staff did not provide us complete information about the underlying assumptions they used to estimate the Federal costs for the Health Security Act [HSA] startup and administration. The staff of OMB stated that they did not follow their normal budget estimating process. They made the budget estimates in a short timeframe and based them on proposed legislation that did not have responsibilities for some of the functions clearly defined. OMB staff said they did not document their estimating assumptions and were reluctant to discuss the details of their work.

Madam President, I suggest to you that this OMB report on estimating cost is very important because of the obviously tremendous costs associated with administering the Clinton health care plan.

When I first read the Clinton plan, I was surprised at the number of agencies, boards, and commissions which were created, and asked a staff member, Sharon Helfant from my office, to prepare a list. Instead of preparing the list, Sharon Helfant prepared a chart, which I have talked about on the Senate floor before, but it is worth reviewing today, because, at a glance, it shows the enormous complexity of President Clinton's health care program.

Every box in red is a new agency, board, or commission. There are 105 of those red boxes on this chart. Every box in green is an existing bureau or agency which is given a new administrative job. There are 47 existing agencies which are given new tasks.

This chart appeared in a full-page spread in the Washington Times on December 22, 1993. It was also used by Senator DOLE in his reply to President Clinton's State of the Union speech in late January. As a result, the White House issued a release that the chart was inaccurate, notwithstanding the fact that in every one of these boxes there is a specific page reference to the Clinton health care plan.

It is obvious, on the face of this kind of a complex administrative bureaucracy, that the Clinton health care plan is going to be enormously costly to administer.

That is the reason Senator HARKIN, in his position as chairman of the Subcommittee on Labor, Health, Human Services, and Education, and I, as ranking Republican, asked for this cost estimate.

The General Accounting Office has the responsibility to provide to the Members of Congress information to analyze, corroborate, or dispute figures which are released by the administration.

I must say, Madam President, that it is distressing to note in the GAO report that the Office of Management and Budget, which prepared these cost estimates, did not have any real basis for its determination and would not provide GAO with the available backup material which estimated the cost to be $5.4 billion. This estimate, on its face, is not worth very much because of the underlying inadequacies of the analysis.

The GAO report shows that the OMB decisions were made, and, as it says here:

> The staff was given a very short time frame to develop the estimates. The staff said that they did not document the assumptions they used and, in our discussions with them, they [the OMB staff] would not fully discuss the details of their estimating strategy.

The GAO report further discloses that:

> OMB did not provide cost estimates for each detailed Federal administrative function.

And further in the report:

> OMB staff did not determine the Federal full-time-equivalent employee requirements for the HSA implementation.

That is the implementation of the statute.

At this juncture, we all know that many committees of the Congress are working very hard to try to come forward with legislation, and it is obvious that the cost factor is very important in our congressional determination. So I call on OMB, the administration, and

the President to come forward with some realistic estimate as to what the cost will be.

It is my thought, and the thought of many other people, that this kind of administrative bureaucratic setup, with 105 new agencies, boards, and commissions, and new jobs for 47 existing agencies, is going to cost billions of dollars.

That is why I have introduced alternative legislation, Senate bill 18, which retains our current health care system—a system that provides the best health care in the world to 86.1 percent of the American people. My legislation targets the specific problems: Coverage for the 37 million Americans now not covered; portability—that is when a person changes jobs; coverage for preexisting conditions; and factors which will lead to cost reduction by dealing with, for example, low-birth-weight babies, children who are born weighing a pound, 18 ounces, 20 ounces, by providing prenatal care. When those children come into the world, they are human tragedies carrying scars with them for their entire lives. Each child costs an estimated $150,000 by the time he or she leaves the hospital. So it involves multibillion-dollar costs to a health care system. My bill, Senate bill 18, deals with other savings on terminal care costs and on managed health care.

It is my hope we will pass health care legislation this year. As I have said on the Senate floor, I agree with the President's objective of providing health care insurance for all Americans. But I do not agree with the massive, cumbersome bureaucracy which he has proposed. I think the administration has a duty—an absolute, positive, mandatory duty—to tell us what this proposal is going to cost. That is a threshold question.

There are many questions which we cannot answer as to how the plan is going to play out. But as to what the bureaucracy will cost, they ought to tell us. When the General Accounting Office makes a report and says that OMB has provided an inadequate basis for a cost estimate of $5.4 billion—not that $5.4 billion is chopped liver; it is a lot of money—then OMB and GAO should not have the ability to do the estimate. They did not outline their assumptions. They did it in a short timeframe. They have no basis for the figure which they have come to. Congress, therefore, cannot have confidence in their estimates on the cost of the Clinton health proposal.

So I am hopeful we will yet have some realistic appraisal by the administration. I think if and when we ever get the true figure, it is going to be an enormous cost which will further undercut the viability of the President's health care program.

Madam President, I ask unanimous consent that a copy of the letter from Senator HARKIN and myself to Mr. Bowsher, dated November 30, 1993, and a copy of the GAO report dated June 15, 1994, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
*Washington, DC, November 30, 1993.*

Mr. CHARLES A. BOWSHER,
*Comptroller General, General Accounting Office, General Accounting Office Building, Washington, DC.*

DEAR MR. BOWSHER: We are writing concerning the recent introduction of the Health Security Act, the President's comprehensive legislative proposal to extend affordable health care coverage to all Americans and to implement reforms to improve the quality and efficiency of the health care system. While we concur in the broad objectives outlined in the plan and look forward to working with the President and the relevant legislative committees, we believe that a careful analysis of all aspects of the proposal is essential.

As the Chairman and Ranking Member of the Senate Appropriations Subcommittee which has jurisdiction over funding for discretionary health programs, we are particularly interested in an analysis of the federal costs required to set up, administer and support the programs authorized in the legislation. This analysis is especially important given the action by the Congress to freeze discretionary appropriations over the next 4 years. We, therefore, request that the General Accounting Office conduct an in depth analysis by agency of the federal costs of administering the new health care system, and of fully funding the new and expanded authorizations of discretionary programs outlined in the legislation. The study should also examine the impact of these expenditures on overall health care spending.

Your prompt attention to this request is appreciated.

Sincerely,

TOM HARKIN,
*Chairman,*
*Labor, HHS and Education Subcommittee.*
ARLEN SPECTER,
*Ranking Member.*

---

U.S. GENERAL ACCOUNTING OFFICE,
*Washington, DC, June 15, 1994.*

Hon. ARLEN SPECTER,
*Ranking Minority Member, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate.*

DEAR SENATOR SPECTER: In November 1993, the President released his detailed legislative proposal for national health care reform. The proposed Health Security Act (HSA) is a comprehensive plan to provide universal health insurance for a broad range of services. The President's 1995 budget request to the Congress includes a $5.4 billion estimate of the federal expense to start up and administer the proposed new health care system over 6 years.

Concerned about how the administrative costs of implementing the proposed new health care system would be funded, given the limit Congress placed on discretionary appropriations,[1] you asked that we determine what justifications the administration used to support the federal administrative cost estimates that appear in the President's 1995 budget. Specifically, you asked that we identify the federal administrative functions that were considered and determine the underlying assumptions used to derive the estimated costs. On April 29, 1994, we briefed your staff on the results of our work.

In summary, the Office of Management and Budget (OMB) identified the federal functions required to implement the proposed HSA and estimated the federal administrative costs of starting up and supporting these functions over 6 years. OMB staff said that pricing out the proposed HSA was difficult. The staff attributed the difficulty in estimating the federal administrative costs to primarily two factors: (1) decisions had not been made about what entity would carry out some of the functions and (2) the staff was given a very short time frame to develop the estimates. The staff said that they did not document the assumptions they used and, in our discussions with them, they would not fully discuss the details of their estimating strategy. As a result, we could not reconstruct the information for you.

FEDERAL ADMINISTRATIVE COSTS TO IMPLEMENT HSA

OMB was responsible for identifying the federal administrative functions to implement the proposed HSA and for developing the administrative cost estimates that appear in the President's fiscal year 1995 budget. Normally, OMB does not independently prepare cost estimates for proposed legislation.[2] In this instance, however, OMB's budget examiners, not the executive branch departments or agencies, estimated the federal administrative costs for the administration. Moreover, while these estimates of federal costs appeared in the President's fiscal year 1995 budget, preparing them was conducted outside OMB's normal budget estimating processes.[3] OMB staff stated that they were asked to estimate the cost of the proposed bill in a very short time frame. Also, there was some uncertainty about whether some of the functions under the proposed new health care system would be carried out by the federal government, the states, or the proposed alliances. OMB staff stressed that these factors made estimating the federal administrative costs very difficult.

FUNCTIONS IDENTIFIED AND ANNUAL COSTS ESTIMATED FOR 6 YEARS

OMB staff identified the specific detailed federal administrative functions required under HSA and estimated the implementation cost of these functions rather than by a department or other entity such as the National Health Board (NHB) that would be responsible for the function. OMB did not provide cost estimates for each detailed federal administrative function. Instead, OMB grouped the detailed administrative functions and provided us annual federal cost estimates by four functional categories: (1) Information Systems and Quality Assurance, (2) Monitoring of States and Alliances, (3) Program Oversight and Financial Management, and (4) Transition to the New System. The estimates are of new or add-on costs. Table 1 shows, by these four functional categories, OMB's estimates of the federal administrative costs for implementing HSA over 6 years. Estimates of federal administrative costs for 1995 through the year 2000 totaled $5.4 billion. OMB staff did not determine federal full-time-equivalent employee requirements for HSA implementation.

---

Footnotes at end of article.

TABLE 1.—PROPOSED HEALTH SECURITY ACT—OMB'S ADMINISTRATIVE COST ESTIMATES FOR FEDERAL FUNCTIONS

[Dollars in millions]

| Functional categories | Fiscal year | | | | | | 1995–2000 |
|---|---|---|---|---|---|---|---|
| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | |
| Information Systems and Quality Assurance [1] | $915 | $95 | $94 | $81 | $81 | $81 | $1,347 |
| Monitoring of States and Alliances [2] | 40 | 92 | 174 | 241 | 272 | 279 | 1,098 |
| Program Oversight and Financial Management [3] | 77 | 178 | 194 | 226 | 226 | 230 | 1,131 |
| Transition to the New System [4] | 247 | 527 | 726 | 353 | 7 | 8 | 1,868 |
| Total, HSA start-up and administration | 1,279 | 892 | 1,188 | 901 | 586 | 598 | 5,444 |

[1] HSA specifies that the Federal Government would help develop and maintain a health information network; establish a National Quality Management Program; provide technical assistance to alliances, states, and health plans; and set standards to implement privacy protections, malpractice reforms, and administrative simplification measures.

[2] Under HSA, the Federal Government would oversee key state and alliance functions. The Federal Government would monitor alliance financial operations (including audits of alliances); ensure that plans and alliances conform to applicable regulatory requirements; make certain that employers make premium contributions and provide insurance through qualified plans; oversee the administration of premium targets; monitor and audit employer subsidies; and back up state guarantee funds.

[3] Federal responsibility under HSA would include development of rules and standards for the overall financial oversight of the new system. The pricing reflects several oversight functions, including update of the comprehensive benefits package, examination of new drug prices, development of rules for health plans, monitoring of alliance grievance procedures, development of a risk adjustment system, monitoring health care prices and expenditures, and supporting antitrust reform and fraud and abuse preventive activities.

[4] The Federal Government would help states make the transition to the new system. The Federal Government would administer planning and start-up grants, issue standards for health plans during the transition, process state waivers, and administer a national risk pool for the uninsured during the period prior to phase-in of universal coverage.

Source: Analytic Perspectives, Budget of the United States Government, fiscal year 1995; and OMB staff.

In discussions with us, OMB staff added the following qualifiers to the federal cost estimates they developed for HSA start-up and administration:

Administrative costs associated with providing health security cards are not included in the estimates because OMB staff assumed this would be an alliance function rather than federal function.

Start-up costs are reflected in the first 2 years (1995 and 1996).

The $1.279 billion estimate for 1995 costs was designated PAYGO.[4] OMB staff told us that this was done because the estimated costs would exceed the discretionary spending cap for that year. The administration suggested that revenue from a tobacco tax would be used to fund these costs.

NO RECORD OF ESTIMATING ASSUMPTIONS

OMB staff told us that they did not document the assumptions they used to estimate federal costs for HSA start-up and administration, and they would not reconstruct the information for us. In discussions with us, OMB staff provided sketchy information about the assumptions used to cost-out the detailed federal administrative functions they identified in the proposed HSA. In some cases, they extrapolated from existing functions. Where they extrapolated or used proxy measures, however, they did not disclose any dollar values associated with their analyses. Furthermore, they did not provide any information on analyses they conducted that showed the difference in magnitude, if any, between the proxies they used and the proposed federal administrative functions. OMB staff provided some information about their estimating assumptions and the rationale they used in costing out the federal administrative functions for implementing the proposed HSA (see enclosure).

In conclusion, OMB staff did not provide us complete information about the underlying assumptions they used to estimate the federal costs for HSA start-up and administration. The staff stated that they did not follow their normal budget estimating process. They made the budget estimates in a short time frame and based them on proposed legislation that did not have responsibilities for some of the functions clearly defined. OMB staff said they did not document their estimating assumptions and were reluctant to discuss the details of their work.

To identify the federal functions and determine the estimating assumptions the administration used, we met with staff from OMB and the Department of Health and Human Services (HHS).[5] HHS officials told us they had no involvement in estimating the federal costs and did not know what estimating assumptions OMB used. As agreed with your staff, we did not attempt independently to estimate the federal costs of administering the proposed new system or measure the impact of the expenditures on overall health care spending. Also, we did not evaluate the appropriateness of the estimating assumptions used. We conducted our work from February to May 1994 in accordance with generally accepted government auditing standards.

OMB officials reviewed a draft of this correspondence and offered some technical changes. We made the technical changes as appropriate.

We are sending copies of this correspondence to the Chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Senate Committee on Appropriations, and the director of the Office of Management and Budget. We will also make copies available to others on request.

Please contact James O. McClyde, Assistant Director, at (202) 512-7119, if you have any questions about this letter.

Sincerely yours,

SARAH F. JAGGAR,

(For Mark V. Nadel, Associate Director, National and Public Health Issues).

Enclosure.

PROPOSED HEALTH SECURITY ACT—INFORMATION OMB PROVIDED ABOUT ESTIMATING ASSUMPTIONS THEY USED TO COST OUT FEDERAL ADMINISTRATIVE FUNCTIONS

(By functional category)

Information Systems and Quality Assurance:

About 60 percent of 1995 costs is for start-up of this function.

Standard-setting would be a major part of this function.

The federal government would not build new data systems because existing systems can be expanded.

Private sector data systems that could be used include Blue Cross and Blue Shield's electronic claims system.

Analogues considered in pricing this function were resources of the Health Care Financing Administration (information systems) and the Social Security Administration (system resources), and data from the Agency for Health Care Policy and Research (quality management data) and the Aid to Families With Dependent Children program (quality control data).

NHB will probably contract out any additional work it is responsible for under this function.

DOL's responsibilities would be very small.

Monitoring of States and Alliances.

About 50 to 75 percent of 1995 costs would be for standard-setting.

Most of the total cost would be for federal staff to monitor alliances and employers.

It is not very likely that DOL would have to take over corporate alliances, so a very small cost was included for readiness.

Program Oversight and Financial Management:

About 10 percent or less of 1995 costs would be for start-up.

Many main NHB functions would be included.[6]

Some standard-setting would be included along with ongoing activities such as updating the benefits package.

Most of the costs would be for federal staff, including a small HHS staff to monitor health care prices and expenditures[7] and the HHS Inspector General's office to conduct fraud and abuse reviews.

It is not very likely that HHS would have to take over alliances, so a small cost was included for readiness.

Transition to the New System:

About 90 percent of the costs would be associated with setting up and administering a national risk pool and for grant administration.

FOOTNOTES

[1] The Budget Enforcement Act of 1990 (BEA) contains procedures designed to enforce the deficit reduction agreement. The act divides the budget into two mutually exclusive categories: (1) discretionary programs and (2) direct spending. The act also provides pay-as-you-go (PAYGO) procedures for legislation affecting direct spending or receipts. For 1991 through 1995, among other provisions, the act limits discretionary spending. The Omnibus Budget Reconciliation Act of 1993 extended the discretionary spending limits through 1998.

[2] OMB is responsible for cost estimates used in the President's budget and for enacted legislation to meet the requirements of BEA. OMB is also responsible for pricing legislative proposals on behalf of the administration. However, in fulfilling these responsibilities, OMB generally relies on executive branch agencies to prepare initial cost estimates. OMB budget examiners then review and modify these estimates as needed.

[3] Under the normal executive budget formulation process, beginning in the fall, OMB works closely with agencies to prepare cost estimates of agency activities to be incorporated in the President's budget. As agencies prepare their budgets for submission to OMB, they maintain continuing contact with OMB budget examiners. OMB also provides agencies detailed instructions for preparing submissions through Circular A-11. This process is more fully described in appendix I of A Glossary of Terms Used in the Federal Budget Process (GAO/AFMD-2.1.1).

[4] Under BEA, PAYGO requirements stipulate that any new legislation that increases direct (mandatory) spending or decreases receipts be deficit neutral (that is, not increase the deficit). For discretionary programs, the act establishes discretionary spending caps or limits. These measures are designed to reduce or limit the growth in the federal budget deficit. BEA rules require that new accounts

or activities be categorized in consultation with the House and Senate Committees on Appropriations and the Budget.

[5]We interviewed officials from HHS' Offices of the Assistant Secretary for Program Evaluation and Assistant Secretary for Management and Budget.

[6]OMB did not use analogues/proxies for estimating NHB costs. They assumed a staff of about 30 people and one auditor per alliance for financial monitoring. OMB officials talked about the Federal Reserve Board and the Securities Exchange Commission as possible models for costing-out the NHB financial management responsibilities.

[7]The Health Care Financing Administration already publishes some health care price data.

Mr. SPECTER. I thank the Chair, and again I thank my colleague from Washington.

I yield the floor.

## PRODUCT LIABILITY FAIRNESS ACT

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HEFLIN. Parliamentary inquiry; what is the remaining time for each side?

The ACTING PRESIDENT pro tempore. The time remaining to the Senator is 9 minutes, I am told.

Mr. HEFLIN. How much is on the other side?

The ACTING PRESIDENT pro tempore. They have 18 minutes.

Mr. HEFLIN. I will yield 3 minutes to the Senator from Iowa [Mr. HARKIN].

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 3 minutes.

Mr. HARKIN. Madam President, I thank the Senator for yielding me the 3 minutes. I did have a longer statement in opposition to this bill.

Let me just summarize it very briefly. I will take time, hopefully after this next cloture vote at 10 o'clock, to expound more fully upon my opposition to the elements that are in this so-called product liability reform bill. And I am hopeful, of course, that at 10 o'clock, when the vote occurs, we will have sufficient votes to, again, keep the debate going.

For many years, there have been those who want to take away the centuries-old protections that the little person has against powerful forces. The centuries-old doctrine that people have to act wisely and prudently and with due care and concern, and that people will be held responsible if they act recklessly and carelessly in their manufacture of articles is to be thrown out the window with this bill.

For years, the proponents, who want to do that, have been saying we have not had a chance to debate it. Now we have a chance to debate it. Now they want to cut off debate. They want to invoke cloture so those of us who have amendments to offer to the bill, and Senator LAUTENBERG and I do have a very meaningful amendment to offer to this bill, will be foreclosed from offering those amendments and debating them because of the rules under cloture.

So I find that just one of the double standards that the proponents of this bill are using. Because, Madam President, this bill in itself sets up a double standard. There is one standard if you are a manufacturer, if you are a business concern, a corporation; another standard if you are just one of the little people of this country who happens to get injured by a product.

Under this bill, as it is designed right now, let us say an airliner crashes and the next of kin sues. There are limits on what that person can recover for surviving family members, for example. But let us say if it was, to use an example, American Airlines—I hate to pick them out; I just picked out an airline—they could go back and sue Boeing Aircraft with no limits. So in terms of a business suing another business, there are no limits as to what they can sue for in terms of product liability. But for the little person, they put the limits on.

The ACTING PRESIDENT pro tempore. The Senator has spoken for 3 minutes.

Mr. HARKIN. That is just one of the double standards in this bill. I have several more. I hope after the 10 o'clock vote, I will be able to expound more fully on the double standards in this bill.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I did not hear entirely the words of the Senator from Iowa, but those that I did hear were stunning because he indicated that it was the proponents of the bill who were trying to stall debate and cause a filibuster.

Everybody knows and has known from the beginning, and the opponents of this bill have made known from the beginning—the Senator from Alabama and the Senator from South Carolina have made it clear from the beginning—that they were going to filibuster the bill. In fact, we had a meeting yesterday in the majority leader's office in which one of the Senators on the opponents' side was asked what would they do now that we had agreed to try to remove the FDA amendment and the FAA amendment, thus taking away many of the issues that women in particular were concerned about. The majority leader asked what will this particular opponent do? And he said: I will continue to talk.

This is a classic, absolute, ultimate, total filibuster on the part of the opponents. My dear friend from Iowa, whom I am devoted to, made one of the most remarkable statements I have ever heard. I hope everyone in this body will take some time to think again about the question that we have to answer at the cloture vote scheduled for 10 o'clock. It is really very simple. That is, will we reward obstructionism? Or will we not? Obstructionism equals filibuster. Filibuster is what this bill has been facing for the last 8 years since I have been in the Senate, and 13 years that this bill has been a matter of hoped-for discussion.

This Senator said almost nothing yesterday in the debate because there was not any debate. The Senator from Alabama referred to this being an extended debate. There has been no debate. There has been no debate. The Senator from Washington has not debated. He is a master debater. He knows the bill. He has not debated at all. I have not debated. I have said almost nothing. The Senator from Connecticut has debated hardly at all. He simply has made some points about the bill. And the reason is because there is a filibuster against this bill.

The question is, Will the Senate be able after 13 years to understand that this is a filibuster that we are trying to vote down so that we can get to the bill to discuss amendments which might improve the bill and defeat amendments which would hurt the bill, where the Senator from Connecticut and this Senator, and the Senator from Washington would be very helpful?

The question in this vote is not whether to say a flat yes or a flat no to the bill before us today, which is the Product Liability Fairness Act. That can only be answered if and when the Senate can undergo an open, straightforward process in which any of our colleagues can offer suggestions on a way to improve the legislation. We are not at the point of even putting amendments to the bill. Even the FDA amendment, which is cared about so strongly by so many, cannot be removed until we obtain cloture. So I just hope that my colleagues really do understand our situation.

To be clear about the situation we are in right now, the chief sponsors of this bill realized in the course of yesterday's debate on this bill that the prevailing sentiment on one of the provisions known as the FDA-FAA section, section 203, was that it would be deleted from the bill. We acknowledged the view—those of us who support the bill—and the reasons that those views are felt so strongly. As a result, we entered into discussions with our colleagues, the distinguished Senator from North Dakota and the distinguished Senator from Illinois, who have led the effort steadily, stoutly, steadfastly and with great value to remove this section from the bill.

When we, the sponsors, decided we should support that change, we worked out an understanding that we would support their motion to strike FDA and FAA. But, once again, we were thwarted even on yesterday and prevented from making the change to the bill pending before us until we came to another cloture vote, which ripens at

10 o'clock. We could not even debate the bill yesterday.

Mr. DORGAN. Will the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator from North Dakota.

Mr. DORGAN. Madam President, I appreciate the Senator yielding for a comment and a question. As I understand the position of the Senate at this point, we are discussing the amendment which I offered last evening, along with my colleague, Senator MOSELEY-BRAUN. That is the business before the Senate at this point, and the Senate is scheduled to take a cloture vote at 10 a.m.; am I correct, Madam President?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Let me just make a couple of additional points—if the Senator will continue to yield—about this amendment. It was November when this piece of legislation moved through the Commerce Committee. That is some long while ago. When it did, the day it moved through the Commerce Committee, I spoke to the Senator from West Virginia and told him then that I would not support this piece of legislation on the floor, with section 203 as drafted in it.

I felt very strongly, as I do now, about saying to someone we are going to set up a new shield and a new test, if you are, God forbid, injured somehow by a medical device or a pharmaceutical drug, and you seek compensation for that because you believe someone else was responsible—in this case the manufacturer of the device or drug—and you file a suit under this legislation as it is currently written, the response is, "Well, the FDA approved it. We have no further liability here."

I could give you a notebook full of cases where the FDA has approved a drug or medical device that was later found to be defective or faulty. We ought not injure the rights of individuals in this country with a new shield and a new protection for manufacturers. This bill says we are going to increase the height of the bar now and requires victims to prove fraud and misinformation has occurred by the manufacturer with respect to FDA approval or the FAA approval. That makes no sense to me. My position remains that I will not support this legislation with this section in it.

I inquire of the Senator from West Virginia. We are in a catch-22 position now. I have offered an amendment to strip this section of the bill, a section that I think is a terrible section. The amendment apparently is not to be acted on before 10 o'clock. I would ask unanimous consent, but I will not because I understand it has already been requested, that we hold the vote on this amendment before the cloture vote. My understanding is that has been requested and there was an objection.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. It really does no good to repeat that. My point is, we have an amendment that, as I understand, the manager of the bill and the ranking member have said they will accept.

Mr. GORTON. That is correct.

Mr. DORGAN. So as this bill advances, if it advances, they will accept stripping section 203 from the bill and the bill will advance without this section in it.

Mr. GORTON. The Senator from North Dakota is correct.

Mr. DORGAN. My preference would, obviously, be that we dispose of this amendment before the cloture vote. I understand the legislative procedure that we now follow and the cloture vote is going to occur at 10 and we are not able to dispose of this.

But I want to be certain of the discussion we had yesterday that the manager and the ranking member understand what I understand: That if this bill advances, that this bill will advance with a legislative provision that will strike section 203 because this amendment that I have offered is germane, so it will exist even after cloture and must be disposed of by the Senate.

My understanding is if the bill advances and if we dispose of this legislation that the ranking member and the manager of the bill are going to be supporting the striking of section 203.

Mr. GORTON. If the Senator will yield, the Senator's amendment strikes sections 203 (b) and (c) of the amendment and not only the Senator from West Virginia and I——

Mr. ROCKEFELLER. I have yielded to the Senator.

Mr. GORTON. We will support that amendment, but I have undertaken to persuade members on this side who will agree with me to do so as well. I think I can say with confidence that the amendment will be successful.

The ACTING PRESIDENT pro tempore. Senator ROCKEFELLER is controlling the floor at this moment. He is recognized.

Mr. ROCKEFELLER. I thank the Senator from North Dakota. I would like to make a point that the majority leader, Senator MITCHELL, acknowledged on Friday—this is in the CONGRESSIONAL RECORD—that the proponents of the bill were asked to file the cloture motion because of the certainty that the bill would be filibustered. That is what the majority leader said.

So for my colleagues who are listening and to their associates throughout this and other buildings, let me reiterate that this bill would reduce the average 5 years that a person waits to get compensated for a crippling injury of some sort. We are trying to reduce that, we are trying to help the victims and take some of the money away from the lawyers to give it to the victims, and we are being filibustered.

In any event, I would like at this point to yield 2 minutes to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Madam President, I thank my colleague from West Virginia.

I believe that the filibuster should be very, very sparingly used. In a democracy, we function on 51 percent or a simple majority. But as we all know, some may not understand watching on C-SPAN or in the galleries, where there is a filibuster in the U.S. Senate, it requires 60 votes to shut off debate to move ahead to consideration of the merits of legislation.

I believe that a filibuster ought to be very, very sparingly used on major policy matters and constitutional issues to protect the rights of the minority from an unfair majority.

I believe on the current face of this bill with a commitment by the managers to eliminate the provisions restricting punitive damages from the Food and Drug Administration and the Federal Aviation Administration, that we ought to proceed to consider the bill.

I voted against cloture yesterday to continue the debate because I thought it was important that those provisions be removed.

I wish to say that I have some substantial reluctance to see legislation in any area which involves case law determination where the courts for decades and really centuries have in a form of incrustation made decisions in an area like product liability. I have litigated in the field and have had occasion to read extensively in the field. There is a wisdom, a common law wisdom, which comes from the judicial process that really cannot be matched by what we do in the legislature. In Congress, where we have bills and hearings and markups, very frequently only a Senator or two at the hearings, which is a very difficult process to have the kind of analysis which the courts have rendered.

I have great reservations about the underlying bill. I make no commitment how I am going to vote on the underlying bill. I have filed a series of amendments.

I am very concerned about the provisions with respect to workman's comp and subrogation interests, very concerned especially in the area of catastrophic injury and to the joint and several liability issue. I have had some indications from the managers of a willingness to consider my amendments. But I think in this posture on this matter we ought not to require 60 votes but ought to go back to the democratic process of 51 votes. With

the managers' assurances that these provisions as to punitive damages will be removed, I intend to support the cloture motion.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. I yield to the Senator from Connecticut—how much time do the proponents have?

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. ROCKEFELLER. Two minutes.

Mr. LIEBERMAN. Fine.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. I thank the Chair and I thank my colleague.

Madam President, one of the most ill-understood aspects of our product liability system is how it affects the international competitiveness of our American manufacturing companies. I want to set aside, for a moment, the effect on innovation, and just focus on how our product liability system, which is uniquely generous, affects U.S. manufacturers simply with respect to sales of existing products.

It is often argued by opponents of this bill that our product liability laws cannot be a competitive disadvantage to U.S. firms because, in this country, all competitors here are subject to our laws, and abroad, all competitors are subject to foreign laws. The problem with this argument is that it is not true. The underlying assumption of a level playing field in each market is false.

As Prof. Aaron Twerski, one of the Nation's premier scholars in tort law, told the Senate Commerce Committee, under so-called modern or interest analysis choice of law doctrines, a U.S. manufacturer can be sued in the United States, under U.S. laws, for injuries resulting from a product manufactured here, even if the product was sold abroad in a foreign country and the person injured was a foreign citizen in that country. As Professor Twerski testified, "U.S. manufacturers may be held to higher and more costly product liability standards in both U.S. and foreign markets than their foreign counterparts." Obviously, this puts U.S. companies at a cost disadvantage when selling in foreign markets since they will have to insure against the possibility of lawsuits brought by foreign purchasers in U.S. courts, while foreign competitors do not have to bear similar insurance costs with respect to sales in that country.

In addition, it is simply much harder to take discovery—and hence to obtain a successful judgment—against a foreign manufacturer. While a U.S. court can obtain documents and testimony easily from a U.S.-based manufacturer, discovery procedures in foreign countries are much more limited, and usually involve replies to written interrogatories. Ironically, the less U.S. presence a foreign manufacturer has, the easier it will be to shield its documents.

The same can be said when it comes time to enforce judgments. In the United States, a U.S. claimant can obtain a judgment against a U.S. company simply by getting a court order. The court can even order seizure of assets to enforce payment. U.S. claimants and courts do not have similar tools available against the assets of foreign manufacturers abroad. Foreign courts can refuse to honor U.S. judgments by finding that the U.S. court lacked jurisdiction or that insufficient evidence existed to support the judgment. The practical expense of hiring a foreign lawyer to attempt to collect a U.S. judgment further frustrates collection. This gives foreign manufacturers a real advantage vis-a-vis U.S. manufacturers when it comes to avoiding collection of tort damages.

Our tort liability system has had one other impact on the ability of claimants to collect judgments from foreign manufacturers. Professor Twerski told the Commerce Committee that the United States has been unable to get foreign countries to agree to a treaty to enforce American judgments abroad because of foreign countries' low regard for U.S. tort judgments, which they view as out of control. Ironically, our supposedly proplaintiff system may actually be hurting claimants when it comes to suing and collecting from foreign companies.

One other point needs to be made. When our product liability system drives manufacturing offshore or even into thinly capitalized U.S. based companies, claimants do not necessarily come out ahead. The risk of covering the cost of an injury will be transferred from the manufacturers to the purchasers in both settings, either because the assets of the foreign manufacturer are not subject to U.S. jurisdiction or because the thinly capitalized company seeks protection in bankruptcy. Either way, all our product liability system has accomplished in that setting is to reduce the amount of compensation available to injured claimants. That can hardly be considered a proconsumer result.

Passage of S. 687 would help to mitigate these disadvantages for American companies and American consumers. A fair and balanced product liability system is in the best interests of all Americans.

Madam President, we are coming again to one of those moments of truth which test not only the issue at hand but the openness and fairness of this body. The fact is we saw it last year in this Chamber and we saw it again yesterday. The majority of Members of the Senate want to reform the product liability laws of our country. They understand that too many consumers are not treated fairly under these laws. They have to wait too long; that if their injuries are small, they tend to be overcompensated because of the pressures in the system to settle. If their injuries are large, they are too often undercompensated; that the current system eats away at our competitiveness and our manufacturing base and the creation of jobs.

We can disagree or argue about the particular remedies, but a clear majority of the Senate wants to reform our product liability laws. The question that we are going to answer at 10 o'clock in this cloture vote is whether we are going to give that majority the opportunity to work together and do just that. It has consequences for people's lives, people's jobs and the future of our economy.

Second, we are in a posture now that I think suggests the difficulties and unreasonableness. The sponsors of this bill have tried to be fair every inch of the way, and yesterday as the vote went on and as we heard from our colleagues and we listened to them, we understood that there is substantial opposition to section 203. Senator DORGAN has a motion to strike. We wanted it voted on.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LIEBERMAN. I ask my colleague for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut has asked for an additional 30 seconds.

Mr. ROCKEFELLER. The Senator has that time.

Mr. LIEBERMAN. I thank the Senator.

Senator DORGAN's motion to strike, to take this objectionable provision out of the bill, is before us. All of us who are sponsors support that motion. We are trying to be reasonable, and yet those who oppose the bill are blocking a vote before 10 o'clock because they think in that way some who want this section out of the bill will not vote for cloture. I say to my friends, if cloture is adopted, the pending issue will be the motion to strike 203 and we will adopt it, so please vote for cloture.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROCKEFELLER. I yield the remainder of the proponents' time to the Senator from the State of Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. GORTON. Madam President, the vote we are about to take is the crucial vote on product liability for this Congress. The product liability bill which would very likely be passed if cloture is invoked is certainly not all this Senator would have liked, but he and others have given their assurances of support for the motion to strike and those assurances will be kept.

Even so, this bill will represent a step forward toward greater fairness, toward greater productivity in our American economy and toward a greater degree of justice, less spent on transactional costs, less of the costs of the system going to actual victims. It is a good and forward looking proposal to reform our legal system. It should be passed. It can only be passed if 60 Members vote in favor of cloture.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HEFLIN. Parliamentary inquiry, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Alabama will state it.

Mr. HEFLIN. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes.

Mr. HEFLIN. What about the opponents' time?

The ACTING PRESIDENT pro tempore. Their time has expired.

The Senator is recognized.

Mr. HEFLIN. I yield myself such time as I may need. Senator HOLLINGS I think may want to make some remarks.

I look around. It gets down to this—and I have said this before, but I want to reemphasize it and maybe say it a little differently. It is basically, is this a fair bill? And when you consider the overall situation, see the language that is in it, and how this word or that word is changed with an idea of giving an advantage, giving an advantage to the defendant, the manufacturing company, the insurance company, it just comes to it that it is an unfair bill.

Basically, No. 1, if it is a fair bill, why do they exclude businesses and eliminate commercial loss? The biggest verdicts have been in the business arena, punitive damages and others—Texaco, Pennzoil, for example. But this bill does nothing about that. But the fellow who loses a finger, who is a violinist, or who loses a leg who is a soccer player, about which we hear so much today, whose livelihood is taken away from him, the provisions of this bill apply to him, and they are designed throughout to restrict his rights to recover.

It is almost inconceivable that someone would come up with an idea that they can take your life insurance policy proceeds away from your widow and your children if you are killed as a result of an accident. Now, that is just unconscionable, but there is unconscionable language throughout.

You pay health insurance. Maybe you work for the Government or are an employee and pay a portion or maybe you work and pay it all, and you have spent over the years thousands and thousands of dollars. You are in a hospital today, with costs like they are, for a month recovering, or you can pass away, yet they are allowed to deduct—not the jury. The jury knows nothing about this and are told nothing about it—but the court, after the verdict is rendered, is obligated under the law, under the provisions that are applicable, to deduct that $100,000 or whatever the hospital bill is from your economic damages. Then, if you had a disability payment or anything else, they eliminate that under these provisions and deduct it from you.

Now, what is fair about that? It is just unconscionable to me that people would write that in it, but they do it under collateral benefits. They think nobody will read the definition of what collateral benefits means, so therefore they get by in the fine print.

Now, arguments have been made here, very forcefully—and he has done a remarkable job, Senator ROCKEFELLER, in his advocacy, Senator GORTON, Senator LIEBERMAN and others, but they argue, all right, what we need to do takes 5 years.

I support procedures to bring about the expeditious handling of cases. I support alternate dispute resolutions. But let us do that separate and not have all of this garbage and unfairness that is in the bill.

Thank you, Madam President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I ask unanimous consent that there be 5 minutes more of debate equally divided between Senator HEFLIN and Senator ROCKEFELLER and that the vote occur at 10:05 a.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. ROCKEFELLER. Madam President, we have 2½ minutes for each side.

Mr. HEFLIN. Madam President, I yield 30 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Madam President, I thank the Senator for yielding 30 seconds.

I want to respond to my friend from West Virginia on the issue of the cloture vote. I ask my friend from West Virginia, are we not debating the bill? Are we not offering amendments? This bill was brought up on Friday. We have offered amendments. We are offering amendments. Also, we are voting on them. But, no, the proponents of this bill filed a cloture motion right at the beginning.

Give us a week to debate it. Give us a week to offer amendments. The proponents of this bill know that, if cloture is invoked, we have 30 hours total to debate and amend this bill. We can spend a week to 10 days on Whitewater, can we not? We can do that. But we cannot spend a little bit of time amending this bill. That is why we ought to vote to sustain the debate.

Mr. ROCKEFELLER. Madam President, I again defer to the majority leader. The Senator knows full well that the majority leader said the reason the cloture petitions had to be filed was because there would be a filibuster by the opponents.

Mr. HARKIN. We are just simply amending the bill.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. I yield myself 2½ minutes, or whatever time is left.

I really do urge my colleagues to reject the obstructionism, to reject the filibuster. I think that this is a test of the Senate. Do we have the will to stand up to a small minority in a democracy when we have more than a majority of the Senate which wants to act its will on this bill? Will our Senators say to the people of our respective States that now you are limited to only 2 years from the point of your injury in order to bring suit and that, under this bill which we are advancing, that would be changed entirely to the advantage of the victim?

Our bill will allow injured persons to sue up to 2 years from the point of the discovery of the injury and the cause of the injury. Many injured people would benefit from this change.

Our bill will give more attention to the victims than to the pockets of lawyers. Facts have shown clearly over the years that the trial lawyers and the defense lawyers are getting more money in this process than are the victims who are injured and who have to wait an average of 5 years to receive compensation. Even after 5 years, 39 percent of these injured parties will receive no financial reward whatsoever.

This is a terrible injustice. It is being blocked by a few people who have tremendous power, who are able now for the 13th year to bring the business of this Senate to an absolute halt on this subject, to filibuster the Senate.

I appeal to my colleagues, to their sense of fair play, to their sense of reason, to their sense of fairness to the victims, that we support the motion for cloture.

I thank the Chair.

Mr. HEFLIN. Madam President, the issue that Senator ROCKEFELLER and others make is expedited court procedures. Let us cut back the backlog and the congestion and the time that it takes. That is an issue that we ought to agree on. We can support it, and we can take measures to approach it.

He mentions alternate dispute resolutions. I think we are agreeable to most alternate dispute resolutions. But let us do that separately and not with all of this unfair language, this fine print, this design to take away the rights of the poor person, the injured person, the woman, the child, the elderly. Let us put all of the unfairness

that exists herein, let us separate this. It has one or two good points in it. You have that combined with all of the damage and other things that it does. It is just not a bill that ought to be adopted at all.

There is no issue here pertaining to savings on business because, clearly, the insurance premiums are not going to be affected. Clearly, it shows in the studies that there is no competitiveness problem here. The whole issue comes down to fairness. And I say to you that this is an unfair bill.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SIMPSON. Madam President, I want to commend the sponsors of this legislation for their tenacity. Senator GORTON and Senator ROCKEFELLER have been absolute stalwarts in their efforts to bring this bill to the floor. Both are very effective legislators.

However, I counsel my colleagues to consider carefully the consequences of our vote today.

If cloture is invoked, this bill or a similar version will very well be enacted into law. That disturbs me greatly.

Each Congress which has considered this, or similar proposals, has chosen not to enact such sweeping changes to existing law. I think that such a prudent course has been due to the realization that there are simply these areas of State law into which the Federal Government should not intrude.

We have heard a great deal of thoughtful and powerful debate on the floor of the Senate today and yesterday. It should be clear, Madam President, that for each example that has been given of an "abuse" in the current system, there are equally persuasive and powerful examples of how the system has worked quite well.

The current products liability laws do result in efforts to make products safer and do ensure that people have proper recourse to damages when and if they are injured.

Certainly, there are occasions to "fix" a problem.

I am concerned, however, that this "fix"—S. 687—is far too extreme for what amounts to variance in the laws of some States.

That is an important distinction, Madam President.

Some States' products liability laws may, in fact, lead to unfair results. However, the debate on this legislation has fallen far short of convincing me that "all" State laws are flawed.

Madam President, we do not need a "Federal fix" for this area of State law.

I would conclude my comments today by asking my colleagues a simple and direct question: Are we prepared to tell the State juries in our own States that we do not have faith in their common sense and judgment?

If we allow this legislation to be enacted, that is just what we will be doing. We will be telling our own constituents that we know better—we, not they, know best how to achieve "fairness" in the State courts. I do not believe we can, in good faith, make or believe in that statement.

I urge my colleagues to vote against cloture on this legislation.

Mr. MATHEWS. Madam President, for some time now, it has been clear that the present product liability system is in need of serious reform. In fact, there is serious question whether this hodgepodge of law, questionable claims, outrageous judgments, and economic roadblocks can be called a system in any commendable sense. I want to compliment Senator ROCKEFELLER for his leadership in addressing the product liability morass. And I urge all our colleagues to join with him to pass S. 687.

In taking this legislation up, Madam President, we must acknowledge that much of the quarrel generated by this bill is between defendants' lawyers and plaintiffs' lawyers. I believe we should avoid taking sides in that argument by concentrating on what the current product liability situation does to society, business, injured consumers, and the economy.

It seems to me, Madam President, that product liability statutes ought to facilitate three general goals. First, to enable consumers injured by manufacturers' negligence to be compensated promptly and proportionally. Second, to penalize manufacturers and sellers who perpetuate faulty merchandise upon consumers, who as a rule know less about the product than the people who make it. And third, to reign in the unscrupulous manufacturer with the jeopardy of legal action.

In other words, statutes should join and clarify responsibility and liability for both consumer and manufacturer. To a great extent, the system that exists now does neither.

What we have is a self-perpetuating, self-feeding litigation machine that devours billions of dollars a year. These costs drain resources that could be used to advance our economy. But even worse, they are only one aspect of the economic penalties inherent in our product liability predicament. Others include closed plants, laid-off workers, discontinued products, and products that are never developed because of actual and anticipated liability litigation. In dozens of industries ranging from aviation to pharmaceuticals, the United States is losing part of its competitive advantage and part of its incentive to innovate because the threat of untamed product liability damages is forever at our throats.

In many cases, that threat amounts to what I call graymail of American business. Take the case of Polyloom Corp. in my native Tennessee. Polyloom makes carpet yarn. The company was added to a product liability suit involving a schoolboy who tripped over a floor covered by a carpet containing its yarn.

Polyloom's president put the situation very well:

> Our lawyer advised us that we could not have any liability in such a case, but he also told us that we likely would not be able to extract ourselves from the lawsuit until just prior to trial or at the trial. When we approached the plaintiff's lawyer with the facts, we were asked to pay several thousand dollars for the privilege of getting out of something in which we did nothing wrong.

The company refused to be extorted and eventually was dropped from the suit—after it had incurred the expense of depositions, petitions, and litigation. Regrettably, Madam President, this kind of jobbery is common in the product liability process. Plaintiffs threaten a company with the expectation of higher insurance premiums, punitive damages, and loss of reputation unless it pays up to make the case go away. Graymail is becoming part of the cost of doing business in America.

Let me be clear: Firms that produce and sell products which do harm should compensate those who are harmed. But graymail does not penalize or restrain unscrupulous manufacturers and sellers. It encourages lawyers, acting in the interest of their clients, to cast their biggest net into the widest pool of potential defendants. It encourages a fishing expedition to find the deepest pockets for liability awards. It expands beyond any reasonable definition the notion of responsibility and liability on the part of consumer and manufacturer.

This legislation helps to restore reason to a situation that is becoming unreasonable for consumer and manufacturer alike. It benefits injured consumers by starting the statute of limitations for filing complaints according to a discovery rule rather than a time-of-injury rule. It promotes expedited settlement of claims by giving both parties incentives to make and accept reasonable reparations out of court. It encourages dispute resolution by an arbitrator, reducing the expense and time of litigation.

In particular, Madam President, this measure establishes a clear standard to which manufacturers can be held in assessing punitive damages. It calls for liability to be determined by acts that show conscious, flagrant indifference to consumer safety. I believe that this provision is especially worthy of note and support.

It establishes a clear, no-excuses rule that determines whether manufacturers have gone over the line. When firms violate that standard, courts and society are reassured that punishment by punitive damages is warranted. I believe that this standard will result in tougher punishments for firms that truly deserve them.

Overall, Madam President, I am convinced that this measure is worthy for many reasons. It preserves the right of justified claimants to compensation for injury and it enhances their right to swift and appropriate compensation. It reduces tremendous direct and indirect costs to business and our economy. It removes the speculation and ambiguity that plague the current system. And it establishes a much-needed clear standard for punishing firms that act in flagrant disregard of their responsibilities.

I will vote for this legislation, and I urge my colleagues to do likewise.

Mr. DORGAN. Madam President, I rise today to offer an amendment to S. 687, the Product Liability Fairness Act. As my colleagues know, this legislation would reform tort laws on the Federal level and make rule changes that relate to product liability cases. I believe that some kind of reform with respect to product liability cases is necessary and I am willing to support Federal action in this area. I share the concerns that many small businesses have with the current system. Small businesses are asking for some sort of attention to product liability issues and I want to respond to those concerns, namely that fear of liability inhibits their ability to conduct their business and create jobs. I hope the Congress will pass legislation to address these concerns.

However, I have very serious reservations about provisions in S. 687 which would provide certain manufacturers with a defense against any punitive damages if their product has received Food and Drug Administration [FDA] approval or Federal Aviation Administration [FAA] certification. It seems to me that the Congress would be making a grave error if we gave large pharmaceutical companies and aircraft manufacturers a defense against punitive damages and expect that the FDA and the FAA can provide absolute and perfect protection to consumers. Agency approval and certification of products is meant to compliment our tort system, not replace it. This is especially true in the area of punitive damages. It is unacceptable to consumers, especially to those concerned with women's health and the safety of aircraft, and would seriously weaken their rights to challenge manufacturers who market defective products. Notwithstanding the issue of compensating victims, punitive damages serve as a necessary check in consumer product regulation. My conscience cannot accept this provision in the bill and I cannot support this legislation if this provision remains in the bill.

PUNITIVE DAMAGES ARE NOT PART OF THE LIABILITY PROBLEM

That is why I am offering an amendment that would delete the FDA and FAA defense provisions on punitive damages. Although punitive damages are rare, they are very necessary when imposed. The bill in its present form would protect manufacturers from punitive damage exposure if their product is approved by the FDA or the FAA. The fact is that punitive damages are not a problem in the present tort system. The problem that needs to be addressed is that there are too many frivolous cases filed and settled simply to avoid a nuisance rather than resolve whether or not there was fault on the part of a manufacturer. The nuisance problem is draining resources and burdening small businesses. I want to address this problem and I believe other provisions in the bill address this issue. But the FDA and FAA provisions have no relation to the product liability problems that need to be addressed. Rather, they raise serious concerns about the ability of consumers to rectify unjustifiable behavior by a manufacturer.

Punitive damages are imposed in cases where there is a need to punish and deter manufacturers whose fault is conscious or reckless. Punitive damages are necessary to impose a threat on manufacturers whose negligence or disregard for safety are almost criminal, or worse and are intended to force dangerous products either off the market or require manufacturers to redesign bad products. By eliminating the exposure to punitive damages for certain classes of products as the bill provides, a critical regulating device which has been used to get bad products off the market would be diminished.

At issue with this provision is not simply a matter of individual compensation for negligence. Rather, a broader social objective is at stake where the tort system plays a necessary role to hold manufacturers and Federal agencies in check. The FDA and FAA provisions in S. 687 provide protection to manufacturers in the kinds of cases where it is in the best interest of the public to fight for consumer protection. Examples of where the FDA and the FAA have failed to remove dangerous products are legion. If companies are given a defense from punitive damages because a Federal agency provides marketing approval, we are throwing public health concerns with respect to drugs, medical products, and aircraft manufacturing to the wind.

BURDEN OF FEDERAL AGENCIES

It would be naive of the Congress to believe that any government regulatory agency or system could prevent, stop, or control the marketing of harmful products. At best, Government safety standards establish minimum levels of protection for the public. The FDA and the FAA have been slow to act in the face of evidence of harm and have failed to catch dangers in the marketplace in the past. Certainly, similar failures will happen in the future, especially if these agencies are not given increased resources and enhanced authority to monitor product safety. Even if the FDA and the FAA were dramatically improved, there will be cases where harmful products are approved and negligent behavior on the part of manufacturers will be the cause. We need the trot system to help identify these situations.

A 1990 GAO report found that between 1976 and 1985, 51.5 percent of the drugs approved by the FDA had serious post-approval risks that could lead to hospitalization, increases in length of hospitalization, severe or permanent disability, or death. There are multiple factors contributing to this phenomenon. One is that the FDA approval process is inherently limited; another is limited resources. However, given understood limitations, the agency is very overburdened. In 1979, FDA had a staff of 8,000. In 1989, after enactment of 24 new laws increasing the agency's responsibilities, the staff levels dropped by 1,000.

In this debate, it is important that we understand how the FDA approval process works. The fact is that the FDA does not do any of its own testing. Rather, it must rely entirely on data and test results conducted by the manufacturer. On top of that, the FDA is one of the very few Federal agencies that does not have subpoena power—an important enforcement tool possessed by all the Federal departments and dozens of boards and commissions. Despite the fact there have been attempts in the Congress to grant subpoena power to the FDA, the big drug companies have fought his legislation vigorously. The pharmaceutical industry that is now seeking immunity from liability from punitive damages in this legislation has fought hard to deny effective enforcement tools to the FDA that would give us more assurance that companies are marketing safe products. It seems strange to me that commissions like Floral Research and Information, Watermelon Research, and Vesting and liquidation of Bulgarian, Hungarian, and Romanian Property International Claims would have subpoena power yet the FDA does not and the pharmaceutical industry would continue to fight the same enforcement powers for the FDA—where much more is at risk with respect to public safety.

DANGEROUS PRODUCTS WITH FDA APPROVAL

Examples of cases where the FDA has permitted a manufacturer to knowingly market a dangerous during or medical device are many. Most of us are aware of the problems caused by the Copper-7 IUD's and silicone breast implants—both FDA sanctioned products which were not only harmful to the public but are cases in which the FDA had knowledge of the products' dangers. There are numerous other examples where either because of manufacturer negligence or because of agency oversight failure, medical drugs and

devices were marketed despite serious health concerns:

Bjork-Shiley heart valve, was sold with FDA permission between 1981 and 1986 even though both the FDA and the manufacturer of the valve had evidence of strut fractures that led to the death of many patients;

Albuteral, an asthma drug that has recently been recalled when it was discovered that millions of vials of the drug were contaminated with bacteria;

Theratronics radiation equipment. Therac 25, a cancer treatment device, was found to be associated with five deaths in 1984 and 1988. Inadequate FDA bookkeeping allowed the product to be used until is prohibited its importation in 1991;

Zomax, versed, and accutance are examples of drugs where the FDA ignored data showing potentially serious health risks; and

The list goes on. But the point of mentioning these examples is not to assert whether or not the manufacturers of these products have engaged in behavior worthy of punitive damage awards—that issue needs to be left to a court. Rather, I raise these examples to point out that the FDA approval process cannot be used as a shield for manufacturer disregard for public safety. Under the FDA approved process, the agency must rely upon the data and clinical trials supplied by the manufacturer seeking approval. The FDA approves a product based upon the weighing of risks versus benefits. It is always understood that many risks cannot be detected in the pre-market approval process and often information about serious safety concerns arise after approval. The relevant question here is whether or not a manufacturer has engaged in behavior that warrants liability for harm caused by their product, despite agency approval. It makes no sense to me to say that we should exclude a role for the tort system to provide this "check" on product safety regulation. The FDA has numerous responsibilities, the most important of which is to protect public safety by doing its best to identify unsafe products. It should not be shouldered with the responsibility as the prime enforcer of reckless behavior that is in flagrant disregard of public safety.

THE FRAUD EXCEPTION MEANS ESCAPE CLAUSE

The FDA and FAA defense provisions include a clause which would eliminate the defense if the manufacturer received product approval through fraud or has not complied with information sharing requirements to the appropriate agency. However, this "escape clause" is far from adequate and does not change the fact that the actual impact of these provisions will mean simply that negligent manufacturers will have more protection in a lawsuit and in turn a substantially larger burden will be placed on the consumer to win damages. Under this legislation, the burden is placed on the injured individual to prove what is required to be submitted to the agency, and what information is relevant and material. Further, the FDA and the FAA are not adequately equipped to take on the additional and judicial functions of determining when corporations will be liable for punitive damages. In the last analysis, the consumer will bear the burden and responsibility to prove that a company defrauded a Federal agency with a product before they even have the opportunity to pursue damages. Furthermore, consumers will have the additional burden of having to demonstrate causation between the fraud and the harm caused under this legislation. The fraud exception simply places more and more hurdles in front of victims.

The results of the fraud exception and the so-called increased reporting requirements in this legislation will be that companies will flood FDA with massive amounts of information as to cover their tracks in the event problems do arise with their product. There is no requirement that this information is usable; companies can just dump boxes of information and leave it up to the agency to devote staff to dig through it. It seems to me that this exception will create more litigation and create more battles for lawyers to fight in liability cases, including an onslaught of litigation against the FDA and the FAA when plaintiffs are seeking to determine whether or not fraud was involved in the approval process.

How can we expect victims to identify fraud and prove it when the agency itself cannot? According to an FDA official quoted in a January 1992 article in the New York Times, the agency has no effective way of identifying fraud or serious misrepresentation of test data by companies. Madam President, I ask unanimous consent to include this article in the RECORD. What assurances will consumers have that fraud or information withholding has occurred? It seems to me that advocates of the FDA and FAA defense provisions need to demonstrate what is going to change overnight at the FDA or the FAA that will improve the ability of these agencies to identify the fraud and misinformation so that this exception would have any meaning at all.

It must be kept in mind that this legislation would significantly increase the burden of proof for punitive damages as well as establish a tighter definition of behavior subject to punitive damages than what is currently used in most States. Under S. 687, a plaintiff would have to show, by "clear and convincing evidence" that "the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscience, flagrant indifference to the safety of those persons who might be harmed by the product." My amendment does not affect this provision. However, it is important to point out that the FDA and FAA defense provisions in the bill is designed to protect manufacturers who would otherwise be found guilty of this very high standard—except for the fact that their product was approved by a Federal agency such as the FDA or the FAA.

FDA DEFENSE IS NOT NEEDED TO ENCOURAGE INNOVATION

One of the false claims being made about S. 687, the Product Liability Fairness Act, is that one of the bill's provisions, section 203 which would grant manufacturers of drugs and medical devices immunity from punitive damages if their products are approved by the Food and Drug Administration, will actually encourage innovation and increase availability to new drugs and medical devices. It is being asserted that because of liability exposure, new pharmaceutical drugs and medical devices are withheld from the market and suppressing innovation. There is no basis in fact for these claims.

It is not true that liability exposure is preventing people from obtaining safe and effective life-saving or life-enhancing medical devices. None of the products now being cited as examples of products that have been withheld because of liability concerns should be considered fully safe and deserving of immunity from product liability claims. In the committee report of the Senate Committee on Commerce, Science, and Transportation on S. 687 (November 20, 1993), Senator HOLLINGS rebuts a number of these the claims, including Copper-7 IUD's, which proponents claim is safe despite overwhelming evidence to the contrary; Puritan-Bennett Anesthesia Gas Machines, which were actually recalled by the manufacturer and the FDA for causing deaths and injuries; and Ortho contraceptives, over which punitive damages were awarded because the manufacturer ignored substantial evidence that the product cased renal failure.

Similar concerns have arise about another example: implanted shunts which are used to drain excess fluids from the brain. The shunt is made from Silastic tubing, a type of silicone, and has been implicated in intense inflammatory reactions in patients. Madam President, I ask unanimous consent that his article be printed in the RECORD.

Finally, proponents has also asserted that an AIDS vaccine could not be marketed because of fears about products liability. According to a recent Washington Post, the vaccine manufactures are racing to get an AIDS vaccine to market. The problems vaccine manufacturers are facing in getting their products to market are a lack of volunteers for clinical trials, NOT supposed fears about product liability. According to the article, there is no shortage of vaccine candidates; however, the

AIDS community did not feel that these vaccines were promising enough to justify clinical trials in high-risk populations. In addition, a recent letter from Project Inform lays to rest that claims of liability exposure is hampering the development of an AIDS vaccine. Madam President, I ask unanimous consent that the Washington Post article and the letter from Project Inform be printed in the RECORD.

The fact is that drug manufacturers do not need additional incentives in order to invest more in innovation. According to a Senate Aging Committee report, U.S. drug manufacturers spend far more on marketing and advertising, 22.5 percent of revenues, than on research and development, 16 percent of revenues. The pharmaceutical industry in the United States does not have an innovation problem—the problem is with inflated prices and protecting consumers from dangerous products. The bill's provisions that would shield drug manufacturers, under the veil of innovation, is not the kind of response the American people want Congress to give the big drug companies.

Clearly, the FDA punitive damage defense provisions in S. 687 jeopardize health and safety. These provisions do nothing to improve availability of safe medical products. Rather, these provisions remove big pharmaceutical companies and medical device manufacturers from accountability for defective products.

FAA CERTIFICATION IS SELF-CERTIFICATION

The FAA certification protection for manufacturers raises similar concerns. A recent study by the General Accounting Office was very critical of the FAA's certification process and found that the FAA has delegated so much of its responsibilities for certification that it has "lost its ability to effectively oversee or add value to the certification process as well as understand new technologies." If the FAA has such serious weaknesses with its certification process, why should it be used as a protection by a manufacturer? Madam President, I ask unanimous consent that a copy of this GAO study be printed in the RECORD.

FAA regulation is ostensibly self-regulation by aircraft manufacturers. To rely upon the FAA certification process as a defense against liability exposure is nothing less than falling for the "fox guarding the henhouse" problem.

CONCLUSION

Why is it that in cases where a company may be guilty of near criminal behavior with respect to showing blatant disregard for public safety, we would want to favor tort rules to benefit the manufacturer and make it substantially more difficult for the consumer? That is what these provisions in section 203 of this legislation accomplish.

If the FDA and FAA provisions remain in S. 687, I cannot support the bill. As I mentioned above, I want to support some sort of product liability reform. That is why I voted favorably to report this legislation from the Commerce Committee last fall. But the FDA and FAA provisions in the bill do not address the liability concerns that should be part of this legislation. The major beneficiary of these provisions is the large pharmaceutical companies that want to be protected from liability if they show disregard for public health. Let's not give them that break at the expense of victims and public safety.

I hope that my colleagues will realize the danger these provisions cause to public health and support my amendment to remove them from the legislation. If that is done, I believe that S. 687 will be a bill that those of us who want to support product liability reform which benefits small businesses will be able to support.

I urge my colleagues to support this amendment.

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

[From the New York Times, Jan. 26, 1992]

QUESTIONS RAISED ON ABILITY OF FDA TO PROTECT PUBLIC

(By Gina Kolata)

Consumer groups and Federal officials are raising disturbing questions about whether the Food and Drug Administration has adequate powers to protect the public from dangerous drugs and devices. Recent cases involving silicone breast implants, the sleeping pill Halcion and the sedative Versed suggest that the agency and the public are sometimes the last to learn of reports of dangerous side effects.

The Federal agency does no testing of its own, and in making decisions it must rely entirely on the test results submitted by manufacturers. Officials of the agency and consumer advocates both say that the F.D.A. lacks the subpoena power, which virtually every other Federal agency has, to obtain drug company documents when suspicions are aroused.

Even when people who are harmed by drugs go to court and their lawyers discover reports of side effects in the companies' files, the companies may settle the case on condition that the reports are sealed. As a result, years may pass before the drug agency gets to hear of vital information about hazards.

In the case of silicone breast implants, the data that caused the Commissioner of Food and Drugs, Dr. David A. Kessler, to ban implants this month pending a review of their safety had long been known to the Dow Corning Corporation. The details were disclosed to trial lawyers eight years ago, but the drug agency learned about them only recently because a court agreement had kept them confidential.

"In view of the recent history with generic drugs and the data that are reported with Halcion and that are about to come out with breast implants, it is hard to say there's not a problem," said Dr. Alan Lisook, who is chief of the clinical investigations branch at the drug agency. He said he did not see any immediate solution. Among the disclosures that have shaken the agency are findings that some generic drug companies falsified the tests that enabled them to get their drugs marketed. Within the last six months there have also been allegations that major drug companies withheld safety data from the F.D.A. In one instance, questions were raised about the safety of the sedative Versed after the disclosure of internal documents from Hoffmann-La Roche Inc., which makes the drug. In addition, researchers who were witnesses in a lawsuit and had seen internal company documents accused the Upjohn Company, which produces the sleeping pill Halcion, of falsifying and failing to report data on adverse reactions in its clinical tests. In another lawsuit, against Dow Corning, the maker of silicone breast implants was accused of misrepresenting its safety data to the F.D.A.

COMPANIES DENY WRONGDOING

The final verdicts on Halcion and the breast implants have not been reached. The companies that make them vehemently deny any wrongdoing and say their data support their products' safety and efficacy.

The Pharmaceutical Manufacturers Association, which represents makers of brand-name drugs, said it did not perceive a problem in the F.D.A.'s ability to learn whether companies misrepresented or failed to report data. "To the extent that problems exist, the F.D.A. can detect them," said Dr. John Petricciani, the director for medical and regulatory affairs at the association.

But officials at the F.D.A. and consumer advocates say the recent cases spotlight the agency's limitations in accurately assessing the safety of drugs and devices. Adverse data about both Halcion and silicone breast implants were provided by their manufacturers to plaintiffs' lawyers but reached the F.D.A. only by chance.

Drug industry experts say there was no good way of determining whether the few cases that have appeared are anomalies or the tip of an iceberg. But some consumer advocates have voiced grave concerns that the companies may have hidden adverse data on other drugs.

Arthur Bryant, executive director of Trial Lawyers for Public Justice, a national public interest law firm, said the situation had seriously endangered patients. "The entire system, where secrecy is permitted, works to enable companies to maximize profits by sacrificing peoples' lives," he said.

Dr. Sidney Wolfe, director of the Health Research Group, which is part of Ralph Nader's Public Citizen consumer advocacy group, agreed. The F.D.A., he added, "is extraordinarily dependent on the companies to be honest."

"But as the line increases of companies that have pleaded guilty to criminal charges, maybe the default position is not to trust the companies," he said.

It might seem that any company that marketed an unsafe drug or device would be found out as adverse reactions accumulated. Yet F.D.A. officials say they have seen companies minimize or ignore adverse reactions in their reports to the agency, even though those side effects eventually forced the company to pull the drug from the market and incur heavy costs.

Dr. Robert Temple, director of new drug evaluations at the F.D.A., speculates that companies might grossly play down adverse reactions to their drugs because of "wishful thinking, hopes and dreams" on the part of companies that the reactions are not serious. "The most striking thing we've seen is companies not appreciating the wild horses they were riding," he said.

In addition, he said, he believes companies may fear that "if they tell us about it, we'll

get hysterical and we won't make a reasonable judgment."

Dr. Henry Grabowski, an economist at Duke University who has studied the drug industry, said financial considerations could sway a company to play down adverse data. "Sometimes you can have a mindset that a drug will be very commercially important," he said. "You don't want to hear bad news about it. You don't really develop or acknowledge some problems."

F.D.A. officials and consumer advocates say that the F.D.A. stands virtually alone among Federal agencies in its lack of subpoena power. The Department of Agriculture, the Environmental Protection Agency, the Department of Transportation and the Federal Trade Commission all have subpoena power. Without it, the F.D.A.'s only stick is to threaten criminal prosecution by the Justice Department if it finds critical data have been withheld.

Dr. Lisook said subpoena power would certainly help the agency to investigate possible withholding of data about adverse drug reactions. "We can only pursue some cases to a certain point because there is information we can't obtain because we lack subpoena power," he said. Instead of forcing companies to produce documents and internal memorandums to establish whether there is any wrongdoing, the F.D.A. has to be certain enough that something is wrong to persuade the Justice Department to begin a criminal prosecution.

SUBPOENA POWER FOUGHT

The Pharmaceutical Manufacturers Association, however, opposes giving the F.D.A. subpoena power and heavily lobbied against it when a bill to give the agency that power was introduced in Congress last year. The bill failed to win approval after the Secretary of Health and Human Services, Dr. Louis W. Sullivan, said it would be vetoed.

The F.D.A. also has no good way of finding fraud or serious, if inadvertent, misrepresentation of data by companies. In its fraud investigations, Dr. Lisook said, the F.D.A. scrutinizes the records of individual investigators who perform studies for drug companies. On occasion, it has found that the investigators cheated, even making up all of their data. This happened with one independent researcher who studied Halcion, for example. But the agency cannot easily detect the next level of misrepresentation or negligence, a company's failure to properly report and analyze researcher's data, Dr. Lisook said.

A discrepancy between case report forms and company analyses would not ordinarily be apparent to the F.D.A., Dr. Lisook said, partly because the agency does not even receive most case report forms. Since 1984, when F.D.A. regulations were revised, companies have not been required to submit most case report forms to the F.D.A.

Dr. Lisook said the F.D.A. has stumbled upon companies that accidentally or purposely overlooked adverse reactions in their reports to the agency. "We can't go to a company and say, 'Tell us if there are adverse reactions you didn't submit,'" Dr. Lisook said. "We don't have any good method to determine whether what is on the case report forms is identical to what is on the tabular summaries."

In the case of Halcion, critics who have examined case report forms in connection with a lawsuit against Upjohn charge that the company left out information about adverse reactions reported on those forms when it prepared its data analyses for the F.D.A. Upjohn denies the charges and the F.D.A. is currently examining the forms and comparing them to the company's data analyses.

Another source of frustration for the F.D.A. is the growing tendency of companies to obtain secrecy orders that seal potentially damning company documents that are produced in product liability suits. These orders prevent the plaintiffs, their expert witnesses, and their lawyers from ever disclosing what they learned. The Halcion data were uncovered in a product liability lawsuit that was settled with a secrecy order.

The Pharmaceutical Manufacturers Association opposes changing secrecy orders to enable the F.D.A. to be guaranteed access to company data.

Secrecy orders that keep information on the safety of drugs and devices from the public and the F.D.A., "are an outrage, a total outrage," said Mr. Bryant, the public interest lawyer. "These standards for keeping data from the eyes of the public should be far higher than they are now," he said. "Yes, there should be secrecy for certain things like the formula for Coca-Cola. But we are talking about matters that involve threats to the public health and safety, matters that allow the public to evaluate whether the courts and regulatory agencies are doing their jobs."

---

[From the Lancet, Aug. 29, 1992]

ANTIBODIES TO SILICONE ELASTOMERS AND REACTIONS TO VENTRICULOPERITONEAL SHUNTS

(By Randall M. Goldblum, Ronald P. Pelley, Alice A. O'Donell, Debra Pyron, and John P. Heggers)

INTRODUCTION

Elastomers formed of cross-linked polydimethylsiloxane, commonly called silicone elastomers, are widely used to make medical implants and prostheses. Silicone elastomers are generally believed to be biologically inert, since tissue responses are usually limited to mild foreign-body reactions. However, over the past 10 years, there has been increasing suspicion that rare, severe inflammatory reactions to silicone elastomer implants have an immunological basis. 1, 2 We report evidence that specific antibody reactivity to polydimethylsiloxane develops in some patients after repeated exposure to Silastic (Dow-Corning Wright, Midland, Michigan, USA) shunt tubing.

CASE REPORTS

The first patient was a caucasian girl who had a low lumbar myelomeningocele repaired on the first day of life. A ventriculoperitoneal (VP) shunt was inserted at 19 days and revised at 4 months. When the patient was 6 years old an abdominal pseudocyst formed around the shunt. A year later a neck wound from a shunt revision became red, exuded clear fluid, and separated, exposing the underlying shunt tubing. This process recurred eleven times over the next 4 years. Similar reactions were seen at sites of silicone-coated sutures. Cultures from the wound sites, collected many times over 3 years, and four tissue samples failed to show any microorganisms, despite use of many special stains and electronmicroscopy. Histology of the inflamed tissue showed granulomatous inflammation with many lymphocytes, macrophages, giant cells, epithelioid cells, and occasional plasma cells. There was mild hypergammaglobulinaemia (IgA 3.24 g/l/ IgG 15.9 g/l). Serum samples taken when the child was 9–11 years old were stored frozen until analysis. At the ninth shunt replacement (age 14 years) precautions were taken to cover the track with intact tissue; it has been well tolerated for longer than 3 years.

The second patient was a Latin American girl who developed hydrocephalus at 9 months. Computed tomography confirmed hydrocephalus and showed partial agenesis of the corpus callosum and a Dandy Walker deformity. A VP shunt was placed and revised when she was 5½ years. 2 months later the shunt was extruded in the same way as in the first patient. A few months later an abdominal pseudocyst was noted. Local reactions developed along the shunt, but no microorganisms were found by culture or histology. Serum concentrations of IgG (15.4 g/l) and IgM (4.6 g/l) were moderately high and there was unexplained eosinophilia (1.2 10. sup. 9/l). The reactions gradually resolved over 10 days. Serum samples were taken at the time of admission to our hospital and a year later.

METHODS

These intense inflammatory reactions surrounding recently implanted Silastic tubing, in the absence of infection, suggested an immunological reaction, possibly to the tubing. To investigate this possibility, we developed an assay to detect antibodies to Silastic tubing. We also collected samples from five patients with VP shunts (aged 5–37 years) who had had no clinically apparent reactions. Four of these patients had had malfunction of their shunts, requiring at least one surgical revision. The assay was a modified enzyme-linked immunosorbent assay (ELISA) 3 with Silastic tubing as the solid-phase antigen. 1 ml volumes of serial tenfold dilutions (1/10–1/1000) of serum in 0.05 mol/l phosphate-buffered saline, pH 7.1, with 0.05% (by volume) Tween 20 (Sigma Chemical Co., St Louis, Missouri, USA) were incubated overnight at 20 degrees C in polystyrene test-tubes with 1 cm sections of surgical Silastic tubing, sliced linearly to allow full exposure of inner and outer surfaces. The pieces of tubing were washed three times with 3-4 ml buffer, then incubated for 4 h with rabbit antibody to human IgG conjugated with horseradish peroxidase (Dako, Carpinteria, California, USA), washed again, then transferred to clean polystyrene test tubes. 1 ml enzyme substrate (0.2 g/l orthophenyl enediamine dihydrochloride in citrate buffer with 0.25% hydrogen peroxide) was added to each tube and the enzyme reaction was allowed to continue for 20 min, then it was stopped by acidification. The optical density at 492 nm was measured (EIA reader, BioRad, Richmond, California). Each experiment contained one serum sample from patient 1 and a buffer control. Assays were run in duplicate. Optical densities for the buffer controls were always less than 7% of the maximum value for serum from patient 1.

To find out whether the IgG binding to Silastic tubing was specific, IgG was separated from the serum of patient 1, by means of a protein A column (BioRad), and cleaved into Fc and Fab fragments with papain immobilised on Sepharose beads (Pierce Chemicals, Rockford, Illinois). Fab fragments were separated from intact IgG and Fc fragments, concentrated, and checked for purity by sodium dodecyl sulphate polyacrylamide gel electrophoresis. The binding of Fab fragments to Silastic tubing was measured by means of the rabbit anti-IgG or a mixture of anti-kappa and anti-l ambda conjugates (Dako) diluted 1/500 and 1/3000, respectively.

We investigated the specificity of IgG binding to Silastic tubing further by assaying serum samples previously exposed to tubing or methylsiloxane-conjugated proteins. 1/10 dilutions of serum were exposed to 1 cm or 2 cm sections of Silastic tubing, as described

above. The tubing was then removed and a fresh section of tubing was added to each absorbed serum. Both sets of Silastic tubing were processed to determine the amount of IgG bound.

Methylsiloxane-conjugated proteins were made by mixing 1 mg crystalline bovine serum albumin or ovalbumin (Sigma) with 1 ml pyridine in glass tubes previously treated ("siliconised") with a reactive oligodi methylsiloxane (Sigmacote, Sigma). The crystals were sonicated in a bath for 90 min at 56 degrees C and the mixture was left at 23 degrees C overnight to allow the pyridine to infiltrate the protein crystals. Varying amounts (10–1000 mu l) of the silylating agents orthobis- (trimethylsilyl) -trifluoro acetamide (Pierce) or N-trimethyls ilylimadazole (Supelco, Bellefonte, Pennsylvania) were incubated with the protein/pyridine suspension for 2 h at 56 degrees C with sonication. The mixture was evaporated to dryness under nitrogen, and the residue was suspended in 1 ml Tween-phosphate buffer. Control protein complexes were prepared in the same way, but no silylating agent was added; these samples were exposed to pyridine in "siliconised" glass tubes.

The oligomethylsiloxane-protein complexes were then used to absorb serum from patient 1. About 50 mu g of the complex mixture was incubated with 10 mu l serum for 15 min at 37 degrees C in a total volume of 1 ml. The absorbed serum was then used in the Silastic tubing ELISA.

RESULTS

In the ELISA for IgG binding to Silastic tubing, binding of serum IgG from patients 1 and 2 was easily shown at all three dilutions; serum from VP shunt patients without inflammatory reactions and from 9 healthy adults showed much lower or undetectable IgG binding (fig 1). To show that the binding to Silastic was attributable to specific antibody, IgG and Fab fragments from patient 1 were compared. Binding of the Fab fragment (anti-light-chain conjugate) approached that of intact IgG (fig 2). Fig 3 shows the effect of incubating serum from patients 1 and 2 and a normal adult with tubing before assaying the serum for IgG antibodies to Silastic. In both patients, most of the IgG able to bind to Silastic tubing was removed by the preincubation, though the concentration of total IgG determined by rate nephelometry did not change. The amount of IgG able to bind to Silastic tubing was also reduced substantially (22–56%) by preincubation of the serum with protein that had been subjected to pyridine treatment in silicone-treated glasswear (fig. 4). Incubation of serum with proteins treated with increasing amounts of either silylating reagent resulted in further decreases in IgG binding. Proteins conjugated with a large molar excess (680–1400 moles of trimethylsiloxane per mole of hydroxyl residues of protein) removed from the serum 72–81% of the binding activity for Silastic tubing (fig. 4). The results for the two different proteins and two different silylating reagents were pooled, since they showed no significant differences by ANOVA.

DISCUSSION

Temporary and long-term implantation of various devices made from silicones has become common medical therapy. Reactions to there foreign materials are usually restricted to mild fibrosis, 4 but immune mechanisms were proposed for some cases of obstruction of VP shunts, when inflammatory cells were detected in the tubing lumen. 5,6 Other evidence from patients and from experiments in animals suggests that the silicones may not be immunologically inert 2, 3, 7–10 and may elicit inflammatory reactions.

The two patients described here probably represent unusual complications of VP shunt placement, but similarities in their histories suggest common mechanisms. Their VP shunts were well tolerated at first, but after surgical revision of the abdominal pseudocysts and intense subcutaneous reactions developed at the sites of silicone implants and silicone-coated sutures, which could not be attributed to infections. All serum samples from both patients contained IgG that bound to the tubing in greater quantities than did IgG from normal adults or other VP shunt patients without inflammatory reactions.

The bound immunoglobulin seemed to be specific antibodies, since the Fab fragment of IgG also bound to the tubing and most of the binding IgG was removed by preincubation with similar tubing or siloxane-conjugated proteins. However, we cannot attribute the local inflammatory reactions to these antibodies. The granulomas observed in patient 1 are more consistent with T-cell-mediated immune lesions than with antibody-mediated reactions.

We have not yet found a form of polydimethylsiloxane adequate for in-vitro testing of cellular immunity in these patients, though the oligomethylsilane-protein complexes we used may be useful. The nature of the silicone antigen that elicits the immune response is not known.

Because therapeutic use of polydimethylsiloxane is widespread, the frequency of immune responses to these materials and their relation to adverse reactions to silicone implants should be studied further. Better understanding of the mechanisms by which patients become sensitised to polydimethylsiloxane could facilitate the selection of patients for implantation procedures, and aid in the development of new synthetic polymers that reduce the risk of adverse reactions to implantation of important medical devices.

---

[From the Washington Post, June 18, 1994]

NIH DELAYS FULL-SCALE TESTING OF POTENTIAL AIDS VACCINE

(By David Brown)

The National Institutes of Health yesterday decided to put off sponsoring a full-scale AIDS vaccine trial until more promising vaccines are developed or the two versions now ready for testing show more laboratory evidence that they are likely to work.

As a result, vaccine testing in thousands of high-risk people almost certainly will not occur for at least two years. By then, entirely different strategies for immunization could compete head-to-head, something that would not be possible if the nearly identical "candidate" vaccines were tested now.

An advisory committee of the National Institute of Allergy and Infectious Diseases (NIAID) reached the decision after an eight-hour public meeting yesterday. The recommendation was passed on to Anthony S. Fauci, the institute's director, who immediately accepted it. NIAID oversees virtually all of NIH's clinical studies of AIDS.

The decision will erode the lead that two biotechnology companies, Genentech and Biocine, have in the race to be the first to develop an effective vaccine to prevent infection by the human immunodeficiency virus (HIV). The 28-member advisory panel concluded there was neither compelling scientific evidence nor sufficient enthusiasm in high-risk communities where volunteers would be recruited, to justify a trial now.

In a sea of change from their familiar role of urging early testing of AIDS drugs, several AIDS activists advised against starting a large vaccine trial until there is greater scientific consensus that the candidates are very strong.

"Once we go down this road with a mediocre product . . . we may never have the chance to recruit a large number of people again," said Martin E. Delaney of Project Inform in San Francisco, a member of the advisory committee. He said much of the AIDS-ravaged gay community is discouraged by poor results of AIDS treatment drugs, and is much less likely to volunteer for clinical experimentation now than in the past.

"We have only one chance to test a vaccine in a large randomized trial, and this is not that chance," he said.

At a news conference after the meeting, however, Fauci emphasized the decision was essentially to delay testing the two vaccines, not to reject them as worthless.

"It is clear that the recommendation of the [advisory] group is not that there should be an abandonment of this concept [of immune protection that Genentech and Biocine have developed]," he said.

Both vaccines employ a protein from the virus's shell, or "envelope," to stimulate an uninfected person's immune defense against HIV. Those defenses are antibodies—biochemicals that specifically target the virus—and a class of white blood cells that attacks and kills cells the virus invades immediately after infection.

The protein in the vaccine, called gp120, is made by genetic engineering techniques and is incapable of causing HIV infection itself. It is like the crystal of a watch. The watch's works—in this case, the reproductive machinery of the virus—form no part of the vaccine.

Numerous other vaccines are now in development. Some involve splicing HIV genes into another carrier ("vector") virus, such as vaccine, which is the one used for smallpox vaccination. Replication of the vector then releases large amounts of harmless HIV protein into the body. Some scientists believe this strategy more closely resembles the real mechanism of HIV invasion, and will elicit a more robust defense.

Several panel members said they felt that a large trial testing a vector vaccine against an envelope vaccine would be a better use of time and money than a large trial testing only two envelope vaccines.

The two gp120 products have been used in small studies that allowed researchers to test their safety and to run numerous blood tests on volunteers to determine immune-system effects.

Those studies have shown that gp120 can stimulate a person to make antibodies and can case proliferation of certain types of white blood cells. In laboratory experiments, however, those antibodies have not been able to prevent infection of cells by "wild" HIV virus.

Seven chimpanzees who were given the vaccines subsequently resisted infection when HIV was injected into their bloodstreams. Company representatives pointed to these experiments as proof of their products' promise. Many panel members, however, were unsure how much could be extrapolated from such a small sample of animals—and from a species known to respond very differently from human beings.

The largest of the gp 120 studies done so far enrolled several hundred people at high risk for HIV infection because of their sexual practices or drug use. During the study,

three persons—none of whom had gotten the full course of three shots—developed HIV infection through known routes of exposure. This did not prove that the vaccines were useless, but only that a single dose of them was not protective.

Numerous members of the advisory panel said that before moving to a larger trial, information should be learned about these "breakthrough" cases: what subtype of virus caused them; what their tests of immunity showed; and how their infections progress.

The panel considered two possible trials it could have recommended for starting later this year. One would have required 9,000 high-risk volunteers, divided equally into three groups who would receive one of the two vaccines or placebo. It would have had the power to determine with a high degree of certainty whether a vaccine's effectiveness was 50 percent or greater. Such a study would take 3½ years to run, at a cost of up to $18 million a year.

The other option, enrolling 4,500 people, could reliably identify a useful vaccine only if it was protective 70 percent of the time. There seemed to be little confidence among panel members the gp 120 candidates would perform that well. They concluded such a study (with a price tag as high as $9 million a year for two years) was not worth the money.

A recent survey of a community network of potential vaccine trial volunteers, set up under NIH auspices, showed that only 36 percent of gay men and injection drug users were "very willing" to participate in a vaccine trial.

---

PROJECT INFORM,
*San Francisco, CA,*

To whom it may concern: Some groups have suggested that product liability laws are the principal reason we don't yet have a vaccine for AIDS. In response, they suggest that greatly relaxing such laws would result in quick or immediate marketing approval of such a vaccine. This is simply not the case. The principal reason that we don't yet have an approved AIDS vaccine is that no such vaccine has demonstrated the ability to protect humans against the normal routes of infection by HIV, the virus which causes AIDS, and no vaccine has yet been proven to be completely safe. No vaccine has yet reached the stage of testing where product liability issues are even a significant concern.

Last week, as a member of the NIAID AIDS Research Advisory Committee, I voted against initiating widescale human testing of two proposed vaccines for AIDS, products of Genentech and Biocene, a division of Chiron Corporation. Liability issues never once entered the discussion. Instead, the committee voted against approval of wide scale testing primarily because the vaccines hadn't shown sufficient evidence of efficacy in initial trials, and secondarily because some safety questions remain, principally the question of whether such a vaccine might accelerate the course of disease in someone who became infected despite vaccination. Because these concerns remain unanswered, and because of the financial and human resources costs of the proposed trials, it was felt that the public interest would be best served by waiting for the availability of additional promising vaccine candidates which might be tested comparatively. These two vaccines, despite their weaknesses, are the products in the most advanced stage of testing and development of AIDS. Questions of safety and efficacy are thus larger still for any other vaccine candidates, which have not yet had even the level of human testing of these two.

There are many possible ways to build a vaccine for AIDS and I am no position to argue that one approach is inherently better than another. Only a graduated, step-by-step testing process can determine which is the safest and most effective approach. Product liability concerns are not presently an obstacle to such testing, which must precede any marketing approval of a vaccine. Regardless of product liability concerns, the availability of a vaccine for AIDS is many years away.

MATTHEW DELANEY,
*Founding Director.*

---

GAO REPORT—FAA'S CERTIFICATION PROCESS, EXECUTIVE SUMMARY

PURPOSE

The Federal Aviation Administration (FAA), which is responsible for certifying that new aircraft designs and systems meet safety standards, is faced with the daunting task of keeping abreast of increasingly complex technologies. Douglas Aircraft Company's MD–11 aircraft, for example, relies on sophisticated software systems to continuously monitor and adjust the hydraulic, electrical, and fuel systems without any action by the crew. Stating that it is crucial for FAA to understand new technologies to certify the safety of commercial aircraft, the Chairman, Subcommittee on Aviation, House Committee on Public Works and Transportation, asked GAO to determine if FAA staff are (1) effectively involved in the certification process and (2) provided the assistance and training needed to be competent in these technologies.

BACKGROUND

Before introducing a new type of aircraft into commercial service, a manufacturer must obtain FAA's certification that the aircraft meets safety standards. Over what is typically a 5-year process, the manufacturer must supply FAA with detailed analyses as well as produce a prototype of the aircraft. The Federal Aviation Act allows FAA to delegate activities, as the agency deems necessary, to approve employees of aircraft manufacturers. Although paid by manufacturers, these designees act as surrogates for FAA in examining aircraft design. FAA is responsible for overseeing the designees' activities and determining whether the designs meet FAA's requirements. A 1980 review by the National Academy of Sciences found that this delegation system was sound but warned that FAA was falling behind the industry in competence. The Academy recommended that FAA define a structured role for itself in the certification process and hire 20 to 30 experts to assist staff. FAA concurred with the findings, noting that it was developing a program employing experts and was committed to improving its training program.

RESULTS IN BRIEF

FAA has not ensured that its staff are effectively involved in the certification process. Despite the National Academy of Sciences' recommendation in 1980 that FAA develop a more structured role in the process, the agency has increasingly delegated duties to manufacturers without defining such a role. FAA now delegates up to 95 percent of the certification activities to manufacturers without defining (1) critical activities in which FAA staff should be involved, (2) guidance on the necessary level and quality of the oversight of designees, and (3) standards to evaluate staff members' performance. As a result, FAA staff no longer conduct all of such critical activities as the approval of test plans and analyses of hypothetical failures of systems. Because FAA has increased delegation over the last 13 years, its ability to effectively oversee or add value to the certification process as well as understand new technologies has been questioned by internal reviews and FAA and industry officials.

FAA has also not provided its staff the assistance and training needed to ensure competence in new technologies. While many FAA and manufacturing officials GAO interviewed stated that FAA's hiring of experts to assist staff is an excellent concept, FAA never fully implemented the program. FAA identified a need for 23 experts but has staffed only 8 positions. In addition, FAA has not identified critical points in the certification process that require experts' involvement. As a result, the experts are sometimes not sought for advice and are often involved in the process too late for them to be most effective. Also, FAA's training has not kept pace with technological advancements. GAO found, for example, that between fiscal years 1990 and 1992, only 1 of the 12 FAA engineers responsible for approving aircraft software attended a software-related training course. FAA officials acknowledged that inadequate training over the last decade has limited the certification staff's ability to understand such areas of dramatic technological advancement. As a result, FAA is developing a new training program. However, the program may not have the structure necessary to improve the staff's competence. The program does not, for example, establish specific training requirements for staff in their areas of responsibility.

PRINCIPAL FINDINGS

*FAA has increased delegation without ensuring an effective role for staff*

Since 1980, FAA has delegated most certification activities to designated manufacturing employees without defining or measuring an effective role for its own staff. Between 1980 and 1992, the number of designees rose from 299 to 1,287 (330 percent), while the number of FAA engineers and test pilots increased from 89 to 117 (31 percent). FAA has increasingly relied on designees because of a dramatic growth in its work load caused by more complex aircraft systems and an increase in such higher-priority duties as issuing directives to ensure the safety of already certified aircraft. FAA estimated, for example, that it delegated approximately 95 percent of the certification activities for the Boeing 747–400 aircraft. An FAA review in 1989 concluded that the amount of work delegated to designees had reached the maximum for properly managing the certification process and that further delegation would reduce FAA's ability to understand new technologies. Another internal review found that staff were not sufficiently familiar with the Boeing 747–400's flight management system to define requirements for testing it or verifying regulatory compliance. Both FAA's and Boeing's Certification Directors acknowledged that FAA's approach is too ad hoc and unmeasured to ensure a minimum effective level of involvement by FAA.

The National Academy of Sciences raised similar concerns in 1980. However, FAA has yet to identify critical activities in which staff should be involved, set standards governing the level and quality of the oversight of designees, or develop measures through which staff members' performance can be evaluated. For example, FAA has not established the extent to which it needs to be involved in the development and approval of

test plans for key aircraft systems. The Academy concluded that the delegation system was sound, in part because FAA retained the approval of test plans. GAO found, however, that FAA has delegated the approval of as many as 95 percent of test plans to designees. FAA's Aircraft Certification Service Director has acknowledged the need to better define and measure an effective role for FAA staff in the certification process and stated that the agency will initiate an effort to define such a role. Until FAA completes this effort, questions will remain about the value that the agency's employees add to the process.

*Staff's competence limited by lack of assistance and training*

FAA has not provided the technical assistance needed to ensure the staff's competence in evaluating the latest technologies. FAA did not fully implement a program in which experts assist staff during the certification process. In 1979, FAA identified a need for over 20 experts in such areas as advanced avionics but authorized only 11 positions and staffed only 8. FAA officials stated that the agency could not attract qualified people but acknowledged that (1) FAA has not formally examined the need for additional experts since 1979 and (2) recent layoffs by manufacturers may have increased the pool of qualified individuals. Furthermore, because FAA has not identified key points in the process requiring the involvement of experts, their knowledge is not optimally used. For example, two experts were not involved in crucial early junctures in the certification of the Boeing 777. After discovering that Boeing was employing new designs, the two raised concerns about test requirements. Because of these concerns, Boeing modified its test procedures in one case and is currently reviewing them in the other.

In 1991, a contractor hired by FAA found that the agency does not have adequate training for its certification staff in such areas as composite materials and software systems. GAO found that his lack of training has occurred despite a 1987 internal study that recommended FAA establish annual training requirements. Citing the increasing inexperience of FAA staff—over half of the engineers with primary responsibility in the certification of the Boeing 777 have never participated in a major certification project—FAA is developing a new training program. While supporting this effort, GAO is concerned because it does not establish specific training requirements or identify technical training available from universities, private industry, and other government agencies.

RECOMMENDATIONS

GAO recommends that the Secretary of Transportation direct the Administrator, FAA, to define a minimum effective role for the agency in the certification process by identifying critical activities requiring FAA's involvement or oversight, establishing guidance on the necessary level and quality of the oversight of designees, and developing measures through which staff members' effectiveness can be evaluated. GAO also recommends that the FAA Administrator formally examine the need to hire experts in areas of technological advancement, require experts' involvement early in the certification process and at other key junctures, establish specific training requirements, and identify training in new technologies that is available at universities, industry, and other government agencies.

AGENCY COMMENTS

Although the Department of Transportation (DOT) takes the position that FAA staff and experts are effectively involved in the certification process, it concurred in part with GAO's recommendations. DOT did not fully concur with the recommendations because it felt that they would impose rigid requirements dictating the sequence and participants at each juncture of the process. GAO's recommendations are not designed to impose rigid requirements, but rather to enhance the technical competence of FAA staff and ensure that they add more to the certification process. GAO found that FAA needs to establish basic guidance that describes the critical activities requiring staff members' involvement, establishes measures to evaluate staff members' performance, and defines when experts should be consulted. The lack of such guidance—combined with inadequate training—has brought into question the value added by FAA's activities. An advisory group of individuals with distinguished aviation backgrounds agreed with GAO's conclusion.

DOT also stated that the delegation system has been effective. GAO agrees. The current process results in safe designs largely because of the efforts and expertise of the designees. What is less clear, however, is the extent to which the contributions of FAA staff materially add to this level of safety. Finally, DOT maintained that annual training requirements would be too "rigid." GAO acknowledges DOT's concern and has deleted its reference to annual requirements in recommending that staff receive the training needed to fulfill their certification mission.

Mr. WOFFORD. Madam President, I rise to oppose S. 687, I believe this legislation would unjustly limit the ability of consumers to receive full and just compensation for negligent conduct on the part of manufacturers, while unnecessarily interfering with State authority in the area of tort law.

Since I came to the Senate in 1991, I have consistently opposed effort to federalize tort laws. Under the principles of federalism, States have historically established their own tort rules. The Product Liability Fairness Act would change that historic practice by establishing national rules for some, but not for all, aspects of product liability law.

For example, S. 687 would prohibit punitive damages in most cases of products that receive FDA approval. Such an exemption would preempt existing State laws that allow for punitive damages, like Pennsylvania's. This bill presents the greatest threat to woman, the elderly, and the poor. Women would be severely affected because many of the more dangerous drugs and medical devices produced have a major impact on woman's health.

Just recently I received a letter from Karen M. Hicks of Bethlehem, PA, who like almost 4 million other women, was the victim of the Dalkon shield, IUD. Ms. Hicks writes:

I began using the Dalkon Shield in 1972. Over the next 10 years, I suffered many medical problems. However, the [* * *] Company had skillfully and deliberately suppressed the facts about the havoc it was wreaking on women's bodies. Neither I nor my doctors were able to pinpoint the cause of my damage for more than a decade. In 1984, one week after I was married, I had to have an emergency total hysterectomy from the cumulative damages I had suffered for so long. That time bomb finally exploded and robbed me of my fertility. For all those years, I was told that my problems were "all in my head" The emotional wreckage is too painful to talk about. If Congress cares about the health and safety of women, it will defeat this legislation.

Proponents of S. 687 will argue that we must pass this bill to end the litigation explosion from frivolous lawsuits resulting in runaway jury verdicts. To that end, S. 687 would impose the more difficult standard of clear and convincing evidence before a jury could impose punitive damages. Before we impose such a standard we must first have clear and convincing evidence that there is a problem that needs to be fixed. I am not convinced that that evidence exists.

Madam President, before we take this step down the road to making it more difficult for consumers to receive full compensation for their injuries and remove important levers of accountability that deter manufacturers from unsafely cutting corners, we must listen to the many Americans like Ms. Hicks. And we must respect the important strides made by State legislatures in the area of tort law. We should not pass this bill.

Mr. COHEN. Mr. President, I rise in opposition to S. 687, the Product Liability Act. The bill is an unnecessary and unwise encroachment on the States in an area in which they possess abundant legislative and judicial experience. The legislatures of each State have debated product liability issues, enacted laws, and refined these laws in accordance with the will of the people who live under them. Additionally, the courts of each State have interpreted these laws, wrestled with the legal nuances, and developed sound bodies of case law.

This legislative and judicial experience has produced laws that strike a careful balance between the needs of plaintiffs and defendants, between the needs of consumers and businesses. These laws ensure that plaintiffs are redressed for injuries caused by defective products and ensure that defendants are protected from unwarranted lawsuits. S. 687 fails to strike the proper balance.

Congress may, of course, impose its will on the States. As shown by Chief Justice Marshall's landmark opinion in Gibbons versus Ogden and by Justice Holmes's classic dissent in Hammer versus Dagenhart, the Commerce Clause is a source of great power for the Federal Government. Indeed, the Commerce Clause empowers Congress to preempt State law to ensure a coherent structure to the national economy—but Congress must exercise this power with great care. In "The Federalist," James Madison notes the delicate balance between the Federal Government and the States, and he warns

against "ambitious encroachments of the Federal Government on the authority of the State governments." S. 687 is such an encroachment.

For over 200 years, principles of federalism have prevailed as tort law has remained the province of the States. During this time, State legislatures have examined the issues and worked to pass laws that are fair and just. Similarly, State courts have scrutinized these laws and developed a significant expertise as well as a solid body of jurisprudence. This legislative and judicial experience has produced systems that are, on the whole, knowledgeable, stable, and equitable.

Absent an overwhelming need to alter this time-tested structure, it should be left alone. The Conference of Chief Justices agrees. Speaking on behalf of the Conference of Chief Justices at a recent Judiciary Committee hearing, Chief Justice Carrico of the Supreme Court of Virginia said: "[T]he response [to any defects in the system] should be left to the States where the power to decide local questions has remained for more than 200 years. There is no reason to believe that the States will not exercise the power wisely."

The United States is a nation of States. The need for the States to exercise their autonomy can be traced from the Constitutional Convention and the early days of the Union to the present day. States play a vital role in promoting the public good and, as in the case of product liability, are often in a better position to fashion a system that is attentive to the needs of the people. Thomas Jefferson once wrote, "Our country is too large to have all its affairs directed by a single government." This statement applies with particular force to the field of product liability.

Proponents of S. 687 argue that uniformity is essential to product liability law. Although uniformity is beneficial in many areas of the law, in the area of product liability it is not. The federalism embodied in the present system of product liability law should be valued, not disparaged. The vague promise of uniformity should not lead us to lay waste to State statutes and State common law. The diversity of State rules of liability is a strength, not a weakness.

Rather than have the Federal Government create rules for product liability, it would be better to continue to let each State experiment and devise a system for dealing with the problems particular to that State. As Justice Louis Brandeis stated:

> There must be power in the States * * * to remould, through experimentation, our economic practices and institutions to meet changing social and economic needs. * * * To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

Entering the field of product liability may be tempting for some, but we must resist the temptation or, like Pandora and her husband Epimetheus, we will regret our actions. If S. 687 is passed, the Federal Government will become forever ensnared in the field of product liability. In the next Congress, we will almost certainly have to revisit the very same issues that we are debating today. Interest groups will be clamoring for changes. At a time when the crush of legislation is already great, Members of Congress will have to spend more time on product liability, leaving less for health care, crime, education, and other pressing Federal concerns.

One provision of S. 687 is particularly striking and particularly troubling. Under section 4(e), decisions of a U.S. Court of Appeals interpreting this act would be binding on all Federal and State courts within the judicial circuit. Although the decisions of the Federal appellate courts should, obviously, bind the lower Federal courts, it is an affront to State sovereignty to have the decisions of Federal courts bind State courts.

Such a provision is unprecedented. Two State chief justices have written that they know of no other congressional legislation using the language contained in section 4(e). Again, Chief Justice Carrico of Virginia has stated that section 4(e) is "a serious threat to federalism" and "would reduce State supreme courts to second class citizens in the field of products liability law." Also, Chief Justice Feldman of Arizona, has stated that "The suggestion that section 4(e) be included in the product liability bill is almost offensive to State courts." He added, "It is one thing * * * to defer and another to be told to obey." Additionally, Federal judges whom I consulted have advised me that section 4(e) is both unseemly and unnecessary, and it has severe implications for federalism.

Section 4(e) and the litigation engendered by the rest of S. 687 would add to the Supreme Court's case load at a time when its docket is already full. In the field of tort law, State courts have proven to be sound arbiters. There is no need to burden the Supreme Court with cases involving complex questions of State and Federal law.

Section 4(e) was included to ensure uniformity in the field of product liability. But by supplanting State statutory and common law governing the substantive rules of product liability, S. 687 would cause uncertainty and complexity rather than certainty and clarity. The Conference of Chief Justices has even commented that "If the search is for * * * settled law, the goal will not be achieved through Federal product liability legislation. S. 687 would preempt all related State law and substitute Federal standards, with changed and untested terms and concepts. * * * A legal thicket is inevitable."

The Product Liability Act would thwart one of the primary goals of the civil justice system which, as stated in Rule 1 of the Federal Civil Rules of Procedure, is "to secure the just, speedy, and inexpensive determination of every action." Both claimants and defendants would be harmed.

We need a legal system that benefits all Americans: Consumers, manufacturers, workers, and sellers. S. 687 would not create such a system. It would unnecessarily intervene in an area best left to the States.

From the beginning of the Republic to the Civil War to the present day, federalism has played in important role in the balance of power in the Nation—in the ability of the people to express their will. The federalism embodied in the current system of tort law is valuable and necessary. I am not convinced that S. 687 will make the field of product liability more equitable, predictable, or efficient. It is better for States to have the flexibility to tailor their product liability laws without Federal preemption.

Finally, Mr. President, I want to briefly discuss the so-called liability crisis. For years proponents of Federal product liability legislation have claimed that the present system is to blame for skyrocketing costs, lawsuits running rampant, and a suffering economy. They say that this legislation is necessary because there is a crisis in product liability cases, but there is not a crisis.

In reality, product liability claims declined by 36 percent in the Federal courts between 1985 and 1991, excluding the unique claims of asbestos. In State courts, all tort cases amount to less than 10 percent of the total case load and only three-tenths of 1 percent of all civil cases.

Critics of the present system also claim that there has been an explosion in punitive damage awards. It is important to note that the vast majority of States have reformed punitive damage rules. In the last 25 years, punitive damages have only been awarded 353 times in product liability cases; 25 percent of these awards were reversed or remanded on appeal.

While proponents of Federal product liability standards assert that product liability cases costs American business $100 billion a year, the National Association of Insurance Commissioners pegs the actual figure at about $4 billion. This figures includes insurance premiums paid by businesses, actual damage awards and legal fees. As others have pointed out, $4 billion is less than what Americans spend annually on dog food. This is well under one-fifth of 1 percent of retail sales.

In conclusion, Mr. President, after weighing the claims that a uniform

body of Federal product liability law would promote competitiveness against the costs of abandoning our well-established decentralized system, I have concluded that Federal preemption of State product liability laws would be unnecessary and unwise. It would trample the rights of States, disregard their vital experience, impose blanket rules on regions that have different needs, abrogate the sovereignty of State courts, and unnecessarily entangle Congress in the field of product liability. The States have the experience and have demonstrated the ability to handle product liability claims.

Mr. HEFLIN. Madam President, as we conclude debate on S. 687 relating to product liability legislation, I would especially like to thank all of those who have contributed to our efforts to get the facts before the Senate on this bill.

I would like to recognize the staff members of those Senators who joined our cause and who assisted their particular Senators. Their tireless efforts to assist us in researching the various issues, which were often difficult and complex, should be recognized and appreciated. I know that they put in a great deal of overtime at night and on weekends as we prepared for the floor debate which has just ended.

I want to thank Kevin Curtin, Moses Boyd, Claudia Simons, and Jim Drewry of Senator HOLLINGS' staff; Gene Kimmelman and Mike Lenett of Senator METZENBAUM'S staff; Sean Moylan of Senator BIDEN'S staff; Jeff Neterval of Senator FEINGOLD'S staff; Pam Smith of Senator MOSELEY-BRAUN'S staff; Phil Buchan of Senator HARKIN'S staff; Ken Boley of Senator WELLSTONE'S staff; Cathy Smith of Senator SHELBY'S staff; Thomas Moore of Senator BREAUX'S staff; Greg Rohde of Senator DORGAN'S staff; Judy Applebaum of Senator KENNEDY'S staff; Laura Schiller of Senator BOXER'S staff; Carlos Angulo of Senator SIMON'S staff; and Winston Lett of my subcommittee staff. Each should be recognized for the superb staff work they contributed on behalf of their individual Senators.

Ms. MOSELEY-BRAUN. Madam President, whether the sponsors of S. 687 had been successful in invoking cloture today or not, it is highly unlikely that this bill would have made its way to President Clinton's desk for his signature this year. The House of Representatives has not yet acted on its product liability legislation. This is a very busy year, and we are rapidly approaching the end of this Congress. All of these facts worked to undermine the prospects for completing action on S. 687 before we adjourn.

The amendment pending to S. 687 when the motion for cloture failed was an amendment proposed by Senator DORGAN and I, to strike the "FDA and FAA excuse" provisions from S. 687. I very much regret that the procedural posturing on this legislation made it impossible for a vote to occur on our amendment, as well as on a number of other amendments that had been proposed prior to the cloture vote. Unfortunately, the U.S. Senate was put in the position that this bill could not get the time it deserved.

While the time shortage and the procedural maneuvering made it impossible for me to vote for cloture today, I want to make it very clear that I have voted against cloture on this issue for the last time. The problems present in our product liability system are problems that this body must address.

The current system is too slow. The transaction costs are too high. Given the fact that markets for products are now national and global in scope, there is a good case to be made for a Federal approach.

That is not to say that I agree with every provision of S. 687 as currently drafted. I do not. Senator DORGAN and I proposed one amendment to strike the FDA excuse, and I daresay that had cloture been invoked I may have sponsored or cosponsored amendments to strike or modify other portions of the legislation.

Unfortunately, the majority of the product liability debate this year focused on whether the Federal Government should get involved in this area. Our focus in the future must not be limited to whether the Federal Government should be involved in product liability reform, but should also address what standards are appropriate to apply in product liability actions.

Before I close, Madam President, I want to thank Senators ROCKEFELLER and GORTON for this willingness to address the issue of the FDA and FAA excuse. I greatly appreciate their willingness to listen to and act on the concerns Senator DORGAN and I raised, and I deeply regret that we were not able to vote on this issue.

Finally, I simply stress that this issue—the issue of product liability reform—has been before the Senate for over a decade now. I want to state for the RECORD that I am committed to seeing that the next Congress acts on a bill that addresses the problems present in our current system, that is fair to consumers, employers, product sellers, and manufacturers. I believe that everyone who is interested in our civil justice system should come to the table and work with the Commerce Committee, Senator ROCKEFELLER and the entire Congress to address and resolve the underlying issues.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Clerk will report the motion to invoke cloture.

The assistant 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, Claiborne 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 Hutchinson, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 687, the product liability fairness bill, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METZENBAUM. Madam President, I have a pair with the distinguished Senator from Arizona [Mr. DECONCINI]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. FORD. I announce that on this vote, the Senator from Arizona [Mr. DECONCINI] is paired with the Senator from Ohio [Mr. METZENBAUM].

If present and voting, the Senator from Arizona would vote "aye" and the Senator from Ohio would vote "nay."

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

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—57

| | | |
|---|---|---|
| Bennett | Faircloth | Mathews |
| Bond | Feinstein | McCain |
| Boren | Glenn | McConnell |
| Brown | Gorton | Mikulski |
| Burns | Gramm | Murkowski |
| Byrd | Grassley | Nickles |
| Chafee | Gregg | Nunn |
| Coats | Hatch | Packwood |
| Conrad | Hatfield | Pell |
| Coverdell | Helms | Pryor |
| Craig | Hutchison | Robb |
| Danforth | Jeffords | Rockefeller |
| Daschle | Kassebaum | Sasser |
| Dodd | Kempthorne | Smith |
| Dole | Kohl | Specter |
| Domenici | Lieberman | Stevens |
| Dorgan | Lott | Thurmond |
| Durenberger | Lugar | Wallop |
| Exon | Mack | Warner |

NAYS—41

| | | |
|---|---|---|
| Akaka | Cochran | Johnston |
| Baucus | Cohen | Kennedy |
| Biden | D'Amato | Kerrey |
| Bingaman | Feingold | Kerry |
| Boxer | Ford | Lautenberg |
| Bradley | Graham | Leahy |
| Breaux | Harkin | Levin |
| Bryan | Heflin | Mitchell |
| Bumpers | Hollings | Moseley-Braun |
| Campbell | Inouye | Moynihan |

| | | |
|---|---|---|
| Murray | Roth | Simpson |
| Pressler | Sarbanes | Wellstone |
| Reid | Shelby | Wofford |
| Riegle | Simon | |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metzenbaum, against

NOT VOTING—1

DeConcini

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

## MEASURE RETURNED TO THE CALENDAR—S. 687

The PRESIDING OFFICER. Under the previous order, S. 687, the Product Liability Fairness Act, will be returned to the calendar.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 471, H.R. 4426, the foreign operations appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and for other purposes, namely:

### TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $23,009,101, to remain available until expended: *Provided, That one quarter of such funds may be obligated only after April 1, 1995: Provided further, That one quarter of such funds may be obligated only after September 1, 1995: Provided further, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $743,923,914.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), **[$88,800,000]** *$98,800,000,* to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, **[$1,235,000,000]** *$1,207,750,000,* for the United States contribution to the replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $68,743,028, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1995.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $28,111,959, and for the United States share of the increases in the resources of the Fund for Special Operations, $21,338,000, and for the United States share of the capital stock of the Inter-American Investment Corporation, $190,000, to remain available until expended**[**: *Provided,* That $25,269,224 of the amount made available for the paid-in share portion of the increase in capital stock, and $20,317,000 of the resources of the Fund for Special Operations shall be subject to the regular notification procedures of the Committees on Appropriations**]**.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,594,568,180.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $167,960,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $124,229,309, for the United States contribution to the African Development Fund, to remain available until expended**[**: *Provided,* That of the funds appropriated under this heading, $20,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations**]**.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $133,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,002,540.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $69,180,353, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: *Provided,* That during fiscal year 1995 the number of shares of stock purchased shall be not more than 600.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $161,420,824.

*CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND*

*For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, $25,000,000, to remain available until expended.*

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, **[$366,000,000]** *$382,000,000: Provided,* That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further,* That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its

right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1995: *Provided further*, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further*, That not more than [$40,000,000] *$60,000,000* of the funds appropriated under this heading may be made available to the UNFPA: *Provided further*, That not more than one-half of this amount may be provided to UNFPA before March 1, 1995, and that no later than February 15, 1995, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1995: *Provided further*, That any amount UNFPA plans to spend in the People's Republic of China in 1995 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1995 pursuant to the previous provisos: *Provided further*, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds[: *Provided further*, That notwithstanding the fifth proviso of this heading, if UNFPA decides not to initiate a new program in China after its current program ends in 1995, up to an additional $20,000,000 of funds appropriated under this heading may be made available to UNFPA].

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1995, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, [$811,000,000] *$882,000,000*, to remain available until September 30, 1996: *Provided, That of the funds appropriated under this title under the heading "Agency for International Development", (1) not less than $285,000,000 shall be made available for activities which have as their objective the reduction of childhood mortality, including such activities as immunization programs, oral rehydration programs, and education programs which address improved nutrition, and water and sanitation programs, (2) not less than $135,000,000 shall be made available for basic education programs, and (3) not less than $25,000,000 shall be made available for micronutrient programs: Provided further, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of displaced Burmese including for cross border activities: Provided further, That of the funds appropriated under this heading, not less than $600,000 shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further, That the Agency for International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law.*

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $450,000,000, to remain available until September 30, 1996: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counselling about, or referral for, all pregnancy options including abortion: Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, [$790,000,000] *$802,000,000*, to remain available until September 30, 1996: *Provided*, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $169,998,000 to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended[: *Provided*, That it is the sense of the Congress that a program should be developed to undertake direct buy backs of bilateral debt from eligible poor and lower-middle income countries with local currency offsets to fund development and environmental activities, provided that such a program would have no budgetary impact. The Administration should consider how creative use of the sale of impaired Third World debts might be used to lower debt overhangs and generate local currencies for development and environmental activities].

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961*. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $19,300,000: *Provided*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,118,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, [$517,500,000] *$517,800,000*[: *Provided*, That of this amount not more than $900,000 may be made available to pay for printing costs].

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,339,000,000] *$2,359,200,000*, to remain available until September 30, 1996: [*Provided*, That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: *Provided further*, That any funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years:] *Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further, That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: Provided further, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus: Provided further, That not less than $7,000,000 of the funds appropriated under this heading shall be available only for the Middle East Regional Cooperation Program.*

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to [$19,600,000] *$15,000,000*, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, [$360,000,000] *$359,000,000*, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance *and for related* programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, [$875,500,000] *$839,000,000*, to remain available until expended: *Provided*, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief[: *Provided further*, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the new independent states concerning violations referred to in this subsection: *Provided further*, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe].

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs to support troop withdrawal including through the support of an officer resettlement program, and technical assistance for the housing sector.

(f) Funds appropriated under this heading shall be subject to the regular [reprogramming] *notification* procedures of the Committees on Appropriations.

(g) Funds appropriated under this heading may be made available for assistance for Mongolia.

(h) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the new independent states.

*(i) Of the funds appropriated under this heading, $15,000,000 shall be available only for a family planning program for the new independent states of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion: Provided, That of such amount, $6,000,000 shall be available only for such a family planning program in*

*Russia, $3,000,000 shall be available only for such a family planning program in Ukraine, Moldova, and Belarus, and $6,000,000 shall be available only for such a family planning program in the Central Asian Republics.*

*(j) Of the funds appropriated under this heading, not less than $150,000,000 shall be available for programs for Ukraine: Provided, That of these funds not less than $25,000,000 shall be made available for land privatization activities and development of small and medium size businesses, including agriculture enterprises.*

*(k) Not less than $75,000,000 of the funds appropriated under this heading shall be available for programs and activities for Armenia.*

*(l) Not less than $50,000,000 of the funds appropriated under this heading shall be made available for programs for Georgia.*

*(m) Every 180 days, the Administrator for the Agency for International Development shall provide the Committees on Appropriations with a report listing grants and contracts issued from funds under this heading including the type, amount and country where assistance is expended.*

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), [$219,745,000] *$221,745,000*, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1996.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, [$115,000,000] *$100,000,000: Provided, That during fiscal year 1995, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive nonlethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding sections 489A and 490A of the Foreign Assistance Act of 1961 and any reference in any provision of law to such sections, and notwithstanding section 6(a) of the International Narcotics Control Act of 1992, the provisions of sections 489 and 490 of the Foreign Assistance Act of 1961 shall apply during fiscal year 1995.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, [$670,688,000] *$671,000,000*: *Provided*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.*

[REFUGEE RESETTLEMENT ASSISTANCE

[For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $12,000,000.]

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $25,500,000: *Provided*, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, *and may also include individuals who are not members of a government: Provided further*, That none of the funds appropriated under this heading shall be available for [Indonesia,] *Rwanda* and Zaire: [*Provided further*, That none of the funds appropriated by this Act shall be used to facilitate the provision of IMET to Indonesia:] *Provided further*, That a report is to be submitted to the Committees on Appropriations addressing how the proposed School of the Americas IMET program *for fiscal year 1995* will contribute to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces: *Provided further, That none of the funds appropriated under this heading may be made available for Thailand or Algeria except through the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit, by February 1, 1995, a report to the Committees on Appropriations on the Thai military's support for the Khmer Rouge and the Thai Government's efforts to impede support for Burmese democracy advocates, exiles, and refugees.*

*MILITARY-TO-MILITARY CONTACT PROGRAM*

For necessary expenses, for the military-to-military contact program of the Department of Defense, $12,000,000[, to]: *Provided, That of this amount, $2,800,000 shall be made available only for activities in the area of responsibility of the United States Pacific Command and $9,200,000 shall* be made available only for activities for East European countries and the Baltic States.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,149,279,000] *$3,151,279,000*[: *Provided*, That funds appropriated by this paragraph that are made available for Israel and Egypt shall be available only as grants: *Provided further*, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later:] *Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated*

*by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further,* That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $47,917,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $619,650,000: *Provided further,* That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: [*Provided further,* That the principal amount of direct loans for Greece and Turkey shall be made available according to a 7 to 10 ratio:] *Provided further, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $255,150,000 only for Greece and $364,500,000 only for Turkey:* [*Provided further,* That 25 percent of the principal amount of direct loans for Turkey shall be withheld until the Secretary of State, in consultation with the Secretary of Defense, has submitted to the Committees on Appropriations a report addressing, among other things, the allegations of abuses against civilians by the Turkish armed forces and the situation in Cyprus, and a separate notification has been submitted at least 15 days prior to the obligation of such funds: *Provided further,* That 25 percent of the principal amount of direct loans for Greece shall be withheld until the Secretary of State has submitted to the Committees on Appropriations a report on the allegations of Greek violations of the United Nations sanctions against Serbia and of the United Nations Charter, and a separate notification has been submitted at least 15 days prior to the obligation of such funds] *Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey that is entered into by the United States during fiscal year 1995 shall expressly state that the equipment is being provided by the United States only with the understanding that it will not be used for internal security purposes: Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Greece that is entered into by the United States during fiscal year 1995, shall expressly state that the equipment is being provided by the United States only with the understanding that it will not be used in violation of the United Nations sanctions against Serbia or the United Nations Charter.*

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further,* That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: *Provided further,* That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: *Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Indonesia that is entered into by the United States during fiscal year 1995 shall expressly state the understanding that the equipment may not be used in East Timor: Provided further,* That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That not more than $22,150,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That not more than $335,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during [the fiscal year 1994] *fiscal year 1995* pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

*SPECIAL DEFENSE ACQUISITION FUND*

*Notwithstanding any provision of Public Law 102-391 as amended by Public Law 103-87, not to exceed $140,000,000 of the obligational authority provided in that Act under the heading "Special Defense Acquisition Fund" may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act.*

*Not to exceed $20,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of closing the Special Defense Acquisition Fund, to remain available for obligation until September 30, 1998: Provided, That the authority provided in this Act is not used to initiate new procurements.*

PEACEKEEPING OPERATIONS

*(INCLUDING TRANSFER OF FUNDS)*

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000: *Provided, That of this amount up to $850,000 may be transferred to, and merged with, funds appropriated under the heading "International Military Education and Training" to carry out the provisions of section 541 of the Act: Provided further, That funds transferred under the previous proviso shall be in addition to amounts that may be transferred between accounts under the authority of any other provision of law.*

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with 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 may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, [$792,653,000] *$786,551,000* to remain available until September 30, 1996: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: [*Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied-aid grants, and total

loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $19,000,000,000:] *Provided further*, That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1995 and 1996: *Provided further*, That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, [$44,550,000] *$45,228,000*: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1995.*

OVERSEAS PRIVATE INVESTMENT CORPORATION

[PROGRAM ACCOUNT

[For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $23,296,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,933,000: *Provided*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1994 through September 30, 1996: *Provided further*, That such sums are to remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996.

[The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.]

*NONCREDIT ACCOUNT*

*The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $24,322,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961 shall not be considered administrative expenses for the purposes of this heading.*

*PROGRAM ACCOUNT*

*For the cost of direct and guaranteed loans, $34,944,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That not less than $24,944,000 of such subsidy shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1995 and 1996, and the remainder of such subsidy shall be available for such purposes without fiscal year limitation: Provided further, That such sums that are made available during fiscal years 1995 and 1996 shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996: Provided further, That such sums that are obligated after fiscal year 1996 shall remain available for the disbursement of direct and guaranteed loans through the end of the eighth fiscal year after the fiscal year in which such sums were obligated. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.*

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,986,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, [the Socialist Republic of Vietnam,] Iran, Serbia, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the

exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1995, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1995.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training" [(including the military-to-military contact program)], *"Military-to-Military Contact Program"*, "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of

the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1996.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, *Dominican Republic*, El Salvador, Guatemala, Haiti, Indonesia, Liberia, Nicaragua, Pakistan, Peru, Rwanda, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador and Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, [the Socialist Republic of Vietnam,] Iran, Syria, North Korea, *or the* People's Republic of China[, or Laos] unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1994" and inserting in lieu thereof "1995".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended [subject to] *notwithstanding* section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided, That the Secretary of the Treasury may, to fulfill commitments of the United States, (a) subscribe to and make payment for shares of the Inter-American Development Bank, make contributions to the Fund for Special Operations of that Bank, and vote for resolutions (including amendments to that Bank's constitutive agreement), all in connection with the eighth general increase in resources of that Bank; and (b) contribute to the Restructured Global Environment Facility under its Instrument, to the African Development Fund in connection with the seventh general replenishment of its resources, and to the Interest Subsidy Account of the successor to the Enhanced Structural Adjustment Facility of the International Monetary Fund. The amount to be paid in respect of each such contribution or subscription is authorized to be appropriated without fiscal year limitation. Each such subscription or contribution shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.*

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States [marine] insurance companies have a fair opportunity to bid for [marine] insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$200,000,000 for stockpiles in Israel for fiscal year 1994" and inserting in lieu thereof "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995".

SEPARATE ACCOUNTS

SEC. 536. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 537. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 538. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 539. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, 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 not to exceed $15,000,000 in fiscal year 1995, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to *Vietnam*, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 540. During fiscal year 1995, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 541. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 542. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102-145, as amended, and Public Law 102-391), is further amended—

(a) by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal year 1995";

(b) by striking out "Appropriations Act, 1994" and inserting in lieu thereof "Appropriations Act, 1995"; and

(c) by striking out "$700,000,000" and inserting in lieu thereof "$775,000,000".

CASH FLOW FINANCING

SEC. 543. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 544. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 545. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 546. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer, *subject to the regular notification procedures of the Committees on Appropriations*, to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1995: *Provided*, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

SPECIAL AUTHORITIES

SEC. 547. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any [Cambodian] organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming, *and for the purpose of supporting biodiversity conservation activities*: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1995, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 548. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 549. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

*(b) Of the funds appropriated by this Act under the heading "Economic Support Fund", notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $3,000,000 may be made available, subject to the regular notification procedures of the Committees on Appropriations, for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions), except that such technical assistance shall not include more than $1,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.*

[(b)] *(c)* Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection [(a)(1)] *(a)* for Bolivia, Colombia and Peru and subsection [(a)(2)] *(b)* may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 550. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1995, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act

of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 551. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 552. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 553. *(a)* The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1995 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

*(b) The authority of section 518 of the Foreign Assistance Act of 1961 may be exercised in any fiscal year to transfer, for the purposes of that section, nonlethal excess defense articles to international organizations and nongovernmental organizations notwithstanding section 502 of that Act.*

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 554. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

SEC. 555. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

USE OF AMERICAN RESOURCES

SEC. 556. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

SEC. 557. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the prosecution of any individual identified as part of a terrorist/kidnapping ring by the investigation of issues raised by the discovery, after the May 23, *1993*, explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of such a ring, including all government officials (including any members of the armed forces or security forces);

(2) the resolution of expropriation claims and the effective compensation of legitimate claims;

(3) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(4) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(5) the establishment of civilian control over the police, and the independence of the police from the military; and

(6) the effective reform of the Nicaraguan judicial system.

(b) The notification pursuant to subsection (a) above shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(c) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and Committees on Foreign Affairs and Appropriations of the House of Representatives.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 558. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

79-059 O—97 Vol. 140 (Pt. 11) 2

CONSULTING SERVICES

SEC. 559. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 560. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

SPECIAL DEBT RELIEF FOR THE POOREST

[SEC. 561. (1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

[(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

[(B) credits extended or guarantees issued under the Arms Export Control Act.

[(2) LIMITATIONS.—

[(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

[(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

[(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

[(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

[(A) does not have an excessive level of military expenditures;

[(B) has not repeatedly provided support for acts of international terrorism;

[(C) is not failing to cooperate on international narcotics control matters; and

[(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

[(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

[(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.]

*SEC. 561. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—*

*(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or*

*(2) credits extended or guarantees issued under the Arms Export Control Act.*

*(b) LIMITATIONS.—*

*(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".*

*(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.*

*(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.*

*(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—*

*(1) does not have an excessive level of military expenditures;*

*(2) has not repeatedly provided support for acts of international terrorism;*

*(3) is not failing to cooperate on international narcotics control matters; and*

*(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.*

*(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".*

*(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.*

GUARANTEES

SEC. 562. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1994" and inserting in lieu thereof "1994 and 1995" in both places that this appears.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 563. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 564. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 565. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103-236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President determines that it is in the national interest to do so and so reports to the Congress.

PROCUREMENT REDUCTION

SEC. 566. (a) Of the budgetary resources available to the Agency for International Development during fiscal year 1995, $1,598,000 are permanently canceled.

(b) The Administrator of the Agency for International Development shall allocate the amount of budgetary resources canceled among the Agency'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 closeout, as specified in section 403(a)(2) of title 41, United States Code.

[IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

[SEC. 567. Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development", "Contribution to the International Development Association", and "Contribution to the International Finance Corporation" shall not be available for payment to any such institution unless the Secretary of the Treasury (1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented, and (2) reports that determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations

and the Committee on Foreign Relations of the Senate.]

*IMPLEMENTATION OF WORLD BANK RECOMMENDATIONS*

*SEC. 567. (a) Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development" and "Contribution to the International Development Association" shall be available for payment to such institutions as follows:*

*(1) 50 percent of the funds appropriated under each such heading shall be made available prior to April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection at any time prior to that date.*

*(2) 50 percent of the funds appropriated under each such heading shall be made available on April 1, 1995, or thereafter, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection at any time on or after that date.*

*(3) The determinations referred to in paragraphs (1) and (2) are determinations that the International Bank for Reconstruction and Development is—*

*(A) implementing the recommendations contained in "Next Steps", the follow-up to the Wapenhans Report;*

*(B) implementing the action plan contained in chapter 8 of its April 8, 1994, resettlement review entitled "Resettlement and Development";*

*(C) implementing the Bank's procedures on Disclosure of Operational Information issued in September 1993; and*

*(D) actively encouraging borrowing governments to publicly disclose information on structural adjustment programs.*

*(b) Funds appropriated by title I of this Act under the heading "Contribution to the International Finance Corporation" shall be available for payment to such institution as follows:*

*(1) 50 percent of the funds appropriated under such heading shall be made available prior to April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection.*

*(2) 50 percent of the funds appropriated under such heading shall be made available on or after April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection.*

*(3) The determinations referred to in paragraphs (1) and (2) are determinations that the International Finance Corporation is pursuing reforms comparable to those adopted by the International Bank for Reconstruction and Development regarding the environment, information disclosure, and resettlement.*

RESTRICTIONS ON ASSISTANCE TO RUSSIA

SEC. 568. (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after December 31, 1994, unless [it has been made known to the President that] all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

(b) EXEMPTION.—Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine, or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, [and Lithuania] *Lithuania, or countries other than Russia.*

(c) WAIVER.—Subsection (a) does not apply if after December 31, 1994, the President determines that the provision of funds to the Government of Russia is in the national interest.

[ADDITIONAL LIMITATION ON FUNDS TO ENSURE IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

[SEC. 569. (a) LIMITATION ON AMOUNTS AVAILABLE BEFORE APRIL 1, 1995.—If amounts appropriated by title I become available pursuant to section 567—

[(1) not more than $30,000,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Bank for Reconstruction and Development" for payment for contribution to the Global Environment Facility;

[(2) not more than $1,024,332,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Development Association"; and

[(3) not more than $35,761,500 shall be available for obligation before April 1, 1995, for "Contribution to the International Finance Corporation".

[(b) REQUIREMENTS FOR AVAILABILITY OF ADDITIONAL AMOUNTS.—No amount in excess of any sum specified in subsection (a) with respect to an account or activity shall become available on or after April 1, 1995, unless the Secretary of the Treasury—

[(1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented as of such date;

[(2) reports such determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

[(3) complies with the regular notification procedures of the Committee on Appropriations.]

*MILITARY EXPENDITURES BY RECIPIENTS OF MULTILATERAL ASSISTANCE*

*SEC. 569. The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or any extension of assistance to any country which fails to make available to such institution the most recent accurate and complete data on annual expenditures for its armed forces, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.*

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 570. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide, to the greatest extent practicable, to such entity [a notice describing the statement made in subsection (a) by the Congress] *notice consistent with subsection (a) and section 604(a) of the Foreign Assistance Act of 1961.*

*WEST BANK AND GAZA ECONOMIC DEVELOPMENT FUND*

*SEC. 571. Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 should be made available to support the creation and expansion of small and medium-sized businesses, including agricultural enterprises, in the West Bank and Gaza. All or any part of such funds may be used for the subsidy cost of direct loans and loan guarantees as defined in section 502 of the Congressional Budget Act of 1974. Funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.*

*AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION*

*SEC. 572. Of the funds appropriated by title II of this Act under the heading "Assistance for the New Independent States of the Former Soviet Union" up to $50,000,000 should be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: Provided, That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: Provided further, That funds made available for the purposes of this section may be used for transportation of United States agricultural commodities provided under this section: Provided further, That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: Provided further, That any such local currencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.*

*EXPORT FINANCING TRANSFER AUTHORITIES*

*SEC. 573. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for the current fiscal year for programs under title IV of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That $12,000,000 shall be immediately transferred from funds available to the Export-Import Bank for fiscal year 1994 to the Overseas Private Investment Corporation, and $1,000,000 shall be immediately transferred from funds available to the Export-Import Bank for fiscal year 1994 to the Trade and Development Agency: Provided further, That the provisions of the previous proviso shall be effective on the date of enactment of this Act.*

*INCAE*

*SEC. 574. The Government of Nicaragua may assume the obligation of the Central American Institute of Business Administration (INCAE) to make payment to the United States under a loan made to INCAE pursuant to an Alliance for Progress Loan Agreement dated April 25, 1972: Provided, That such payment shall be for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of such obligation and shall relieve INCAE of any further liability to the United States for payment of interest and principal under such loan notwithstanding section 620(r) of the Foreign Assistance Act of 1961.*

*MONGOLIA*

*SEC. 575. Section 620(f) of the Foreign Assistance Act of 1961 is amended by striking "Mongolian People's Republic." from the list contained therein.*

*REPORT ON COMPLIANCE WITH COMMITMENTS*

*SEC. 576. Section 804(b) of title VIII of Public Law 101-246 (PLO Commitments Compliance Act of 1989) is amended—*

*(1) in paragraph (9) by striking "; and" and inserting in lieu thereof ";";*

*(2) by striking the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and*

*(3) by adding the following new paragraph:*

*"(11) measures taken by the PLO to prevent acts of terrorism, crime and hostilities and to legally punish offenders, as called for in the Gaza-Jericho agreement of May 4, 1994.".*

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995".

Mr. LEAHY. Madam President, the Senate is still not in order.

As manager of this bill, I would like to at least be able to hear what is going on.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conversations to the Cloakroom.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that I be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object. I will object to any unanimous consent request while this bill is up unless we can have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. All conversations will be taken to the Cloakroom. Staff are asked to please cease their conversations or they will be asked to leave.

Mr. LEAHY. I remove my objection.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

## PRODUCT LIABILITY REFORM

Mr. ROCKEFELLER. Madam President, I just want to indicate, as the chief sponsor of the legislation, product liability reform, which has just been sent back to the Senate's calendar, that I am disappointed, but, on the other hand, I am not defeated. We simply have to persevere on this matter.

I want to say how proud I am to have worked with Senator GORTON. There are no words to express how deep my respect is for his abilities and skills. I have the same respect for the good Senators from Connecticut, JOE LIEBERMAN and CHRIS DODD, and others who helped us on this.

And the people who never do get thanked are the people that do all of the work, Tamera Stanton, on my staff, who is not even a lawyer, but who sat by me and just was incredible in the way she did this work; Tom Morgan of my own staff; John Nakahata, Tiger Joyce, Terri Claffey, they are from other Senators' staffs; Tony Orza, Alan Maness, Peter Kinzler, Gerron Levy, Greg Rohde, and there are others.

But the work and the intensity was enormous, the pressure was great. The result was democracy at work, and I understand that. And I just want to thank those who worked so hard and to thank all of the Senators who took this issue seriously and voted their feelings on it.

I thank the Chair and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I want to, in turn, thank the Senator from West Virginia for his kindness and for his courtesy and for his never-failing goodwill. In many respects his assignment in this connection was far more difficult than my own. But it was a pleasure to work with him and I know he joins me in saying, "The same time, same place next year." We will be back. He is correct, it is a valid cause and one of these days we are going to win it. I thank him.

I join him in his commendation for members of the staff on both sides, my own, on the minority side, and the Senator from West Virginia's staff and all of the rest who have helped him. And I know that their dedication will remain and we will try to do better the next time around.

Mr. HOLLINGS. Madam President, in all fairness, let us not just thank the trial lawyers of America. They obviously worked and the record will show they worked for the injured parties, and it is not easy, but, in addition to them, I ask unanimous consent that we include in the RECORD here the list of the organizations, such as the American Bar Association, the Conference of State Supreme Court Justices, the Chief Justices of those Supreme Courts, the National Conference of the Legislatures, the State Attorneys General Association, and all the women's associations and the Consumer Federation, Public Citizen. I ask unanimous consent that this list be printed in the RECORD for my genuine gratitude for their leadership.

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

CONSUMERS FOR CIVIL JUSTICE

NJ Environmental Federation.
NAACP.
NOW—National Organization of Women.
Industrial Union Council.
Black Issues Convention.
NJ Citizen Action.
New Jersey Environmental Lobby (NJEL).
IUE, AFL-CIO.
United Auto Workers (UAW—Region 9).
NJ Hemophilia Foundation.
Central Jersey Spinal Cord Injury Assn.
NJ White Lung.
Central Labor Union—AFL-CIO.
Communications Workers of America (CWA-AFL-CIO).
CHILD-Cape May.
Amalgamated Transit Union.
American Litoral Society.
Arthur Kill Watershed Association.
Aspira, Inc. of New Jersey.
Association to Improve Benefits.
Bayonne Citizens for Clean Air.
Bergen Labor Council, AFL-CIO.
Bergen Save the Watershed Action Network (SWAN).
Boilermaker's Local 28.
Center for Visual Arts.
Chemical Workers Association.
Clean Ocean Action (COA).
Coalition Against Toxics—Camden County.
Columbian Federation.
Committee of Internists and Residents.
Concerned Citizens of Union County.
Concerned Citizens of Wayne.
Copeland Surveying, Inc.
Cornucopia Network of New Jersey.
Council of N.J. State College Locals—AFT.
Creative Risk Services, Inc.
CWA Local 1032.
CWA Local 1081.
DES Action—New Jersey.
Edison Wetlands Association.
Environmental Response Network—Atlantic County.
Grassroots Environmental Coalition (GREO).
Hospital Professionals & Allied Employees.
Hudson Labor Council.
IBEW Local 1032.
Implant Victim Action Committee.
International Association of Machinists.
International Federation of Professional Technical Employees.
Ironbound Committee Against Toxic Waste.
Local 8-149—OCAW.
Local 262, Retail, Wholesale Dept. Store Union—United Food & Commercial Workers.
Local 617 Service Employees International Union.
Machinist Union Local 914.
Mercer Environmental Coalition.
Middlesex County Environmental Coalition.
Monmouth County Citizens for Clean Air.
Monmouth County Friends of Clearwater.
N.J. Coalition of Labor Union Women.
Network for Environmental & Economic Responsibility at United Church of Christ.
New Jersey Right to Know and Act Coalition.
Newark Teachers Union.
NJ Coalition of Occupational Safety & Health.
NJ PIRG.
Ocean County Citizens for Clean Water.
People United for a Klean Environment—Burlington.
Peoples Medical Society.
PHILOPOSH.

Pompton Lakes Against Pollution.
Princeton Area Committee of NJEF.
Public Citizen.
Rain Forest Relief.
Rutgers AAUP.
Sheetmetal Workers Local Union 27.
Sierra Club, NJ Chapter.
Skylands Clean.
Teamsters Local 945.
The Command Trust, East Coast Connection Silicone Breast Implant Support Group.
TMJ Association.
United Labor Agency.
United Passaic Organization (UPO).
United Transportation Union Local 60.
Utility Co-Workers' Association.
VOCCAL—Oakland.
W.A.T.E.R.—Vineland.

LIST OF ORGANIZATIONS AND INDIVIDUALS OPPOSED TO FEDERAL PRODUCT LIABILITY LEGISLATION

AFL-CIO.
Alliance for Justice.
American Association of Retired Persons.
American Bar Association.
American Council of the Blind.
American Lung Association.
American Public Health Association.
Americans for Democratic Action.
Asbestos Victims' Education and Information.
Asbestos Victims of America.
Brown Lung Association.
California PIRG.
Citizen Action.
Colorado PIRG.
Conference of Chief Justices.
Connecticut PIRG.
Consumer Federation of America.
Consumers Union.
Dalkon Shield Claimants' Committee.
DES Action USA.
Disability Rights and Education Fund.
Environmental Action.
Florida PIRG.
Friends of the Earth.
Illinois PIRG.
Maryland PIRG.
Massachusetts PIRG.
Michigan Citizens Lobby.
Minnesota PIRG.
National Association for Public Health Policy.
National Campaign Against Toxic Hazards.
National Coalition Against the Misuse of Pesticides.
National Conference of State Legislatures.
National Consumers League.
National Insurance Consumers Organization.
National Spinal Cord Injury Association.
National Women's Health Network.
New Jersey Citizen Action.
New Jersey PIRG.
New Mexico PIRG.
Oregon State PIRG.
Pennsylvania PIRG.
PIRG in Michigan.
Pubic Citizen.
Public Voice for Food and Health Policy.
Ralph Nader.
Service Employees International Union, Local 82.
Sierra Club.
Trauma Foundation.
United Auto Workers.
United States Public Interest Research Group.
United Steel Workers.
Vermont PIRG.
Washington PIRG.
White Lung Association.
Wisconsin PIRG.

Mr. HEFLIN. Madam President, I will just take 30 seconds. I want to file at a later time all the staff members that worked on this so diligently and to thank them. I do not want to omit anyone, so I will be filing that later or speaking later thanking them for all of their work, and including any other organization that was omitted, I just want it be comprehensive and inclusive.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Parliamentary inquiry, what is the pending parliamentary situation?

The PRESIDING OFFICER. H.R. 4426, the appropriations bill.

The Senator from Montana asked for consent to speak as if in morning business.

Mr. LEAHY. Reserving the right to object, Madam President, are we now on foreign operations bill?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Would the normal tradition be for the managers of the bill to give their opening statements at this point?

The PRESIDING OFFICER. The Senator from Vermont is correct.

### UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, I want to propound a unanimous-consent request which will take care of the situation of the Senator from Montana and everybody else and also the bill that is on the floor. I am going to ask unanimous consent that there not be any amendments to the pending legislation in order prior to 11:15 a.m. and, at that point, I be recognized to give my opening statement, and prior to that time, we would be as in morning business.

This, I think, takes care of a situation involving the ranking member of this committee and myself.

So I make the unanimous-consent request that there be no amendments to the pending legislation in order prior to 11:15 a.m. and that, at 11:15 a.m., I will be recognized in the normal course of business to give my opening statement as manager of the bill, and prior to that time Senators be permitted to speak as in morning business for the time that they have requested.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

### OPPOSITION TO FUNDING FOR THE SPACE STATION PROGRAM

Mr. BAUCUS. Madam President, during the coming months, we will make funding decisions that will affect the future for every man, woman, and child in the United States. Our votes will have an impact on the quality of environmental protection, the scope of Federal public health programs, veterans benefits, housing assistance, educational aid, national defense, scientific research, law enforcement, agricultural assistance, and many other matters of vital concern to our country.

Unfortunately, the Federal Government cannot afford to pay for all of the country's needs. Tight budget caps—a direct result of the massive budget deficit—makes it impossible to fully fund everything we require. So this year, in our consideration of fiscal year 1995 appropriations, we will be forced, perhaps more than ever before, to make tough funding choices.

We must set priorities that put people first by preserving the programs Americans need the most and cutting back on those that are of less importance to the health and well being of the country. Among the programs we must continue to support are those administered by the Environmental Protection Agency.

Opinion polls consistently show that Americans believe environmental protection is a top priority and should be fully funded.

There is good reason for our concerns about the environment. Cancer deaths attributable to pollution are rising; we are twice as likely to die of cancer as our grandparents. Degradation of our air and water continues to be a serious threat. Our children remain dangerously exposed to hazardous substances such as lead. More than 100 million citizens live in areas of the country where air pollution exceeds Federal health standards.

Yet EPA lacks the resources to fully implement environmental protection laws. The Agency cannot provide the level of protection promised by Federal statutes, and is unable to conduct sufficient research to ensure that pollution standards are based on the sound science all of us have called for at one time or another.

EPA's budget shortfall has serious consequences for all of us. The Agency's pesticides program has a backlog of toxicity studies that have not been reviewed on nearly 15,000 pesticides, many of which are used on food crops. Thousands of permits for water discharges and waste storage cannot be processed by the Agency in a timely manner. A number of new regulations required by the Clean Air Act Amendments of 1990 will be delayed or poorly implemented without sufficient resources. State and local governments, already hard pressed to implement

Federal requirements, will have even less money available to enforce Federal environmental laws. For business, the result of all this is a lack of certainty and an inability to plan.

EPA is funded by the VA, HUD, and Independent Agencies bill, which also supports programs for housing, veterans, aerospace, and the National Science Foundation. All of the programs funded by this appropriations bill are in jeopardy.

There is a nearly $800 million gap between the President's budget request for the programs contained in the bill and the Senate's budget cap for this allocation. Unless we remedy this situation, veterans will go without medical assistance and other benefits they require may be lessened. Programs designed to provide low-income housing and ease the homeless crisis will be unfunded. And the environment and public health gains of the last two decades will be reversed.

NASA's budget of nearly $15 billion is twice the size of EPA's budget. The administration's request for one NASA program alone, the space station, is $2.1 billion in fiscal year 1995, an amount nearly equal to all of EPA's core operating programs this year.

The space station is not only a drain on veterans, housing, and environmental programs, it takes money away from NASA itself. NASA is overextended and cannot afford to manage all of its programs, largely because of the resources that are diverted to the space station.

While there may be noble intent behind the space station, it is of questionable value and a largely speculative venture. Much of its goals are based on untested theory. It is unclear that the station will even survive damaging space debris. NASA estimates that there is a 1 in 5 chance that the space station would be seriously harmed by floating objects in space. NASA may well be able to correct these problems, but the bottom line is that we cannot afford to fund the space station this year.

Our needs here on Earth are far too great for us to be spending money on an outpost in outer space. Does it make sense for us to fund a space station at the expense of environmental protection programs designed to save our planet, programs enacted to sustain and protect our veterans, or programs created to provide basic housing in a country besieged by homelessness.

Reportedly, the President's No. 1 priority in the VA, HUD, and independent agencies appropriations bill is the space station. I suggest that the administration's priorities, in this case are misplaced, and do not reflect the needs or desires of the American people. I will be sending a letter to the President, asking him to withdraw his support for the space station. I also intend to work with my distinguished colleagues, Senator BUMPERS and Senator COHEN, who have demonstrated tremendous leadership in opposing the space station. I urge my colleagues to join me in opposing the space station and seeking a reallocation of the funding to other, more necessary programs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

## UNCOLLECTED FINES

Mr. DORGAN. Madam President, I wanted to share with the Senate today some chartboards that I used at a hearing yesterday, and talk a bit about the conclusions of the hearing. Most Americans will well remember the 1980's as a time of intense speculation, junk bonds, leveraged buyouts, the country was awash in debt, and most especially a country in which we had massive S&L failures where two-thirds of the failures involved fraud. We had folks who used to run S&L's, who committed fraud, on their way to prison for 2 years at hard tennis in some minimum security camp, and the American people were furious about it. Billions of dollars, literally, were stolen by people who ran some of these institutions into the ground. The American people wanted, first of all, for these folks to be convicted of fraud when they committed fraud; and second, to have their assets seized as they went to jail.

I held a hearing yesterday before the Governmental Affairs Committee on the question of what has happened with respect to those who have been fined, or against whom restitution orders have been made. What has happened? Have we gotten the money from these folks? I am not just talking about those who committed fraud in S&L's. I am talking about those who were convicted of fraud in financial institutions and others convicted of Federal crimes and who have been ordered to pay fines and restitution.

You will see a blowup of a story in a newspaper the other day that says, "Little S&L Payback; swindlers' fines go uncollected."

The headline is probably an accurate reflection, from the information that I received at the hearing yesterday.

Here is another newspaper article from the Miami Herald. "Fine-collection center: 'Still just a good idea. Haven't gotten all the bugs out yet?'"

The article is talking about the National Fine Center, something that was decided to be created 7 or 8 years ago; $5 million has been spent and there still is no National Fine Center to collect the fines that are levied against those who have been fined in the Federal courts.

Let me describe where we are. "Major Financial Institution Fraud Fines and Restitution Ordered and Collected." These are the biggest crooks in the country. These are the criminals who fleeced the American people of billions of dollars, not with a gun but a pencil, stole from S&L's, defrauded the S&L's, defrauded the banks. They were sent to jail, most of them, and ordered to pay fines and restitution.

Now let us see how well we have done: $1.96 billion in fines and restitutions ordered against these criminals; $1.96 billion. How much has been collected? Two and a half percent; 98 cents on the dollar goes uncollected; 2 cents or 2½ cents on the dollar is collected. What on Earth is going on?

Let me show another chart. The 50 largest criminal debts owed to the United States. These are in Federal courts, fines and restitutions ordered by the Federal courts. The 50 largest. Just take the 50 largest that are on file. These are the biggest crooks. They owe $822 million in Federal fines and restitution.

How much have they paid? $4.1 million, one-half of 1 percent; 99.5 percent of the fines uncollected, one-half of 1 percent is collected.

Another chart. The 36 largest financial-institution-fraud debts. Now, recall, the last chart was the 50 largest criminal debts. This is the 36 largest financial institutions; that is S&L's and banks. These are the people who committed the fraud against those institutions. They went to court, most went to jail, ordered to pay fines and restitution; $608 million in fines and restitutions. They paid $4 million, six-tenths of 1 percent. Nearly 99.5 percent of the Federal fines levied against these folks, some of the biggest crooks in this country, goes uncollected.

They will say, "Yes, but these are the big crooks and they are in prison. How can the biggest crooks who are in prison pay?" Well, of the 14 largest financial-institution-fraud debts owed to the United States where the perpetrator is not in prison, these are folks who are out of prison, of $224 million in Federal fines assessed in restitution, $2.9 million was paid. These are people who are not in prison. That is 1.3 percent of the Federal fines that have been levied in restitutions ordered paid, 98.7 percent remains uncollected.

Another chart. Restitution orders of $1 million or more, payable to the Resolution Trust Corporation. These are restitution orders; $384 million ordered, $5.9 million paid; 1.5 percent collected.

I do not need to show a lot of other fancy colored charts to give you the

same message. The message is that when the Federal Government, through its Federal court system, levies a fine on a criminal, it is not very likely we are going to collect much. We are collecting about a penny on the dollar. Under the best of circumstances, we are collecting 4 cents on the dollar. And the rest of the story is, 96 cents on the dollar is not being collected from some of the biggest criminals in this country.

Why? Because we do not have a national fine center. We have a disparate, fractured, disassembled system all around this country that does not work to collect fines. It is an afterthought in most of the districts.

You ask people how much is owed, how old is it, who owes it, what is their address, and they cannot tell you. They spent $5 million to create a national fine center, at the end of which we have no national fine center. The money for the national fine center comes out of the funds that would otherwise go to victims. So $19 million is available to be spent, they have spent $5 million, and we have no national fine center.

In fact, they say now we will have a national fine center, the first stage of which will be operational about 2¼ years from now, and that will largely be manual. There is something seriously wrong.

The hearing I held in the Governmental Affairs Committee yesterday asks the question: Why on Earth do we see a situation which, when we levy fines in the Federal Government or restitution orders against some of the biggest criminals in the history of this country, people who fleeced the American public of millions, yes, millions of dollars through fraud, why are we finding 99 percent of that fine and restitution ordered is not being collected? It is because at least, in large part we have a system that would persuade those out around the country, if you are going to owe money to somebody, better you owe it in the judicial system because it is unlikely they are going to be able to collect it. Owe it on a credit card and see what happens, see if you do not have a pen pal for life, see if you do not have pressure every day. But owe it here, we collect 1 percent. We collect only 1 percent; 99 percent goes uncollected.

We deserve better than that. The American people expect a whole lot better than that. I indicated yesterday to the Justice Department and the Administrative Office of the U.S. Courts that we are going to come back again with another hearing and another hearing to find out why do we not see better statistics on collecting fines against some of the biggest criminals in this country. The American people expect it and deserve it. Frankly, this system is not working, and we need to change it.

Madam President, I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

## UNIVERSITY OF OKLAHOMA SOONER BASEBALL TEAM

Mr. BOREN. Madam President, it is not often that one gets the opportunity to rise in this Chamber to claim bragging rights about athletics. But I claim that privilege today in honor of a remarkable baseball team that hails from a university that is near and dear to me—the University of Oklahoma Sooners baseball team.

As I am sure my distinguished colleagues from Georgia, Senator COVERDELL and Senator NUNN, have noticed, the Sooners did their best to be very courteous to the Georgia Tech Yellow Jackets. But on June 12, 1994, this Sooners team captured the national title by decisively defeating the Georgia Tech Yellow Jackets by a score of 13–5 in the final game of the National Collegiate Athletic Association College World Series.

I am certain that I speak on behalf of all Oklahomans when I say that the Sooners performed impressively throughout the season, rising from underdogs to top dogs through great dedication, talent and fortitude.

In the early spring, OU was ranked in the mid-30's, clearly appearing to be a long shot for the College World Series title. However, their skill and tenacity paid off, and by the time the Sooners entered the College World Series, they boasted a regular season record of 46 wins against 17 losses and a Big Eight record of 21 wins against 9 losses, a regional record of 4–0, and they were ranked seventh in the NCAA, according to Baseball America.

The Sooners began the double elimination tournament as the fourth seed, which pitted them against Auburn in the first College World Series game. To reach the showdown against Georgia Tech, the Sooners defeated Auburn 5–4 and beat Arizona State in two games 4–3 and 6–1. OU continued to stun even their most loyal fans, all the way into the final game against the Yellow Jackets, setting College World Series Championship Game records. OU drove in 13 runs to top Minnesota's 12–1 victory against Arizona in 1956.

In addition, they tied the College World Series record with 16 hits. Even the crowd at the final game was record-breaking—21,503 people gathered to watch the event in Rosenblatt Stadium in Omaha, NE.

The story of this year's Sooners exemplifies the value of effort, determination, integrity and, not the least, talent. For most of the season, the players believed that they were not receiving the respect they deserved from their regional rivals. This feeling so affected the players and coaches, and compounded their low ranking in the early spring, that the team hung signs on their lockers that said, "We have no respect."

To combat this image and deliver results, the players and coaches worked to forge a winning machine. The guiding principles behind their efforts are ideas we can all stand to benefit from: trust and teamwork. A rope came to symbolize the Sooners' bond. As manager Sunny Golloway was known to ask the players, I paraphrase, If you were holding onto a rope that prevented a fatal fall from a cliff, who would you want holding the other end of that rope? Of course, the answer was a teammate.

It is this sort of positive thinking and enthusiasm for healthy competition that helped the Sooners capture the national title. It is these kinds of values, I hope, that they will carry forward from this once-in-a-lifetime achievement to the rest of their lives beyond OU baseball.

Now, Madam President, I would like to say a few words about each player on the team and the coaches on the staff.

### THE PLAYERS

Bucky Buckles, a junior from Victorville, CA, set a school record for pitching and tied the Big Eight record for saves in a single season with 11 during the regular season. He added to that mark by saving three games in the postseason, including forcing the final out in the title game.

Sophomore Steve Connelly, of Long Beach, CA, is a hard thrower and believed to have one of the two or three best fastballs on the team.

Javier Flores, a freshman from Broken Arrow, OK, became catcher late in the season and threw out 8 of the last 15 stolen base attempts since taking his new duties midway through the regular season.

Senior Ken Gajewski, of Los Abirritos, CA, is known as a pitcher who throws strikes. During the regular season, he pitched three of the Sooners' first five victories, and he helped defeat Iowa State in the Big Eight tournament with 3.1 innings of relief in a 5 to 3 win.

Senior Chip Glass, from Ukiah, CA, played center field this year and holds the OU record for triples in a single season, 12, and for a career, 21. At times during the season, he had hitting streaks of eight, seven, six, and five. He was named Most Valuable Player of the College World Series after hitting three homers.

Rick Gutierrez, a senior from Long Beach, CA, was named Player of the Year in the Big Eight and is know as the best second baseman in the midlands. He went to regionas with a history of safe hits in 16 of the last 19 matches and held the second-highest batting average on the team, .352.

Sophomore Dustin Hansen, from Shattuck, OK, started this season in

the infield and outfield and had a four-hit game against Missouri in the post-season conference tournament.

Rich Hills, a junior from Yorba Linda, CA, held the third-highest batting average on the team (.346), and set records in hitting doubles both for single-season and career totals and snagging extra bases. He also led the team with an RBI total of 59.

Kevin Lovingier, a senior from Laguna Hills, CA, helped to lead the Sooners in pitching with 66 strikeouts in the regular season and achieved a final ERA of 3.05, the team's third highest. With one of the better curveballs on the pitching squad, he is widely considered to be one of the major reasons for the team's achievements this season.

Sophomore M.J. Mariani, of Alameda, CA, started at third base this season and had the best gun in the infield. Fortunately for OU, Mariani, a UNLV transfer, will be eligible to play an extra year at OU because of a conference ruling this spring.

Damon Minor, a Hammon, OK sophomore, led the team with home runs, hitting two in one game. For part of the season, he started at first base. His three-run home run, which landed in the stadium parking lot, clinched the championship game.

Ryan Minor, twin brother of Damon and also from Hammon, started at first base near the end of the season and also pitched in three games. A versatile athlete, basketball prevented Ryan from playing baseball until March.

Sophomore Russell Ortiz, from Van Nuys, CA, is perhaps the hardest thrower on the squad. In his 2 years at OU before the regionals, he had made 37 pitching appearances.

Mark Redman, a sophomore from Del Mar, CA, ended the season with an excellent ERA of 2.71, the second-lowest on the pitching staff. In all, his record stands at 14–3, and he started in 20 games. He garnered 10 wins in the regular season, elevating him to the elite ranks of 10 others in OU history who have racked up double figures in wins. He set a single season school record with 134 strikeouts.

Junior Shawn Snyder, of Seminole, OK, was a solid reliever in the spring and appeared in 18 games to shut down opposing hitters. In a game against the Oklahoma State Cowboys, he started on the mound and stopped the first 10 hitters at home plate, completing four innings with only a two-hitter.

Aric Thomas, a junior from Riverside, CA, made hits in 15 consecutive games, the longest streak of any other OU hitter this year. Before regionals, he had 13 multihit games, and, earlier in the season, he had made it to base safely in 28 consecutive games.

Senior Darvin Traylor, from Riverside, CA, led the Sooners at the end of the season in hitting with a formidable .363 batting average. In his 2 years at OU, Traylor, a former relief pitcher and now an outstanding outfielder, has impressively played in 113 out of 114 games.

Freshman Joe Victery, of Ninnekah, OK, stood out this season as a rookie pitcher with a 4–0 record. He started 6 games while striking out 21.

Tim Walton, a junior from Cerritos, CA, ended the season with 11 starts, the second highest on the throwing squad. He was the winning pitcher in the championship game after going 2⅓ innings.

Finally, last but certainly not least, Jerry Whittaker, a junior from Long Beach, CA, has played in 106 of a possible 181 games during his last 3 years at OU before the regionals. Formerly a pitcher, injuries moved him to start as a centerfielder this year. He was the first OU player selected in this year's major league draft.

COACHING STAFF

Madam President, we all know that the team could not have succeeded without the superior coaching staff led by Head Coach Larry Cochell. In his 28th season heading a college-level team, Cochell has been at OU for 4 years and has reached the World Series four times with other teams. His fifth trip to Omaha was his first national championship; we're certainly glad he did it with OU. He's the only coach to have taken three different squads to the College World Series.

Pat Harrison lent invaluable assistance to the team through his expert instruction in hitting and playing the infield.

Vern Ruhle, a former Detroit Tiger, Cleveland Indian, California Angel, and Houston Astro, helped to hone Sooner pitching.

Meanwhile, Sunny Golloway, who came to OU just this past year, managed the Sooners skillfully throughout the season.

Rounding out the team's staff leadership was Mike Treps, special assistant to the athletic director, who served as the Sooners' liaison with the OU administration and has worked in OU athletics since 1972.

Madam President, I am proud of this team, and I am proud of these coaches from the University of Oklahoma, not only because they are great athletes, but because they are great people who exemplify the best of American values. They are a great tribute to the best tradition of athletics and personal achievement at the University of Oklahoma.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, before I give my opening statement, I yield to the Senator from Washington State 5 minutes.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I thank the Senator from Vermont.

## PRAYING FOR THE VICTIMS OF DOMESTIC VIOLENCE

Mrs. MURRAY. Mr. President, last week, the U.S. Senate prayed for O.J. Simpson. Our Chaplain led us in prayer for this fallen hero, accused of a crime so horrible it defies description. We heard from the Book of Samuel: "How are the mighty fallen."

Mr. President, it seems we talk more and more often of fallen heroes, but we sometimes forget who they fall on.

So, Mr. President, this week I would like to suggest that all our colleagues reflect for a moment about the real victims in this case. About a young woman brutally murdered on her own front doorstep. About her friend stabbed so often his blood ran from one end of the sidwalk to the other.

And, about the young children who watched the battery and heard the abuse for so many years, and who are now left alone.

Mr. President, I do not rise today to suggest that O.J. Simpson is guilty of any crime. He will have his day in court. And, his fate will be left in the hands of twelve ordinary Americans.

Ordinary Americans know that domestic violence has become an overwhelming epidemic in this country. Across this Nation, every 15 seconds, a woman is battered. Every 6 minutes, a woman is raped. And, 90 percent of family violence defendants are never prosecuted.

Mr. President, you know I brag about my progressive State whenever I have the chance. But, today, I have sad news to report from my home State of Washington.

Even though Seattle is a national leader in addressing these issues, 7,900 incidents of domestic violence were reported there last year. That is a huge increase from the 2,100 incidents reported in 1985.

We must do more to prevent this violence.

Perhaps we are at a crossroads. I hope something positive will come from all the media attention this case is receiving. I urge the crime bill conferees to think about this case. I urge them to retain the violence against women provisions, which my good friends, Senator BIDEN and Senator BOXER, have worked so hard on.

I hope we use this incident to remember who suffers in this society when

these programs are not funded. Who cries when we look the other way?

Mr. President, I would like our colleagues to take a moment today to pray for America's children.

Our children are the true victims of violence. Today, in this country, there is so much child abuse. So much meanness. And, so little human decency.

We force our overburdened teachers to be social workers and police officers. And, our children are left uneducated.

We have ignored our foster care system. And, our children go homeless.

We have created an unworkable and misguided welfare system. And, our children are hungry and scared.

Just last week, the Justice Department told us that more than half of this country's reported rape cases were committed against girls under the age of 18.

Time and again, I hear from ordinary Americans that there is an antidote to this violence and abuse—the simple value of accepting responsibility for our actions.

I am tired of hearing phony, ridiculous explanations. An explanation for violence is not an excuse. What happened to personal responsibility? As individuals, we must do all we can to stop the escalating cycle of violence in this country.

I wish there were just one simple bill I could introduce to make this problem go away. But, there is not. That is why we have to keep our children in mind with every piece of legislation we consider.

Mr. President, I have hope. Something good can come from this tragedy which has captured the media's attention.

But, it must start somewhere—or else, when the camera lights go off and the news media start a feeding frenzy somewhere else, Nicole Simpson will become as anonymous as the thousands of other American women murdered every year.

Mr. President, I say to everyone within the sound of my voice: Take responsibility for your actions. As individuals, we must do all we can to stop the meanness, stop the anger, and end this cycle of violence. Realize that your actions will shape not only your life but also our entire community and our future generations.

And to my colleagues I say: Remember the victims, and let us remember to pray for our children.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask the Senator from Washington to stay on the floor for a moment. I wish to commend her for her remarks, and I hope they will be heard and reheard and heard again. I was not on the floor at the time the prayer to which she referred was made. I read about it in an article this morning.

I have similar concerns about where public attention is placed. For 8½ years, I prosecuted violent crimes. I had a rule that on every violent crime, I went to the scene of it. Very often, it was 3 or 4 o'clock in the morning. In fact, for 8½ years, I was on call 24 hours a day, 7 days a week because of my concern about violent crime. These crimes included brutal murder cases. I was thinking as I read the descriptions of the blood and the scene, and it brought back so many images, even in a State with a very low crime rate like my own.

I say to those who would ignore that there are victims that I wish, just once, they could go to a murder scene as I have time and time again. It is not the cartoon things we see. It is not even the movies we see, and it is certainly not the PC television programs we see. There is an eeriness; there is a stench; there is an awfulness to a murder scene. I have been to scenes of murders of children, of spouses—incidentally, both male and female—friends, neighbors, and those who were just random victims of a burglary or a robbery gone awry.

And I can remember cases I prosecuted—and I am not suggesting who is guilty or innocent, and I would hope there would be a trial where a jury would actually make up its mind on the facts and not on what some high-paid commentator on television says. But I remember cases I had where people said, "How could this person ever have done something like this? The poor person must have been demented," blah, blah, blah. But we should remember it is the victims who are dead.

Just think of the children involved here. No matter who did this murder, you have children whose lives are irrevocably changed—and I add, changed for the worse—because no matter what happens, whether they have wealth or other family members, or whatever else, they are damaged for life. You have a young woman who had most of her life ahead of her who is dead. You have a young man with most of his life ahead of him, and he is dead.

On the one hand, I take some comfort that during my years as a prosecutor, I had the highest conviction rate on cases of domestic violence, I had the highest conviction rate on rape cases, and I had the highest conviction rate on murder cases of any prosecutor in our State. I take some satisfaction in that but. But, at the same time, I am dismayed that the cases were even there to prosecute.

One of the reasons that domestic cases are there to be prosecuted, Mr. President, is that they are not prosecuted because you have a spouse who has been beaten and is sitting there ready to testify with black eyes or broken ribs or what not. They are usually prosecuted because that spouse is in the morgue, unable to testify. And it is then when you go back through the record that you find they were beaten this time and this time and this time.

I can think of the cases that came to my attention for the first time as a prosecutor when the medical examiner called to tell me the results of an autopsy on the victim, and we find, for example, the husband, in one case—this upright pillar of the community who gave to all the best charities, was a church-going person, well respected, and who used to beat his wife on a very regular basis. But the police never followed up on the reports because they knew what a pillar of the community he was. When do we find it? When it can no longer be ignored because the body is in the morgue, and the autopsy is being done, and the results of the fractures and bruises and all are sealed.

So the Senator from Washington does us a service in speaking out on this on the floor. On this or any other case, the one concern we should have with the person arrested is that their rights under our American jurisprudence system, the best one in the world, are protected. But once we have done that, let us not forget the victims. Spousal abuse will continue in this country so long as we ignore the fact that there are victims. Children will be molested and killed so long as we forget that there are victims. And if the only time we pay attention is when the body reaches the morgue, then, Mr. President, as a society we have failed, and we have failed miserably.

So, frankly, I grow tired of hearing the constant commentary: How could such a person with so much ever end up in these straits?

Let us think about how could the mother of these children, how could another person, both of whom had their lives ahead of them, end up dead, and how could these children see their lives unalterably hurt?

I commend the Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague and commend him for his many years of service in remembering the children. I pledge to work with him and all others to continue that as we move forward.

I thank the Chair and yield the floor.

---

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, the parliamentary situation, as I understand it, is that we are on H.R. 4426, the foreign ops bill.

The PRESIDING OFFICER. That is correct. The pending question is the committee amendment on page 2, line 12 of the bill.

Mr. LEAHY. Mr. President, I note that this was reported by a unanimous vote of the Appropriations Committee on June 16, and I note that this was done in less time than in any other year I can recall.

A great deal of the credit goes to the ranking Republican, Senator MCCONNELL, who has worked with us in providing the bipartisan support to get it not only through the subcommittee in record time—at least a record in my 20 years here—but through the full committee, too.

The bill before the Senate totals $13.684 billion in fiscal year 1995 budget authority.

This is approximately $111 million below our allocation. It is, incidentally, $30 million below the President's request.

There are difficult problems scoring and otherwise in this bill. Senator BYRD, the chairman of the full committee, worked closely with us, as did the ranking member, Senator HATFIELD, and we were able to get the bill before us because of this. Had it not been for significant and timely help by Senator BYRD, we would not have the bill on the floor today.

I know that the leadership has worked hard to get it before us, and I thank them.

Let me note a few of the important provisions in this bill. They have aid to the New Independent States of the former Soviet Union. President Clinton has made clear that funding this program of aid to the New Independent States of the former Soviet Union is his No. 1 priority in the foreign aid program. I think his priorities are correct.

Senator MCCONNELL and I have agreed that the NIS program is of immense importance to the United States. I feel there is no task that is more urgent in supporting the transition to democracy and free market reforms in Russia, Ukraine, and elsewhere in the former Soviet Union. It is one of those rare instances where if we in the West are successful in this not only do we enhance our economic situation because of the new markets that will be developed, but it should be obvious to everybody, of course, that we significantly enhance our national security.

But we are faced with extreme budget pressures and problems with management implementation of this program. Notwithstanding that, we provided $839 million for the NIS Program. It is $61 million less than the President's request. It is $36 million below the House level.

I would like to just take a moment to explain why such cuts. It is intended to convey to the administration that while we continue to strongly support the NIS Program we are going to see rapid, visible improvements in the way it is managed, also improvements in the results it produces.

I am not expecting miracles. That is a new program. It involves a lot of countries, a lot of different countries, countries that themselves are groping for what they want to do. Of course, there are going to be problems. We never quite had a situation like this.

So we have to take some risks, and you know there are going to be some mistakes. But I would like to see some convincing evidence that AID and the State Department are learning from these mistakes as they go along.

We have also earmarked funds for Ukraine, Georgia, and Armenia. I would note that I was impressed and convinced by the report that my Republican colleague, Senator MCCONNELL, brought back from the Ukraine in his own visit in this regard. I know the House bill does not contain earmarks, and we are going to have some debate on this in conference as we fully expect, and I would hope that we can conduct that debate in a way that continues the strong feelings of a bipartisan majority in our committee that these countries need help. In fact, the administration plans to provide substantial aid to these countries in 1995, and I think the earmarks are a reflection of the U.S. Senate's interest in these countries.

It was not easy funding the overall program. By funding it, we have had to not fully fund other important programs like our contribution to the U.N. voluntary agencies or to multilateral banks, and I might mention these are contributions that we are committed to make, where as a result we are hundreds of millions of dollars in arrears to the World Bank and the other MDB's. At the same time we are in arrears to them, we are pressing them to make important reforms. We want them to shoulder more of the burden of economic development throughout the world.

We are basically saying to them, look, we are not able to pay our arrears to these MDB's, but please do what we want you to do even if we are not going to pay our bills and that is going to come into better balance. We are not going to get the reforms without paying our bills.

We were not able to increase funding above the request level for refugees or disaster assistance. You do not have to be an expert in refugee or disaster assistance programs to know there are tremendous needs and that we are not carrying out the responsibilities actually that most Americans would want us to do. All you have to do is turn on the television at night and see the refugees out of Rwanda and see what happens with floods in other places where the United States has historically and traditionally been able to help.

We were able to increase slightly aid to Africa as we face extraordinary needs, although we still only deal with a handful of dollars per person there even though again we have national security interests and even though this is an area where we have great economic interests, if they improve their lot. It is one of the places where our export programs work best and where American jobs are created.

We have also increased funding for family planning, a priority of the administration and Congress, and increased funding for development assistance.

In recognition of the great risk taken by Israel in its historic opening for peace with the Palestinians, aid for Israel and Egypt is earmarked at the requested levels. We note that with or without the earmark the administration is committed to aid these levels and would go forward with it. But I hope that this renewed demonstration of commitment to peace and stability in the Middle East will encourage all parties to continue to pursue the dramatic possibility for a settlement.

I would hope that the strong leadership of the State of Israel and the strong leadership of the Palestinian people would not be deterred by extremists on either side. There are extremists on both sides who would like nothing better than to see the peace process derailed.

That does not help the people of the region. It does not help the world. It does not help our foreign policy. And as I have many times before, I praise the leadership involved for their help.

We have also increased aid to the Palestinians. The bill recommends $80 million for the West Bank and Gaza Programs, including $20 million to support loans and grants to small- and medium-sized businesses there. It is imperative that the Palestinians see rapid, tangible evidence that peace with Israel will result in improvements in their standard of living.

I believe the vast majority of Palestinians and Israelis would agree that now having taken these steps for peace that the life of the Palestinians must improve and as they go into the ability to govern themselves and to set some of their own economic agendas that their must be examples of improvement. Otherwise, I do not know how Prime Minister Rabin or Chairman Arafat are able to hold together the people within their own governments necessary to move forward in peace.

Mr. President, we know that foreign aid is not a program of resounding popularity throughout the country. But I believe the reason for that has more to do with some of the wasteful programs we have seen over the years, when foreign aid was used to prop up corrupt dictators or squandered on grandiose projects that ended up falling into disrepair.

In the past few years we have made progress toward making the foreign aid program more effective and at the same time more reflective of the American people. The American people do

have a long and proud history of helping people around the world who are less fortunate—for example, like the refugees fleeing genocide in Rwanda, and incidentally that is genocide. This bill aims to do that.

This bill is also designed to help Americans directly, by providing close to $1 billion to promote U.S. exports, which is the fastest-growing part of our economy and that part of the economy that is creating American jobs here inside the United States. It also contains hundreds of millions of dollars to protect the environment, knowing that our own life and health are affected by the worldwide environment.

I could go on, of course. But I say this just to note that in many ways foreign aid, the word foreign aid is a misnomer. This bill should be designed to do several things, designed to help protect our national security and you go down through the bill and find many places where it is doing precisely that, protecting the national security of all of us Americans.

It should be, second, designed in part to help our economic security. As we create exports markets around the world, that creates tens of thousands, even hundreds of thousands of jobs here in the United States, that is part of our security.

And then, with 4 or 5 percent of the world's population, we are using close to half of the world's resources. In a nation with the largest economy in the world, we have—each one of us as individuals has—certain humanitarian responsibilities, and it reflects those.

So I think we have to understand, as the only superpower left in the world, that what we do and what the rest of the world does irrevocably links, and this bill I think is important to that.

Let me finish with one point. I understand that there are dozens and dozens of amendments that may come up. If my past experience is any guide, a lot of these amendments will have nothing to do with this bill. This is an appropriations bill. I hope it can stay as an appropriations bill.

I suggest to those who have authorizing amendments or have amendments that are best placed on other types of bills, that they may be able to resist the temptation to do it. I understand sometimes some of us are able to resist temptation better than others. I speak of the parliamentary type of temptation. Obviously, Senators can resist all other types of temptations just by our nature.

But I have canceled any flight plans I might have had for Saturday. I realize it is not an easy weekend to get new reservations. I hope it turns out I did that not needing to. I know the press, for example, gets very concerned if we are gone for a long weekend and they would rather be here covering this. I am sure most others would, and they may have to be, but I hope not.

PRIVILEGE OF THE FLOOR

Before I yield to Senator MCCONNELL, I ask unanimous consent for floor privileges for Neil McGaraghan, Elizabeth Murtha, and Michele Hasenstaub.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, let me begin by commending the chairman for moving this legislation forward so quickly. It is unusual for the Senate to be considering the foreign operations bill this early in the session. We not only moved quickly but with great care in allocating the scarce resources available to the subcommittee.

There are a number of important provisions and changes made this year which I would like to take a moment to review for my colleagues. First, the subcommittee included a number of earmarks for countries and programs of high priority. While I will discuss some of them in detail, I want to point out the reason for the earmarking.

With the arrival of a new administration, we anticipated reform authorization legislation which would reflect the dramatically changing world in which we live. Most of the members of the subcommittee shared the view that we should minimize earmarks to maximize the administration's flexibility in meeting emerging requirements. Nowhere was this flexibility more needed than in our relations with the New Independent States of the former Soviet Union. Governments, policies, and priorities were literally shifting day by day.

To put this in context, let me point out that a few years ago, the foreign operations bill included 89 earmarks. Last year, the bill was signed into law with seven, including the four related to the Camp David Accords, which are increasingly not controversial.

In reducing legislative earmarks, both the Senate and House agreed that our expectations and priorities would be identified in report language which was to be observed unless and until the administration consulted with the subcommittee. Unfortunately, this understanding and obligation was not respected by the administration.

In a random survey I conducted of 14 requirements included by the Senate in report language last year, the administration had not complied with 12. Let me add, the 14 projects or programs reflected Members' interests on both sides of the aisle. They ranged from child survival activities to assistance for Burmese exiles.

As a result of our experience over the past year, many of the subcommittee's members—and I include myself in that group—felt it was necessary to earmark resources to assure funding for high-priority items. Here again, there was bipartisan support for directing the resource commitments in this bill.

Let me now turn, Mr. President, to some of those earmarks. As with last year's bill, there was strong, unanimous support for sustaining the levels of economic and military assistance to Israel and to Egypt. In addition, several of my Democratic colleagues cosponsored my amendment to dedicate resources to support refugees, primarily from the New Independent States, settling in Israel. This grant has been essential in helping young and old alike establish new, productive lives free from the fear of persecution.

Mr. President, I also offered three earmarks within the INS account. I continue to believe the administration has not programmed sufficient funds for republics other than Russia. In a mid-year report reviewing planned commitments for fiscal year 1994, Russia tops the list with $1.6 billion in obligations, or 66 percent of the budget. Ukraine squeaks in next in line with 7 percent.

I understand Russia is the administration's highest priority and hardly any of us would argue with that. We share the range of concerns from strengthening democracy to denuclearization. However, I believe we can fulfill those aims as we balance the proportionate share of assistance we provide other nations.

I also have major reservations about how that sizable commitment to Russia is being invested, what is happening to the commitment to Russia. Generally, I am worried that we are doing very little to contribute to addressing very visible problems, particularly crime and law enforcement. While I agree with the administration that we need to contribute to a framework in which we help Russians help themselves, we need to weigh that approach in the context of urgent socioeconomic needs.

As the chairman of the subcommittee knows, I plan to address some of these specific issues in earmarks. But I do not think the Committee can resolve all the program problems with legislation and earmarking. One such problem seems to be a basic institutional reluctance to work with the U.S. private sector.

The Washington Post recently described one such venture, pointing out that it was an example of success in the making. A very talented American grocery store owner was setting up shop in Siberia leveraging private resources and ingenuity with seed capital from AID. It is an innovative approach which seems to be working. The irony, or should I say tragedy, is the administration has tried to restrict and terminate funding for the project. I expect the subcommittee will continue to battle bureaucrats to sustain exactly that kind of activity.

Similarly, the administration recently tried to end the Hospital Partnership Program, which is leveraging $3 from the private sector for every $1 AID contributes. This is a remarkable program which is dramatically improving the quality of life and care provided throughout the NIS—yet AID wants to end it. It makes no sense. For the moment the subcommittee has prevailed upon the administration to issue a stay of execution.

I do not want to dwell on the problems which have afflicted the NIS program. But I do want to emphasize the reason we earmarked funds for Ukraine, Armenia, and Georgia was in direct response to the administration's approach. Many people feel there is a lack of commitment to their democratic and economic future.

I am particularly disappointed with the situation in Ukraine. I believe the administration has missed a number of opportunities to encourage economic reform and improve prospects for stability in Ukraine. NSC advisers now acknowledge that they realized last October that holding U.S. assistance hostage to resolution of the nuclear issue was a mistake and failure. Yet, instead of correcting course and crafting a program unique to the difficulties and conditions in Ukraine, we are replicating the mass privatization program which we are still hoping will work in Russia. Serializing Russian programs is a mistake and an unfortunate result of running all NIS activities out of Moscow. It seems to me the time has come for country specific programs and effective strategies.

After a brief year's experience with the foreign operations bill, I find myself in an unusual position. Fundamentally, I support our foreign aid program. But our aid program must be linked to a coherent policy which advances American interests.

Unfortunately, what we hear is platitudes not policy. The Administration talks about the need to advance our economic security through export promotion, yet OPIC, an agency key to insuring and guaranteeing those American investments, has now run out of money.

We hear what a high priority advancing democracy is, yet successful programs which support parliamentary training and election monitoring scrape by with minimal support from AID.

The Secretary of State has declared our national security interests will not be subcontracted to any nation or organization, yet a United Nations bureaucrat can literally stop a U.S. plane in a mid-bombing run.

Half way through the Clinton administration, I do not see an emerging foreign policy strategy which clearly and effectively links our priorities with our assistance programs. There may be anecdotal evidence of success—a clinic or a children's feeding problem which survives impossible odds. But I am talking about the bigger picture, about the lack of direction and momentum.

A year ago, during our hearings on the foreign operations bill, both the chairman and I expressed concern about the muddled message communicated to friends and foe alike. Unfortunately, that situation has not improved. The administration continues to limp—then lurch—then limp along in defining America's role in the post-cold-war world. Given the circumstances, there are clear implications for foreign assistance. Where there is a policy vacuum, Members of Congress will want to be heard.

Frankly, as I have said on more than one occasion, I think congressionally directed foreign policy risks our national interests being pulled in 535 different directions. But I must say, short of the President fully engaging, lacking a clear sense of purpose, missing a consistent plan of action, and absent a national security team that works together, Congress will step into the vacuum.

And, the time has long since passed when George Bush can be blamed.

I hope the Administration will capitalize on the resolve and sense of purpose which characterized the President's D-day speeches. I want to believe rhetoric and the reality of our aid programs and foreign policy will at some point meet and merge.

That will take a serious, sustained commitment by the administration—an effort that is not yet in evidence. Nonetheless, I want the administration to understand that I will continue to hold out hope for meaningful improvements and offer my support and commitment to work with the chairman and our colleagues to assure there is adequate funding to secure our national interests where and as they are defined.

Mr. President, having made that opening statement I send to the desk——

Mr. LEAHY. Mr. President, will the Senator be willing to withhold just for a moment? We have not made the usual——

AMENDMENT NO. 2103 TO THE FIRST COMMITTEE AMENDMENT ON PAGE 2, LINE 12

Mr. MCCONNELL. No, Mr. President. I believe I have the floor. And I send to the desk an amendment to the first committee amendment and ask its immediate consideration. I send this on behalf——

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

Mr. MCCONNELL. I send this on behalf of Senator DOLE and Mr. LIEBERMAN.

The PRESIDING OFFICER. The clerk will first report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for Mr. DOLE, for himself and Mr. LIEBERMAN, proposes an amendment numbered 2103 to the first reported amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection to dispensing with the reading? Without objection, it is so ordered.

The amendment is as follows:

On line 21 of the first committee amendment strike the word "states", and insert the following:

"states

"BOSNIA AND HERZEGOVINA SELF-DEFENSE

"SEC. 17. (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."

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I will shortly ask unanimous consent—I want to make sure I present this correctly—I am going to ask for 25 minutes as in morning business for the distinguished Senator from Iowa [Mr. GRASSLEY], and 10 minutes as in morning business for the distinguished Senator from Minnesota [Mr. WELLSTONE]. I will ask that be done in such a way—and I will make this request after about a minute or so of comment on something else—I will ask it be done in such a way that it not remove the parliamentary situation we found ourselves in at the time I had suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Parliamentary inquiry. The pending business is the

Dole-Lieberman amendment to the first committee amendment, is that correct?

The PRESIDING OFFICER. The pending business is the McConnell amendment for Mr. DOLE and Mr. LIEBERMAN.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will make my unanimous-consent request in just a moment.

I will note 14 pieces of the report language referred to by the ranking member were recommendations and not requirements. They were not completely funded, that is true. But they were funded in large measure, with a couple of exceptions. Just to be fair to AID—I stood on this floor and criticized them when I thought they deserved criticism, but to be fair to them, had AID fully carried out all the recommendations in the report, out of necessity they would have had to borrow money because we did not give them the money to carry out all the recommendations that were in the report.

In the past 3 years, we cut AID's development assistance budget by $400 million. So we cannot blame them for not fully carrying out recommendations for which we do not give them money. I think they did do a good job on most of the recommendations. In a couple of cases, they did fall short and with that I am disappointed. Because of that, we have contained $71 million more in development assistance in the House bill to help carry that out.

THE AGENCY FOR AMERICAN DEVELOPMENT?

Mr. President, over the past year I have made several statements on the need for the Agency for International Development to redefine its goals now that the cold war is behind us. No longer is the threat of communism our primary security threat and motivation for providing foreign assistance. With the end of the cold war, the most serious problems facing us today are unchecked population growth, widespread poverty, ethnic and regional conflicts, degradation of the Earth's environment, and the proliferation of conventional and, still, nuclear arms.

Under the strong leadership of Brian Atwood, AID has begun to redefine its mission and address some of the management problems that have plagued it for years. Administrator Atwood has tackled not only the bureaucratic morass that has impeded AID's effectiveness, he has refocused the agency's efforts on promoting sustainable economic growth, supporting democratic institutions and building foreign markets for American exports, and addressing basic humanitarian needs facing vulnerable groups like children and refugees.

Mr. President, as chairman of the Foreign Operations Subcommittee, I know that foreign aid is not popular. But I have never believed that is because the American people are not generous. There is ample evidence that they are. Rather, it is due to foreign aid being used to prop up corrupt dictators or wasted on grandiose projects that fall into disrepair after a few years. None of us want to see that, and Administrator Atwood is determined to see that it does not happen.

But while it is always easy to criticize, and there are grounds to do so, too little attention has been given to AID's accomplishments. Foreign aid not only helps people around the world who are less fortunate than we are, it also promotes American exports and it can even contain lessons for people here at home.

Recently AID cosponsored a conference in Baltimore entitled, "Lessons Without Borders: Local Problems, Global Solutions." The conference focused on issues like family health and economic entrepreneurship, and how we can apply lessons learned through our foreign aid programs to problems here in the United States. Vice President GORE was the keynote speaker. Senator SARBANES, Representative MFUME, and Mayor Kurt Schmoke also took part in what has become a partnership between AID and the city of Baltimore, a partnership AID hopes to duplicate with other American cities.

The theory behind these partnerships is that some lessons are universal. In areas like agriculture, health and small-business development, America can learn from its foreign assistance programs. In fact, AID has been working closely with community leaders nationwide in an effort to find solutions to problems which know no borders.

An example of this interactive sharing between cities in the United States and abroad is a program in Sarasota, FL, called School Year 2000. It as sponsored by Florida State University, funded through an AID grant, and directed toward a change in the school system in South Korea. The project created a new model for public education centered around the learner, based on competency and supported by technology. Originally started to reduce costs, the focus has expanded to improving the quality of education. The results of the program were so impressive that Florida legislators and organizations have used it to justify further investment in educational reform in their own State.

In Baltimore, research has been carried out to combat diarrheal disease, which kills millions of children each year. As many as 600 children in the United States die each year from this desease which, left untreated, can cause dehydration, while thousands of others are hospitalized. A solution of oral rehydration salts, developed through AID-funded research in Bangladesh, is being used to reduce these common ailments inexpensively.

The lesson here is that many of Baltimore's citizens are not aware of the availability of this low-cost remedy. An astonishing 150,000 of Baltimore's 730,000 inhabitants are functionally illiterate, and unable to read the signs that were meant to inform them of programs to protect their childrens' health. AID, which routinely works in countries with high illiteracy rates, has years of experience in innovative communication techniques for getting the message out about child health, family planning, and other programs. These same methods are now being used to educate needy people in Baltimore.

These are just two examples of how what we are accomplishing with our foreign aid dollars abroad can be used for our own benefit here at home.

The Florida State Interactive Program and the Baltimore conference show how AID is taking seriously its role in the global community. The focus is on solving problems that do not pay attention to State, national, or international borders. The "Lessons Without Borders" conference demonstrates how our foreign aid programs can help us find solutions to current American problems, and to current foreign problems which may become future problems in our own country. I applaud the Agency for International Development's efforts. While I do not suggest that it should change its name to the Agency for American Development, American taxpayers should be encouraged that it is putting these lessons to good use here at home as well as abroad.

Mr. President, I ask unanimous consent that an article from this Sunday's New York Times about "Lessons Without Borders" be printed in the RECORD.

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

[From the New York Times, June 26, 1994]

FOREIGN-AID AGENCY SHIFTS TO PROBLEMS BACK HOME

(By Thomas L. Friedman)

BALTIMORE.—It is hard to know whether this a good news story or a bad news story, but here it is: The Agency for International Development, which spent the cold war fighting Communism with foreign aid and helping poor countries like Bangladesh immunize children, has found a new customer for its services: America's inner cities.

The good news is that A.I.D. has something to offer. The bad news is that parts of Los Angeles, Boston and Baltimore now need it as much as Bangladesh.

Over the years A.I.D. developed a reputation in Washington as a bloated and ineffective bureaucracy. But the Clinton Administration has been engaged in a major overhaul of A.I.D. The Clinton team is trying to shed what agency did worst, supporting anti-Communist dictators, and focus on what it did best—fostering cheap, low-tech methods for accelerating immunization, literacy and agricultural development and for nurturing small businesses.

The agency's shift in focus from Bangladesh to Baltimore was an accident waiting to happen. With no cold war, it was eager to justify its usefulness to taxpayers dubious

of foreign aid, and it discovered American mayors so beleaguered by the problems of their inner cities that they were ready to take help from anywhere, even if it meant comparisons between their inner cities and the third world.

While A.I.D.'s charter prohibits it from actually financing programs money in the United States, nothing prevents the agency from sharing its expertise.

While talking this past spring with Marian Wright Edelman, the longtime head of the Children's Defense Fund, about the health problems faced by American children, the agency's director, J. Brian Atwood, was struck by the similarities with the problems his agency was fighting in Mali and Egypt, he recalled on Tuesday in an interview.

Ms. Edelman, he said, was struck by how in some respects Mali and Egypt seemed to be doing much better than the United States.

In particular, Mr. Atwood recounted, they noted that measles vaccination rates among inner-city children under age 2 were averaging around 40 percent in the United States. Yet, Governments in Egypt, the Philippines, India, Sri Lanka and Indonesia, using some of their own programs and some financed and planned by A.I.D., had achieved childhood immunization rates in the high 70 percent range, according to the Unicef Progress of Nations report.

During an interview on C-span a few days later, Mr. Atwood mentioned this discussion and mentioned that his agency hoped to become more involved in sharing ideas with American cities.

An aide to Mayor Kurt L. Schmoke of Baltimore happened to be watching, and the city immediately contacted Mr. Atwood and volunteered Baltimore for the first test case. Other cities followed.

Mr. Atwood, recognizing a new market for his agency's expertise, ordered aides to come up with a program, eventually christened "Lessons Without Borders." On June 6, a team of the agency's senior health and development experts held a day-long seminar with their Baltimore counterparts at Morgan State University, discussing A.I.D. programs that had worked or, often just as important, had not worked.

Another conference is now planned for Boston this fall, and the agency is laying out a two-year schedule for other cities that have asked for advice.

Still, it was not an easy thing for Mayor Schmoke. The headline in The Baltimore Sun the day of the conference read: "Baltimore to Try Third World Remedies." In fairness to Baltimore, it is one of the most thriving cities on the East Coast, with its rebuilt inner harbor, National Aquarium and downtown stadium of Camden Yards, anchoring a real urban renaissance.

But that renaissance is a work in progress. Just a few miles from the inner harbor, areas of Baltimore's inner city are rife with AIDS, illiteracy, family breakdown, joblessness and drugs.

LIKE A THIRD WORLD COUNTRY

"We have to let everybody know that we are not suggesting that our entire city has the same problems as a third world country," said Mayor Schmoke. "But we ought to recognize that there are sections of the city that are similar to the problems of less-developed countries."

Baltimore officials say they learned a number of things from their A.I.D. visitors. Although Baltimore has well-financed social programs, many people do not come in to use them. One reason is that 150,000 out of Baltimore's population of 730,000 are functionally illiterate.

"We found that people could not read the signs," said Mr. Tawney. A.I.D. operates in so many countries where illiteracy is taken for granted, and at the conference A.I.D. officials discussed many of the techniques they have developed for getting around illiteracy and promoting immunization, population control and other remedies. These ranged from using soap opera characters to entice people into clinics, to cartoons, to jingles, to having beer truck drivers distribute condoms as they drop off beer kegs at pubs in Jamaica. They also discussed A.I.D.'s "barefoot doctor" program of paying local villagers to go out and recruit people to come to clinics.

"You want to know what the real irony is?" asked Dr. Peter Beilenson, Baltimore's Commissioner of Health. "The company that develops these communications programs for A.I.D. is from Baltimore. Its office is about three blocks from here."

A SMALL GRANT GOES FAR

Another big issue discussed was job creation. Twenty years ago, the biggest employer in Baltimore was Bethlehem Steel, with about 35,000 employees. Today, the biggest employer in Baltimore is Johns Hopkins University Medical Center. Twenty years ago, a high school dropout was able to get a job at the steel plant, and buy a house and raise a family. Today, even a college degree would not guarantee a job at Johns Hopkins. This has left many inner city youth in Baltimore stranded, but one of the things discussed by A.I.D. and the Baltimorians, was trying to fill the void with a program A.I.D. has fostered with third world governments, called microenterprise development.

In Bolivia, for instance, the Banco Sol, partially supported by A.I.D. has been giving tiny loans, sometimes only $10 or $20, to men, and particularly women, who are working out of their homes and who, with just a little capital, might not only be able to sustain their own business but employ others as well. Sometimes the money goes for a sewing machine, sometimes it goes for teaching book keeping or commercial laws.

Michael A. Gaines Sr., head of Baltimore's Council for Economic and Business Opportunity, said what he learned from the AID seminar was that "Third world governments did not provide a social security net, but their policies increasingly allow for free flowing microentrepreneurship. We provide a social security net, but it comes with policies, restrictions and guidelines that preclude entrepreneurship."

Mr. Gaines is now running a pilot project in Baltimore intended to show how microentrepreneurs—the mother who does hair styling out of her home or the mechanic who works out of his garage—can grow with a small loan and a business plan.

Mr. Gaines said he would like not only A.I.D.'s advice, but also a slice of its $7 billion budget. Indeed, there is such a hunger for its expertise, and money, that it may justify itself right out of existence or be asked to be come A.A.D.—"Agency for American Development."

Mr. Gaines said: "If you were able to fold some of those AID resources and knowledge, with the Housing and Urban Development Agency and the Commerce Department, and start working in a coordinated way in this country, oh man, the potential would be tremendous."

Mr. LEAHY. Mr. President, I now ask unanimous consent that the Senator from Iowa [Mr. GRASSLEY] be recognized as in morning business for 15 minutes; the Senator from Minnesota [Mr. WELLSTONE] then be recognized as in morning business for 10 minutes; and that we then go back on the bill in the situation in which the bill is now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa, Senator GRASSLEY, is recognized for 15 minutes as in morning business.

## SPEAKING FEES AND JOURNALISTS

Mr. GRASSLEY. Mr. President, the May 1994 issue of the American Journalism Review, [AJR], contains an article of great importance to the public, and to the journalism profession.

The article is written by Alicia C. Shepard, and it is entitled "Talk Is Expensive." It raises critical questions about the propriety of journalists taking speaking fees and trips from those whom they potentially or actually write about.

At issue is whether the acceptance of such fees constitutes a conflict of interest, or even the appearance of a conflict. If a reporter accepts money from an industry that he or she covers, how credible should we view their reporting?

I am speaking about this issue today because I believe a debate within the journalism community, and some appropriate steps, would help restore the credibility reporters seem to have lost with the public. As a Member of Congress, I believe I know a lot about credibility problems with the public.

Such steps are important if the Fourth Estate is to continue its role as an effective check-and-balance on our system of government.

Those who accept such fees deny that they are influenced; those who reject the fees say those who take them are helping to compromise the credibility of the journalism profession.

What is more, they say, it seems hypocritical for reporters to take money from the same sources they criticize for buying influence with and access to Members of Congress.

Mr. President, I intend, at the conclusion of my remarks, to ask that the article by Alicia Shepard be printed into the RECORD. But first, I would like to highlight the main points of the article. And then I will indicate where I am headed with this.

According to the article, journalists sometimes receive speaking fees from trade associations and other organizations. The fees range from a few hundred dollars, on up to $30,000, depending on the journalist's public profile; sometimes they are paid for free-lance articles in an organization's newsletter; sometimes they go on trips or cruises in exchange for a lecture.

The percentage of the journalism community that partakes of these offerings is small. But it is growing. And it has taken hold especially in the

power centers of our country—Washington and New York. The recipients tend to be those we often recognize as the media elite—those with a high profile, usually on TV news shows and the like.

It is difficult—in fact, it is almost impossible—to tell which journalists make how much money. There is no requirement that such information be disclosed, and it usually is not, except when it is done selectively and voluntarily. According to the article, those who receive fees say it is none of the public's business.

Included in the article are several examples of potential conflict situations. I will not get into those specific cases because my colleagues can read about them tomorrow in the RECORD.

Also included are the arguments of dozens of prominent and not-so-prominent reporters, both pro and con. The debate resembles, to a great degree, those we have had on this very floor regarding the recent gift ban bill, the honoraria ban, and so on.

Critics charge that taking fees and other gratuities raises questions of a reporter's objectivity. And it is not just the taking of money that is questioned. It is the amount of money that some take that raises questions of possible influence and access-buying. Again, this is reminiscent of our debate on honoraria and campaign finance reform.

The article asserts that if some of the high-paid, big-name journalists made less on the side, perhaps there would be less criticism. Even one of the most prominent reporters, ABC's Sam Donaldson, who commands fees at the top end of the scale, admits speaking fees can be excessive.

Speaking of excessive, there is the case of White House staffer David Gergen. Before working in the White House, Mr. Gergen was required by law to disclose his speaking fees to the Office of Government Ethics. In 1992 alone, while working for U.S. News & Work Report, he gave 121 speeches. He reaped a total, for those 121 speeches, of $466,625.

As Ms. Shepard notes, that is a speech every 3 days.

Then again, the question is raised: To what extent is this debate driven by those who resent the fact that they cannot share in the same largess? One reporter interviewed seems to suggest jealousy as a motive of some critics. He said, "It's wonderful to have these standards. But the ones who have them don't seem to have to apply them."

The issue of public disclosure is cited as a possible first step toward a solution. There are no requirements for disclosure by journalists, such as Congress has had for honoraria, trips, and gifts. Yet some news organizations have their own internal policies regarding fees and disclosure.

For example, ABC News just issued a memorandum banning its on-camera journalists from taking speaking fees from trade associations or other for-profit organizations.

Finally, the article describes a specific instance in which efforts by some journalists to partially disclose became a casualty to resistance.

Not too long ago, members of the Periodical Press Gallery, right here in Congress, tried to address the issue of disclosure. Let me describe what happened.

First, by way of background: If you are a reporter for a periodical covering Congress, you have to get your credentials approved by a standing committee of the Periodical Press Gallery. The committee is comprised of seven reporters who are members of the Gallery. They decide who gets credentials and who doesn't.

Until 1988, disclosure requirements for members of the gallery were simply to list the speakers' bureau that pays them. They were not required to list the group spoken to or the amount of the fee.

But in 1988, the seven-member committee decided to reform itself. It still did not require disclosure of the amount of the speaking fee. But it did require disclosure of the group spoken to, and the date of the speech.

Now, what was the reaction by the members of the gallery to this reform?

Four of the seven were defeated for reelection. They were replaced by four new members. And the newly comprised committee than reverted to the pre-1988 requirements.

This is sort of the way bureaucracies in Washington respond to whistleblowers pushing reform. They reorganize them out of a job. They put them somewhere where they cannot cause any harm to the system.

While Press Galleries may not be well-suited to compel disclosure, it could be done by individual news organizations. I will have more to say about this momentarily. But it does lead me, Mr. President, into my own views on the issues covered in this article.

Polls have shown that the American people do not think very much of politicians or journalists. We are right down there together, just about slick "used car" salesmen.

Both of our professions have suffered credibility problems. The public attitude toward us is one of great cynicism.

And perhaps justifiably.

In the case of politicians, we are perceived as always saying one thing, and doing another. Congress is still the last plantation; it is the only place where one-plus-one can equal eleven. It is the place where mañana is the busiest day of the week. It is the place where a lack of common sense is not a handicap.

As for journalists, there is a fast-growing perception that they are part of the system instead of being impartial observers. The saying goes, "If you believe everything you read, better not read." Readers are becoming more and more of what journalists are becoming less and less of—skeptical.

Perhaps just like us in Congress, the journalism community needs to rebuild its credibility. In recent years, Congress has taken small steps toward outlawing most honoraria and banning gifts and travel. We have taken small steps toward subjecting ourselves to the laws we pass for the country. This is, in fact, an issue that I have taken the lead on. And, we have a lot more to do before we regain the trust of the people.

For journalists, the issue of taking speaking fees is best put by Walter Cronkite in the piece by Alicia Shepard. He said:

> I absolutely agree with those defending the practice by saying they are not influenced. I believe that. I believe good journalists, the ones who are admired any way, have nothing to fear from internal introspection as to what they've done or are doing. It's solely a matter of perception, and important to our integrity.

Mr. President, I share Mr. Cronkite's opinion. I do not intend for my remarks on the floor here today to be misconstrued as press-bashing. I do this out of respect for the profession. Just as we are servants of the people and keepers of the public trust, so, too, are journalists.

And I am not suggesting that fees and gifts should not be taken. We in Congress have banned honoraria for ourselves, now, except when we give our fees to charity. And our gift ban bill is now in conference. Let me make clear: Regardless of these changes, no Member of Congress has the credibility, in my view, to moralize to others about accepting fees or gifts or other gratuities.

But if I could make a suggestion for a place to start, it would be public disclosure. Disclosing pertinent information, such as who paid how much to whom, is the essence of what I am suggesting. Not rejecting fees.

I also want to be up front about the fact that I have taken honoraria myself. But I have been required by law to disclose how much I received and from whom. My constituents could then judge for themselves whether there was a conflict of interest or an appearance thereof. The same standard should obtain for journalists, with public disclosure.

My favorite saying in public life is: "Mold doesn't grow where the sun shines in." In fact, that is primarily the job of journalists—to shine a light throughout our Government, and throughout our country. Disclosure would be consistent with that principle.

Members of Congress are indeed held to a higher standard than journalists. This is because we are elected officials

of the Government. As such, our actions are governed by statutes, like conflict of interest laws. And we are held accountable by the votes.

Members of the media, not being elected officials, are not subject to the same high standards and, consequently, are not subject to conflict laws.

However, the media has always enjoyed a special niche in our society because of its relevance to the public interest. It enjoys protections under the first amendment, which presupposes a public trust.

After all, the parable "Let he who is without sin cast the first stone" best fits the journalism profession. And so every effort should be made to maintain the image of being pure as the driven snow.

Because of this important role in our democracy, and since the media is not subject to conflict laws, it must therefore discipline itself. It must hold itself accountable. It is obliged to do so.

Like politicians, journalists must accept and fulfill their role in the public trust if they are to re-establish credibility with the public.

Public disclosure of fees by journalists would be a step toward restoring that credibility.

Journalists could take a lesson learned from our debate here on the Senate floor. As the reform winds swept through this body, many of my colleagues rejected the contention that they could be influenced by honoraria—regardless of the amounts. And I agreed with them.

But the press and the public didn't buy those arguments. And that's because the issue was not our integrity. It was the public's perception of our institution that was the problem.

As one political consultant might say, "It's the perception, stupid!"

And so the arguments made by my colleagues were true in most cases, but the public and the press didn't buy them. So if these arguments never played with the press, why should they play among the press.

Regarding that perception, here's what a spokewoman for Ted Koppel of ABC "Nightline" had to say about Mr. Koppel's views:

> He doesn't feel there's a conflict in every case. But he feels uncomfortable explaining to the people in his audience, who depend on his credibility, why he was doing it.

Mr. Koppel stopped speechmaking for fees 5 years ago.

And journalism professor Steven Knowlton of Pennsylvania State university echoed the rationale:

> If you can convince an auto mechanic or a barber that the money you took wouldn't buy any influence, that would be OK. But my tailor wouldn't believe that, if I took $30,000 from an individual, I wouldn't be influenced.

Mr. President, I understand the point of view of Mr. Koppel and Dr. Knowlton because it is the same rationale I used in supporting the gift ban here on this floor. It is a matter of our credibility—the way we are perceived by the public.

Again, I decided to speak about this issue today in the hope that this issue will spark a public debate within the journalism community. The introspection and the open debate would be good therapy, as it has been for Congress.

Addressing the issue would help restore credibility to the profession. The media cannot serve as an effective check-and-balance on the system of government without it.

My interest in this issue, Mr. President, is similar to my interest in the area of congressional coverage. It is important that Congress reestablish its credibility. It is important that journalists do likewise.

We in Congress, as well as journalists, are theoretically closest to the people. Yet our credibility with them has suffered precisely because we have withdrawn from them. We've become part of the system. And so if we can resume our proper roles in this democracy and thereby restore our credibility, much of the current cynicism in the public can be rooted out. Clearly, this is our paramount goal.

As for what steps to take, again it must be voluntary, and up to each organization. If the objective is to restore credibility, corrections must come from within the community itself.

So I am not talking about any kind of law, or some kind of rule change from the Rules Committee to our press galleries, or anything like that. That would amount to censorship and interference.

Rather, each news organization must decide for itself what its policies should be. ABC decided to ban speaking fees from all trade associations and all for-profit companies. ABC should be commended, in my view, for taking this giant step forward.

As for smaller steps, such as disclosure, I would toss out an idea for discussion. I realize there are drawbacks to this approach, but perhaps organizations like the National Press Club, or other press clubs, could be helpful.

When journalists, who are required by their companies to disclose, would give a speech for a fee, the relevant information could be deposited with the press club's library, and could be accessible to the public. Or, perhaps the information could be made available from the news organization itself. Either way, the public would have access to information needed to judge possible conflicts of interest.

Mr. President, this concludes my observations about the issue of speaking fees and journalists. They are meant as constructive remarks, and I hope they are received that way.

I wish to commend the author of the piece—Alicia Shepard—for her contribution to the debate. As noted earlier, Mr. President, I now ask unanimous consent that Ms. Shepard's article be printed in the RECORD.

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

TALK IS EXPENSIVE

(By Alicia C. Shepard)

They don't come cheap. Diane Sawyer and Sam Donaldson are said to command up to $30,000 for a speech, Cokie Roberts up to $20,000, and David Brinkley $18,000. The going rate is believed to be as high as $12,500 for George Will and $10,000 for Tim Russert. William Safire says he's gotten $20,000. Anna Quindlen has received $15,000, CNN's Judy Woodruff and NBC's Lisa Myers say they've each pulled in $7,500, and Newsweek's Howard Fineman has earned $5,000.

That's according to brochures put out by speakers' bureaus, people who deal with the bureaus, published reports and, in some cases, the speakers themselves. Exact figures are often hard to pin down, since many celebrity journalists are extremely reluctant to reveal specific numbers. And often these same highly paid journalists speak for free, or charge much less than published rates.

What these journalists and a few hundred others have that the rest of us don't is "podium talent." And many have turned it into a lucrative sideline, giving one- to two-hour speeches to trade groups, colleges, corporations and conventions in return for what many other journalists may earn in a month or even a year.

Not every journalist can dip into the honoraria trough. The pool is limited to those with big names, wit and something pithy or insightful to say about politics or the media. Most of those commanding large speaking fees are the media elite of Washington. The rest come largely from the New York City media establishment. But those who collect fees are increasingly making those who don't uncomfortable. They say receiving large sums for speaking before groups with a vested interest in news coverage can give the appearance of a conflict. And it seems hypocritical for reporters to stuff their pockets with money from the same organizations they criticize for trying to buy influence on Capitol Hill.

To some, such impressive fees suggest those willing to pay want something in return. Of course, journalists who take honoraria say that isn't so. High-profile journalists say they are perceived as celebrities and entitled to capitalize on the years of work that led to stardom. And echoing members of Congress—who have been banned from taking honoraria since 1991—they insist they're not tainted by the money.

But those who decline invitations say the credibility of journalist speechmakers is compromised. As in politics, the appearance of a conflict, they say, is just as harmful as a real one. Although evidence of a quid pro quo has never surfaced, there have been instances where it's caused embarrassment to a journalist or his or her employer.

"I think we ought not to be doing this," former CBS and NBC correspondent Roger Mudd told AJR. "It poses so many difficulties. Journalists as a breed hold the politicians to a certain standard of conduct and a certain standard of the appearance of conduct. When it applies to us we frequently fail our own test."

"It's not a black-and-white situation," adds Walter Cronkite, who took money for speeches while at CBS, "but I would have to agree with the critics that it probably is better avoided."

Some journalists receive honoraria for services other than speeches. Beat reporters write freelance articles for organizations that have political or social agendas that benefit from news coverage. Others give lectures in exchange for junkets aboard cruise ships.

Whatever it is, as the number of possible conflicts increases, those who may be most confused are viewers and readers. "Journalists are something like judges in society," says ethics and public affairs professor Deni Elliott of the University of Montana. "I don't know the individual journalist I'm asked to trust. Maybe they absolutely can't be co-opted but I don't know that. I don't know who to trust."

Journalists aren't the only ones collecting speech money. They're marketed in the same brochures promoting Jimmy Carter, Marilyn Tucker Quayle, F. Lee Bailey, Art Linkletter and the Amazing Kreskin. Colin Powell, the recently retired chairman of the Joint Chiefs of Staff, has 60 speeches lined up this year for $60,000 each, according to a source who has worked with the Washington Speakers Bureau. While it's unlikely that even big-name journalists rake in as much as Powell, few journalists AJR spoke with would disclose their earnings, saying it's not the public's business.

While print journalists aren't often considered celebrities, television has helped raise the profiles of many newspaper and magazine journalists, like Al Hunt of the Wall Street Journal. Hunt, the Los Angeles Times' Jack Nelson, Newsweek's Fineman, the Washington Post's David Broder and other print reporters became popular as public speakers by sharing inside Washington tidbits on weekly public affairs shows like "Washington Week in Review," "The McLaughlin Group," "This Week With David Brinkley" or CNN's "Inside Politics."

"The ones who write about politics are most popular," says Lynn Choquette, a partner with the National Speakers Forum, which represents about 50 print and electronic journalists. She says her clients' fees range from $3,000 to $60,000, with journalists getting between $3,000 and $30,000.

The most popular? "Eleanor Clift. Fred Barnes. Morton Kondracke. George Will. David Broder," says Choquette. "People care intensely about domestic politics. That's one reason. Many of these journalists have become TV stars in their own right and that raises their level of celebrity. . . . If they have a charming personality and are telegenic, that really helps."

And that's where podium talent comes in. A moonlighting journalist can't just know health care reform or Whitewater inside out. "Speaking is akin to show business," says Phil Frankio, vice president of the Speakers Guild. "So there's not only the informational element, but somebody certainly has to have a good rapport with the audience. That may include humor or anecdotal type stories."

Leading Authorities, a speakers' group that lists a stable of 50 journalists eager to talk, most for $5,000 or less, prints this disclaimer in its booklet: "Keep in mind that speaking fees are a function of many variables, including: how well-known the speaker is; the amount of time (preparation, speaking and travel) required to perform the speaking engagement; and the value each speaker places on his or her time. Higher fees do not guarantee a more substantive presentation or more polished performance."

Among those listed with Leading Authorities who speak for $5,000 or less if no traveling is involved: Scripps Howard's Peter Brown, CNN's Jill Dougherty, syndicated columnists Jack Germond and Jules Witcover, ABC's Hal Bruno, NPR's Ray Suarez, U.S. News & World Report's Ken Walsh and Time's Michael Duffy.

Whether it's $5,000 or $30,000, the fee still dazzles journalists who can't command it. The rank and file are quick to note a certain irony. "The people who tend to get these speaking gigs are the people who need it the least," says Carl Cannon, White House correspondent for Baltimore's Sun. Speech-making journalists are not eager to publicize how much they do make.

Even Sam Donaldson, whose reported fee of $30,000 has been widely cited in the press, won't confirm the amount, although that's what one special interest group said it paid the anchor. Donaldson advised AJR to call his speakers' bureau, which won't disclose it either. "I can tell you I didn't receive $30,000 but I'm not playing games with you," Donaldson says.

*"I'm not going to disclose it," echoes the Wall Street Journal's Al Hunt. "I don't have a standard speech fee," says the Washington Post's David Broder. "I don't need to discuss that," says ABC's Catherine Crier.*

PBS' Robert MacNeil says he speaks "primarily to promote the 'MacNeil/Lehrer News-Hour,' public television and my books" and says most of his speaking engagements are unpaid. Nonetheless, he says, "I think my fees are a private matter between me and my sponsors. But they range from honoraria of a few hundred dollars to a few that are in the upper end of current lecture scales."

Whatever the amounts, what happens when journalists speak before groups that have been or could be the subject of one of their stories? Take the case of Donaldson. On January 20, "PrimeTime Live" aired an investigative piece by Chris Wallace about a junket earlier that month sponsored by a group of insurance organizations, including the American Insurance Association, for about 30 congressional staffers. It was vintage "PrimeTime Live," with hidden cameras catching the staffers on the beach in Key West, Florida, and charges of influence peddling. The message was that once again a trade organization was trying to buy votes on Capitol Hill.

Only this story had a small on-air asterisk. Donaldson, too, had benefited from the industry's generosity and Wallace disclosed that fact, but not the amount, during the piece. *A year before Wallace's story aired, a consortium of many of the same insurance organizations that sponsored the Florida junket flew Donaldson first-class to New York City and chauffeured him by limousine to the Waldorf Astoria Hotel. There, he gave a one-hour speech for $30,000, according to a spokesperson for the group—about what it cost the industry to foot the bill for 30 in Florida.*

In its defense, Paul Equale, senior vice president for government affairs of the Independent Insurance Agents of America, asked Wallace on camera why it was OK for Donaldson to accept money from them and not OK for the congressional staffers.

"If Sam Donaldson can accept $30,000 from this industry and still do this story on 'PrimeTime Live,'" he asked, "why can't you understand that members of Congress and their staffs can accept a trip worth far less and still be as tough on my industry as Sam Donaldson? It's the same logic." Wallace ignored the question and the exchange never aired.

Rick Nelson, a producer with "PrimeTime Live," says the program didn't air Equale's question because "I don't think he made it [the point] very well," and Equale took too much time in bringing up the issue.

Donaldson argues that he's not writing laws for the insurance industry "that could cost them or make them millions of dollars."

He may not be writing laws, says Equale, but Donaldson's got more influence on the public agenda than many members of Congress. (As an example of the media's power, consider the libel suit Philip Morris filed in March against ABC over a segment aired on "Day One." The company says that when the show alleged in February and March that Philip Morris adds nicotine to cigarettes to keep smokers addicted, its stock dropped in value by $2.4 billion.)

Equale also notes that laws mandate that members of Congress and their staffs disclose trips paid for by lobbyists. "Sam Donaldson is under no such requirement," he says. "That's a double standard."

Equale isn't the first to accuse Donaldson of wanting it both ways. In spring 1993, "PrimeTime Live" broadcast a piece on a trip two dozen members of Congress and their spouses took to an island off the coast of Florida. It was paid for by the Electronic Industries Association (EIA). At the last minute ABC News President Roone Arledge insisted that Donaldson reveal he too had taken money from EIA for a speech in 1989—although the specific amount ($25,000, according to EIA) wasn't mentioned.

The show prompted a debate on the journalism bulletin board of CompuServe last May. Marianne Lavelle, a reporter with the National Law Journal who took part in the discussion, told AJR, "I may know as a journalist that he's unbiased, but how does Jane Doe in Pennsylvania know that he's not biased? The whole thing just increases your level of cynicism."

Donaldson didn't do the reporting for either piece and says his fees are being used by the two groups to deflect criticism. "If you or anyone else could provide evidence that I'd spoken to the insurance [industry], collected a fee and then somehow put the kibosh on the investigation or asked Chris Wallace to pull back his punches, that would be a real good story," Donaldson says.

"In fact, though, what the story appears to be, is pay Donaldson to speak to you and get investigated by 'Prime Time.' It's hard for me to see how anyone can make out that I have thus traduced the best traditions of our business."

Cokie Roberts, a reporter for NPR and ABC, was also recently criticized when she gave a speech to the Group Health Association of America, a group with a strong interest in the outcome of President Clinton's health care reform legislation. C-SPAN wanted to cover it but was turned down by Roberts' agent, the Harry Walker Agency, which bars C-SPAN cameras because they make it difficult for its clients to command large fees.

Roberts, who did not return repeated phone calls because she was "extraordinarily busy," has never publicly disclosed her fee, but insiders say it's $20,000—minus the agent's commission.

In a March column, the Chicago Tribune's Washington bureau chief, James Warren, criticized Roberts and CBS' Lesley Stahl. Stahl recently took money from Cigna Corp., an insurance company with a major stake in the health care debate. Warren speculated that Stahl was paid in the $10,000 to $20,000 range.

"Taking money from such a group shouldn't be a close call for someone covering Congress' biggest issue of the year,"

Warren wrote. "But in Washington, the reporter-pundit class, which craves both to be on TV and subsequent speaking gigs that can bring hefty outside income, is expert at rationalizing such conflicts with a mix of sophistry and fervent self-righteousness. One line usually is, 'Oh, there's nobody who thinks that my opinions can be bought.' . . . Baloney. When money changes hands, the relationship between reporter and subject changes."

Roy Brunett, a spokesperson for "60 minutes," says Stahl, who moderated a discussion on health care issues sponsored by the company, does not consider it a conflict or even the appearance of one. She also will not disclose her fee, Brunett says. "That's between her and the company."

Warren says he took $200 from the American Bar Association a few years ago to run a symposium, but now regrets it. "If I had to do it again," he says, "I don't think I'd take the money."

Beat reporters who have developed an expertise in their field also are often asked to speak to or write for groups they cover. One potential conflict arose when the World Resources Institute (WRI), an environmental think tank in Washington, D.C., asked three reporters to write for "The 1994 Information Please, Environmental Almanac," which was compiled by WRI and published by Houghton Mifflin. Bob Wyss of the Providence Journal-Bulletin, Russell Clemings of the Fresno Bee and Mike Mansur of the Kansas City Star wrote chapters and were paid. Says Mansur, who was paid $2,000 by Houghton Mifflin for a 7,000-word chapter, "None of the information [I wrote about] was new. It was all part of my coverage . . . for the Star."

Wyss, who wasn't required to check with an editor before taking the assignment, says there's no conflict. "It's extremely remote that I would be covering World Resources Inc. They're just not the sort of mainstream sort of environmental group that I even deal with." Clemings says he checked back to see what had been written about WRI before accepting the assignment. His last story on the institute had been about the almanac, but he says if something came up again, he would turn it over to another reporter.

Nevertheless, Bud Ward, editor of Environment Writer, a newsletter read by 1,400 environmental journalists, says he questions "whether they should be writing for a group that's subject to their own coverage. I'm concerned about the public's attitude toward the press. This kind of thing gives the public more reason to be skeptical of the media's independence."

Another subject of criticism from some reporters has been well-known journalists who give lectures in exchange for fancy accommodations on cruises where the paying passengers are lawyers, accountants, financial planners and insurance underwriters. Last year, for example, the L.A. Times' Jack Nelson and Paul Duke, the recently retired host of "Washington Week in Review," took two all-expenses paid cruises on luxury liners for a conference organized by a Florida travel agency. Some call it journalist junketeering; Nelson says he's providing a service.

Critics say that taking money from groups falling under a reporter's purview raises all sorts of potential conflicts of interest or, at the least, the appearance of one. The money also raises questions about a reporter's objectivity. "It seems to me the problem is because Sam and others take that kind of money it precludes them from ever covering insurance scandals," Roger Mudd, who now teaches journalism at Princeton University, said on a recent radio talk show. "It puts them in an immediate conflict of interest." Mudd says while he was with the networks, he took some small fees for speeches to schools.

James D. Squires, a former editor of the Chicago Tribune, tells of the time the Tribune's movie reviewer, Gene Siskel, wanted to do some side work for the Walt Disney Co. Squires said no. "If every time Gene Siskel came on TV and says 'I'm about to review a Disney movie and I'm paid by Disney but I'll still be impartial,'" says Squires, "look how silly that would look."

Bob Steele, director of the ethics program at the Poynter Institute, believes that, in their hearts, reporters who speak for cash may be 100 percent certain of their objectivity and fairness. But there's no way to prove that to their audience. "How do we know what didn't go into the story?" he asks. "Or that a journalist would do a story and be exceptionally hard on an organization to prove they were neutral?"

There's yet to be a case, however, in which there was a proven quid pro quo. "No one for a minute who knows Sam would think he could be influenced," says Squires, who once took $5,000 from the American Petroleum Institute while at the Tribune and donated it to charity. "But what it does is put the credibility of brand name journalism at risk. The same kind of damage is done by 'Hard Copy' and little nitwit reporters showing up on television making wild allegations."

Public figures also question the practice. At an April meeting of the American Society of Newspapers Editors, former Secretary of Defense nominee Bobby Ray Inman, who cited criticism of the media when he withdrew his name from consideration, chided columnists who take big fees for speeches.

Edward Pound, an investigative reporter for U.S. News & World Report, recalls asking White House adviser James Carville about speeches he gives to special interest groups. Carville deflected the criticism. "What he said to me was, 'What I find mostly when I go there is reporters giving speeches. I usually find myself preceding and following a reporter,'" says Pound. "There's a lot of truth to that. I don't want to sound high and mighty, but I just don't think it's a good policy. When I came to Washington in 1977, it wasn't nearly at the stage it is now. It's out of control."

Some critics say that while talking for dollars can be questionable—depending on the group paying—it's the amount that has people wondering if a group is trying to influence or buy access to a journalist.

"Journalists need to ask, 'What would reasonable people think about me taking an honorarium for speaking before this special interest group that has a vested interest in how they are covered?'" says Ralph Barney, a communications professor at Brigham Young University who specializes in ethics.

What would reasonable people think about U.S. News & World Reports' former editor at large, David Gergen? Before he became counselor to President Clinton, Gergen collected $466,625 for 121 speeches in 1992, according to a report he filed with the Office of Government Ethics. That's a speech every three days. In the month of October 1992 alone he gave 15 speeches—two on one day. In the first six months of 1993, Gergen spoke 50 times to groups such as IBM, the Mexican Stock Exchange and Dow Corning, earning $239,460—about the same amount as 18 months of his annual salary. The majority of organizations paid $5,000 or more. Gergen did not return phone calls.

Another journalist who joined the Clinton administration, Strobe Talbott, former editor at large for Time magazine, collected a total of $20,000 for two speeches in 1992, according to financial disclosure reports he filed when he became deputy secretary of state.

If Talbott, Gergen or Donaldson reaped $100 per speech, fewer would question it. Most agree journalists' time is valuable and they should be compensated. But $12,000—which Gergen got in 1992 for a speech to the American Stock Exchange—is another story.

"The group that hired you clearly thinks it's getting its money's worth or they wouldn't do it," says Steven Knowlton, a journalism professor at Pennsylvania State University who wrote a book on ethics titled "The Journalist's Moral Compass." "Is it for Sam Donaldson's brilliance or insight? No, I don't think so. They think they're buying some influence or else why would they do it?" He believes a reasonable fee would cover expenses or be a day or couple of days' pay.

Knowlton and the public might perceive it that way, but Donaldson says since he first took $100 in 1969 no one "in any of these organizations has called me and asked me to do something for them or to not do something against them."

Mark Rosenker, vice president of public affairs for the Electronic Industries Association agrees that his organization is not looking for favors but simply access. "My business is to get stories in the paper or TV," he says. "Would I call Sam? Yes. But I don't believe he'd do a favorable story or kill a story no matter how much I paid him for a speech."

Why then do trade groups and corporations—the ones that generally pay big fees for big names—pay Sawyer, Roberts, Donaldson and other well-known journalists outrageous sums?

Representatives of these groups say the reason is much simpler and much less conspiratorial: They pay big money because that's what topflight journalists charge. Many industry groups say they want a big-name journalist to talk about Washington and to help attract members to their conventions or meetings.

"At these big industry meetings, we fly in CEOs, their wives and district managers," says the insurance industry's Paul Equale. "They want glitz. Television has turned these people into celebrities." Adds EIA's Rosenker, "We expect a good speech. We expect to be entertained and enlightened."

Even Donaldson concedes that the fees border on the absurd. He says he charges what he does because that's what the market will bear and he wants to limit engagements—although he's listed with at least six speakers' bureaus. Donaldson says he doesn't even prepare for them: "If you hire me you're getting pretty much an off-the-cuff, let's-wing-it version of what's going on in Washington.

"You and I can agree that maybe it's silly or a waste of their money, but they actually pay me because they think I'm a celebrity who will come to their convention, whose members will be impressed that I'm on the program."

Knowlton won't argue with that. "As a journalist, he's not worth $30,000," he says. "But he is as a star."

Carl Cannon of Baltimore's Sun is not on the speaking circuit. He and others acknowledge that some criticism may come from that old green-eyed monster, jealousy. What would the have-nots do, asked a journalist who didn't want to publicly defend that practice, if they were offered a change to speak

for an hour for what they might earn in a month? "It's wonderful to have these standards," he says, "but the ones who have them don't seem to have to apply them."

Not all journalists, even those with podium potential, speak for money. Jim Lehrer, host of PBS' "MacNeil/Lehrer NewsHour," used to do it. Unlike his partner, Robert MacNeil, who speaks about 25 times a year but often for free, Lehrer now turns down invitations because of the public perceptions problem. He also says he doesn't need the cash anymore.

"I quit doing it since I no longer had kids in college," says Lehrer. "I'm not comfortable with it, to tell you the truth. I don't want to come over as being sanctimonious of self-righteous about this. I think everybody has to make their own decision. I'm just not doing it myself because of the nature of the business I'm in."

Another reason Lehrer doesn't do it, he says, is because taking cash on the circuit makes his colleagues occasionally appear hypocritical. "What I object to, to be straight about it, is journalists who take the position that they are purer than all other people," says Lehrer.

Lehrer says if he took $30,000 from a group, he's sure he wouldn't be influenced. "But if a member of Congress does that we automatically assume that it's not only unethical, but the guy's on the take," says Lehrer. "It's the self-righteousness that accompanies the taking of this money by journalists that I think is just absolute bullshit. Take the money, fine. Go make our speeches and be pure. But don't assume that everybody else is less pure than you are."

NBC's Tom Brokaw airs his views but gives the money to a foundation that distributes it to charity. Brokaw, like many other well-known journalists, also speaks for free to colleges, charities and civil groups.

ABC's "Nightline" anchor Ted Koppel quit speechmaking five years ago when he became dumbfounded by how much groups would pay. "He personally became uncomfortable with the whole process of taking money for speeches," says ABC spokesperson Eileen Murphy. "He doesn't feel there's a conflict in every case. But he feels uncomfortable explaining to the people in his audience, who depend on his credibility, why he was doing it." Some critics charge that Koppel and Lehrer both stopped doing it when they reached points in their career where their salaries were so high they could easily afford to be more ethical.

Koppel seems to have applied the same litmus test that Knowlton thinks all journalists should use. "If you can convince an auto mechanic or a barber that the money you took wouldn't buy any influence," says Knowlton, "that would be OK. But my tailor wouldn't believe that if I took $30,000 from an individual, I wouldn't be influenced."

Walter Cronkite says he "never thought about" the money he accepted for speeches while at CBS. "It never seemed to be a problem." But in retrospect he also believes perception problems are the most worrisome aspect of accepting honoraria.

"I absolutely agree with those defending the practice by saying they are not influenced. I believe that," he says. "I believe good journalists, the ones who are admired anyway, have nothing to fear from internal introspection as to what they've done or are doing. It's solely a matter of perception, and important to our integrity."

Judi Hasson, a reporter for USA Today who covers health reform, is one who refuses invitations from any group involved in her beat. "I just don't want to be taking money from the people I write about," she says. "I can use the money. But it's not difficult to turn it down."

Others wrestle with each invitation. "Every time someone asks you to speak," says ABC's Catherine Crier, "it's important to look and see whether you would see any conflict or problem. That inquiry is made every time I'm asked to speak."

But deciding just what is a conflict is becoming harder to determine. "The murky area, the ones where I need to check are the ones where I get an invitation from a business group," says the Washington Post's David Broder. "We don't want to be involved with people who have too much of a stake in anything. For example, I'm doing a lot of stuff on health care so I would not speak to any group that's a major player in the health care thing."

Maybe not now, but what, for the sake of argument, if Broder had in the past? "In my work, you never know," says Broder, "that's why it pays to bend over backwards."

Disclosure is often mentioned as a solution. If the public sees Cokie Roberts on TV talking about health care and knows she took $20,000 from a group concerned with the issue, then it can decide what to believe.

But disclosure isn't an easy solution. Unlike members of Congress, who must disclose all sources of income annually and are prohibited from accepting honoraria, no similar mechanism exists for journalists. Many news organizations have internal disclosure policies but they often relate more to whom a reporter speaks.

"We don't want to treat our reporters like children," says U.S. News & World Report's Kathy Bushkin, who is the magazine's director of editorial administration. The policy there, like at many news organizations, is reporters can't speak to groups they cover; for other speeches, the need to discuss the circumstances with their editor.

Many other news organizations are now addressing the issue of honoraria. In light of the Donaldson disclosures, ABC is reconsidering its policy, which currently doesn't specifically cover the issue. So is NBC. So is Newsweek, which now doesn't require correspondents to seek prior permission to speak for money. The Wall Street Journal decided a few years ago to forbid honoraria from any for-profit organization; the Washington Post forbids honoraria that could be interpreted as "disguised gratuities."

Magazine journalists who cover Capitol Hill had the opportunity to disclose their honoraria earnings six years ago, but few were eager to do so. To obtain congressional press passes, magazine reporters must apply for credentials from the Periodical Press Gallery. They gallery is run by Congress, but a seven-member committee of journalists decides who gets credentials. In 1988, the committee voted to revamp its application and have reporters list the group and date—not the amount—for each speech.

"If they spoke the Tobacco Institute or some business organization, that would have to have been disclosed," recalls David Holmes, superintendent of the House Periodical Press Gallery. Previously, they could just list the speakers' bureaus that paid them and not name the groups they spoke to or list the fee.

Few liked the new idea. Later that year, when committee members stood for reelection, four were thrown out. "The first thing they did was return to the old form," which only requires listing the speakers' bureau, says Holmes.

The issue came up again recently, but the new committee was not so bold. While it brought it up at a March meeting, it decided only to restate and clarify the existing policy. The bottom line: It's still alright to list only the speakers' bureau. Even so, some journalists continue to leave the line blank or write only "speeches."

Attempts to encourage disclosure or limit honoraria to small, expenses-only fees are suggested by critics not to strip a working journalist of income but to safeguard the eroding credibility of the profession. In a 1991 AJR reader's poll, 68 percent said they believed journalists should disclose speaking fees. Other polls list journalists just above used car salesmen and politicians when it comes to public trust. Losing credibility will just make it more difficult—if not impossible—to do the job, critics say.

Says Lehrer, Anything that detracts from our credibility detracts from our being. Because without our credibility, we ain't got it. We're nowhere."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair recognizes the Senator from Minnesota [Mr. WELLSTONE], for 10 minutes.

Mr. WELLSTONE. I thank the Chair.

## CRIME BILL CONFERENCE

Mr. WELLSTONE. Mr. President, yesterday, I held a press conference with Representatives TORRICELLI, SCHROEDER, DELAURO, and MALONEY from the House. Our focus was on the conference committee dealing with the crime bill. What we spoke to was the stonewalling, I am proud to say, not by Senate conferees but by some House conferees, on some family antiviolence provisions which we believe are critically important.

Mr. President, I speak on the floor today to convey the following message to some of my colleagues in the House on this committee. It is so crystal clear that it is time for the Congress to take domestic violence in our Nation seriously, to understand that domestic violence is a crime, and to understand that it must be treated as such.

Mr. President, in November, the Senate approved, with the support of both Senator BIDEN and Senator HATCH, an amendment I introduced called the Domestic Violence Firearm Prevention Act. I wish to describe it for those who are listening.

It would, first of all, prohibit anyone who has been convicted for abusing a spouse or a child from owning or possessing a gun. It is very interesting, Mr. President, the National Rifle Association—and I am not on the floor, by the way, to attack the NRA at all—has said over and over again look for us for support in making sure that guns are not in the hands of people who have committed crimes.

That is really what this amendment says.

It would prohibit anyone who has a restraining order issued against them for owning or possessing a gun. Finally, it would prohibit anyone from

selling or giving a gun to someone they knew had been convicted of abusing a spouse or a child.

Mr. President, I have said it once. I have said it twice. I have said it 10 times. All too often the only difference between a battered woman and a dead woman is the presence of a gun. Let me repeat that. All too often the only difference between a battered woman and a dead woman is the presence of a gun. We are trying to get the guns out of the hands of those people who have been convicted of an act of violence within their families. It is a most reasonable amendment.

This amendment was severely weakened on the House side. Statistics, Mr. President: every 12 seconds in the United States of America—FBI statistics—a woman is battered; every 12 seconds. Over 4,000 women are killed each year at the hands of their abusers. Please remember, Mr. President, this is the most underreported crime in America. An estimated 150,000 incidents of domestic violence involve a weapon. The New England Journal of Medicine in a recent article pointed out that with the history of battering, if there is a gun in the house or in the home, that woman is five times more likely to be murdered.

The problem is this: We have some conferees on the House side who are saying, yes, if somebody has been convicted of a felony, then of course we would take a gun out of their hands. That is the law of the land. But domestic violence is a misdemeanor quite often. They are right. So if I or you or someone, God forbid, beat up our neighbor's wife, it would be a felony. If we beat up our own wife, it is a misdemeanor.

What happens in State after State after State, Mr. President, is that the charges that are brought against abusers are essentially limited and brought down to fifth-degree assault or misdemeanor charges. Even in those States which say domestic violence is indeed a felony, sometimes the standards are so strict, permanent physical impairment has to happen as a result of it, or there had to be a use of a weapon, or there have to be broken bones—what I am saying is the fact is we do not treat domestic violence seriously. We do not treat this violence against a spouse or a child as a felony. All too often we treat it as a misdemeanor, and therefore the perpetrators are able to continue to own a gun. Then what happens all too often, and it is tragic and it is unnecessary, is that a woman is no longer battered, she is dead.

We are just simply saying that under Federal law we have a list of circumstances where we say you cannot own a gun or a firearm if you have committed a felony, and we should include domestic violence within this category.

Mr. President, it is amazing to me that this stonewalling is taking place on the part of the House conferees. There is such a disconnect to the position that some of them are taking and what people in the country are saying. I did not argue that this particular amendment is a be-all or end-all. But I am telling you one more time, it clearly is an important step in making the home a little bit safer place. It clearly is reasonable. It clearly speaks to some of the violence that is taking place, not just in our streets but in our homes. To me it is absolutely outrageous.

I give Senator BIDEN—and I know we are going to have Senator HATCH with us because he is supporting this—great credit. But we have to have this provision passed as a part of this crime bill.

Mr. President, if we pass the Violence Against Women Act provisions that Senator BIDEN has done such a great job for years and years in speaking about as a part of the crime bill, and we pass some of the other family violence provisions, whether it be safe visitation centers, whether it be getting the guns out of the hands of those people who have committed an act of violence against a spouse or child, we will be sending a very, very powerful and positive message to women in this country. This is the message. This violence is not your fault. There will be support for you in your community, and perpetrators will be held accountable.

I hope that the stonewalling ends, and I hope this provision is not dropped late at night. I know that we have support from Senate conferees. Hopefully we will have support from the House conferees. I am convinced that, if the House conferees hear from the public in this country about this amendment—and I know there is overwhelming support for it—it will be passed. But that is probably the only way it is going to happen, and that is why I speak on the floor today.

I yield the remainder of my time.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Marc Cummings, who is interning with me, be able to be on the floor today with me.

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

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

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

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, I withdraw the pending amendment No. 2103.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. McCONNELL. 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. GORTON. 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 Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 or 6 minutes as if in morning business.

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

The Senator from Washington is recognized for 5 or 6 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2247 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

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

Mr. LEAHY. Mr. President, I want Members to understand where we are.

Mr. President, I yield to the Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, the Senate now finds itself in an all too familiar position. The bill now pending has been on the calendar since June 16, approximately 2 weeks. On last week, I announced my intention to proceed to the bill following the disposition of the product liability bill. I did so.

We have been advised there are a number of amendments to be offered by Senators, and yet although we have been on the bill now for a few hours we have been unable to dispose of any amendment.

I encourage Senators who have amendments to come to the Senate

floor and offer them so we can begin debating and voting and making progress on this bill.

I understand that earlier an amendment was offered with respect to Bosnia, and then withdrawn. As we all know a Bosnia amendment is pending on the Department of Defense authorization bill, which has been set aside to go to this bill.

It is my intention to resume consideration of and complete action on the Department of Defense authorization bill this week, including the Bosnia amendment. However, if Senators wish to debate it on this bill, that is perfectly agreeable to me. We are prepared for debate, and vote on a Bosnia amendment today or tomorrow or Friday. We were prepared to vote on it last Friday when it was debated, but we were not able to gain agreement to proceed to a vote.

So, I merely wish to state to Senators that because we were unable to transact any business last Friday, we created more pressure on the days remaining this week. The longer we go today without transacting any business, the more pressure it creates on the remainder of this week.

I announced last week that we would complete action on five matters before we leave for the Fourth of July recess. Those were a certain nomination, the product liability bill, the foreign operations appropriations bill, the energy appropriations bill, and the Department of Defense authorization bill.

We have now completed action on two of them. The nomination has been completed and the product liability is completed, and I commend Senators for their actions to enable us to complete those measures. Now there remain three, including the pending bill. I want to repeat, it is my intention to complete action on these measures before we go into recess, and the longer we delay, as we did last Friday, as we are unfortunately doing now, without any action, that means the later we have to stay in session this evening, tomorrow evening, Friday, or Saturday if necessary.

So I encourage Senators who intend to offer amendments to come to the Senate floor to do so, to permit them to be debated and voted on.

I want to say, with respect to Bosnia, that we are prepared to proceed to it today, tomorrow, or Friday, at any time, with a time agreement to get votes on the matter, as I have previously indicated I am prepared to do.

Mr. President, I thank my colleague. I hope that he and the distinguished ranking member will soon be able to receive and debate and have amendments considered and voted on.

Mr. LEAHY. Mr. President, if the Senator from Maine, the distinguished majority leader, will yield, I note also for the RECORD, so there will be no confusion—after the distinguished leader, having indicating our schedule, a schedule with which I agree and I hope to have completed before we go out—I have discussed with the distinguished ranking member and others this bill, which has been on the calendar for some time.

As the Senator from Maine has already noted, and I repeated to him what I have been told, we would have, I forget the exact number now, either 38 or 48 possible amendments raised to it.

I note that this is a bill, the foreign operations bill, which has over the years often attracted enormous numbers of amendments. We can do one or two things. We could say there is going to be amendments, and let us not go forward, never; or vote them up or vote them down. I am a strong believer in the Senate to work its will and vote things up or down.

But I note that with this, DOD, and others, obviously we have, as Senators, the responsibility to move forward with this legislation, all of it, because we have a relatively short time after the Fourth of July break before we take the normal break that we do in an election year so Members are able to go back home and face the voters. And then we are into September and the end of the fiscal year. The appropriations bills have to go through and they have gone through the other body, or they would not be here. They have to then go through this body. Then they have to go through conference and come back. And, as the distinguished leader knows, the conference reports themselves sometimes become contested.

I do not know how you would do it otherwise. I would love to be able to bring up this bill and an hour later have completed it. It has been made clear we cannot do that.

But I urge Senators on both sides of the aisle, if they have amendments, to come forward. I am prepared to stay here. I am prepared to stay here all night, if that is what the desire of the majority leader is. I have done this on occasion in the past on bills, and I am happy to do it now.

I also note, as I discussed with my colleagues on the floor earlier, that while I have made no plans to travel on Saturday, because I know, if this takes an inordinate amount of time, then we still have DOD and the other matters the leader has suggested, all of which has to be done—I think he is absolutely right in saying they have to be done. I do not want to forestall anybody's opportunity to bring forward an amendment, but I hope that we can get going relatively soon and move the amendments—we have yet to even adopt the committee amendment, as we normally do—and go forward.

We have major issues in here. The Camp David countries—at a time when the Middle East peace agreement is at about its most critical—are held up in here. One of the reasons I want to get through this is, I know if we do not do it this week, we are running the risk, in the foreign operations bill, as we get into the press of the other things, to see it as part of the continuing resolution, which leaves it in doubt until sometime in October, at a time when at least the Middle East peace agreement is in a very tenuous situation, when we would be given a chance to say exactly what we are going to do.

NIS, the Director of the FBI, Director Freeh, is there now or about to be there. One of the things I will offer, on behalf of myself and Senator MCCONNELL, and Senator D'AMATO will join with him on, would be an amendment for money for law enforcement aid in the former Soviet Union. Director Freeh should be able to be in a position to point this action out, because of the help we want to give the tenuous, almost disastrous law enforcement situation, especially in Russia.

I could go on—I am not going to go on, but I could go on to hundreds of others—Camp David, Middle East peace accord, NIS, and others. So I hope that we could go forward so we could start conferencing this even possibly during the week's recess next week, and then go on so that in August we could get it passed and signed into law.

So I thank the distinguished Senator from Maine, the majority leader, for stating the record.

Let me say, Mr. President, I have noted that we have everything here, from humanitarian aid to matters of significant foreign policy issues, and we ought to be working on them.

I do not think that most Senators of either party want to stop a major part of our foreign policy by holding up this bill. I doubt that Senators want, either intentionally or inadvertently, to interfere with the Middle East peace process. I doubt if Senators, intentionally or inadvertently, want to do anything to hamstring our efforts to bring about or to help bring about democracy and a market economy in Russia and other parts of the former Soviet Union.

But I suggest to my colleagues on both sides of the aisle that delaying a bill, which ultimately has to pass, does all those things, because we ought to pass it. Either we pass it now or we run the very real risk of passing a continuing resolution in October.

Now, a number of Senators have expressed interest in particular things—law enforcement, aid for Russia, specific aspects and specific earmarks in the Middle East, and specific countries mentioned in the former Soviet Union, environmental issues, population issues, and others.

These are defined in this piece of legislation. In a continuing resolution, none of them will be defined. In fact, a number of these things that are new initiatives would not be reflected.

If we do not go forward on this, we are going to be going by the House-passed bill which does not have the items asked for by individual Senators. And I can tell my colleagues that I would not feel inclined at all, if we were to lose our chance to move forward on this bill, to try to ask the House to put in a continuing resolution help for these specific items. In fact, I would be just happy to say, "Well, look. We will just come back to it in January and see what we can put together."

So nobody should ignore the fact that the majority leader, with the minority leader, standing here on the floor last week laid out exactly what the program was going to be, which bills had to be passed. I do not recall any Senator, Republican or Democrat, standing up saying they objected to that program.

Certainly the ranking member has been very forthright and very honest, as he always has been with me, in stating that if this came up this week there would be a large number of amendments. He did not have to tell me that. In his usual fashion, candor and honesty, he did tell me exactly what was going to happen there and that has been relayed to the leadership on this side, as I suspect it has been to the leadership on the other side.

But the fact remains the distinguished Senator from Maine, the majority leader, said: We are going to bring this up and dispose of it; we are going to bring up, as we just have, the cloture motions on product liability; we are going to bring up DOD—I forget the list—but all of these things. Every single Member of this body, all 100 of us, knew they were going to be brought up, knew they were going to be disposed of one way or the other.

If Senators do not like the foreign operations bill, that is very simple. At some point we go to third reading and then they can vote aye or nay. If they do not like the bill, they can vote it down. It is very simple to do. If there is any amendment in there they do not like, vote it down.

On the other hand, if there is an amendment to be brought up on either the Republican side or Democratic side, if Senators like them, vote for them. If they do not like them, vote against them. Whatever it is, we will have a final bill with amendments that are either adopted or not adopted, and that is the bill I will bring to conference.

So, as I said, I plan to be here late into the evening. It will give me a chance to get caught up on my mail. I have canceled all plans to travel on Saturday because I suspect we will probably be doing DOD on Saturday as a result of delays on this. I hope I can still travel on Sunday. But I just reread the Adjournment Resolution. I understand we can go through Sunday, too. I will not cancel Sunday yet, Mr. President. I will keep Sunday on hold. But Saturday I have canceled.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, for those other Members of the Senate—I realize there is virtually nobody else on the floor—and the others who must be riveted—riveted—to their TV monitors to hear what is said, I urge Senators with amendments to this bill to come forth and bring their amendments in.

I hope that we might finish this thing by midnight or so tonight, if at all possible. But, again, I will remind Senators that after this bill, there are a couple of other appropriations bills coming up, plus DOD. For some who would like to be home for the Fourth of July recess before the 4th, which is on Monday, the adjournment resolution allows us to stay here until midnight Sunday, as I recall.

So I would not want this to be the reason we are still in Saturday. We have other bills to consider.

I will also note, Mr. President, what this bill is and what it is not. This is not a foreign aid authorization bill. It is an appropriations bill, determining exactly how we spend about $14 billion of the American taxpayers' money.

There are some who wish to have policy debates on Bosnia or Haiti, I suppose North Korea, or other places.

Now, a good, strong, realistic debate in the Senate on Bosnia, on Haiti, on North Korea, I think, could do the country good. I would like to see a real debate on what our whole foreign policy, especially as it relates to foreign aid and as it relates to the use of our military forces, what that policy should be in a post-cold-war period. We have not really had that debate. We did not have it in the last administration after the end of the cold war, and we certainly have not had it in this administration.

So I would like to see such a debate. I think that there would be some clear-cut results in such a debate that could be helpful to President Clinton and to his administration. Certainly it could be helpful to the country because I find as I travel in my own State of Vermont, as I do many times a month, or as I travel in other parts of the country, the people want to hear such a debate. They would like to know just what is going to be our foreign policy in the post-cold-war period.

But having said that, this bill is designed to determine exactly how we spend certain amounts of our money in carrying out foreign policy objectives. The objectives are assumed to have been set. We have to determine how much money will be used in carrying them out.

Now, we have in here, for example, money to aid the former Soviet Union. It is a very small amount of money considering what the needs are there. Nobody expects the United States to carry out a Marshall plan for the former Soviet Union. We do not have the resources and certainly we do not have the political will to do such even if the argument could be made that it would be wise for us to do it.

What we can do is join with some of the other Western nations in helping—let me just take Russia as one example, as one of the parts of the former Soviet Union—in helping Russia put together a banking system, in helping them put together a commercial code.

I have talked to business people in Moscow who worry about the inability to enter into contracts. And I say, you mean you want to be able to enter into a contract in Moscow that could be enforced in St. Petersburg? They said, no, we would like to be able to enter into a contract in Moscow that could be enforced in Moscow.

Before they can make the kind of investments the West needs in the private enterprise system in Russia, they have got to be able to have a real banking system and a real commercial code. We have money in this bill to help with setting it up. We have exchange programs. We have ways to help some of our own experts go over, not to ask Russia to be a clone of the United States, which it never will be, nor do we want that, not to have Moscow be a clone of New York, but to say, here is what we found has worked and here is what we found has not worked, and now try it, because, as I mentioned to the Prime Minister of Russia and have said to others, if they do not put their economic house in order, their legal house in order, commercial code, banking system and all, there is no way they can expect the West, the United States, Germany, the European Community, and so on, to invest in Russia.

Just think for a moment, Mr. President. Suppose you were the CEO of a large corporation in the United States, an international or multinational corporation, and you were looking where you might invest $100 million to $500 million in building a new plant, developing a new market, and you were faced with the question, would you invest it in Russia or would you invest it in South Africa?

Now, assuming the stability that we have seen so far with the new South African Government continues, your safer bet is going to be South Africa. They have a banking system. They have a commercial code, a free enterprise system, a middle class. They have

a huge hitherto disenfranchised majority which is now becoming enfranchised and which will, through education, work, and whatnot, have a chance to become a market themselves, with, of course, vast resources.

Frankly, that CEO is going to look first to South Africa, and they are going to continue to look far more there or other parts of the world, they are going to look to Asia, the Pacific rim, and so on, before they would look to Russia or the Ukraine or Georgia or others because of what they see as an inability to carry out basic commercial transactions. For example, you start a company and fund it, it is actually starting to work, and somebody arbitrarily adds on a 25- or 30-percent tax that they had not expected, or whatever it might be. Crime has got to come under it. Senator MCCONNELL, Senator D'AMATO, and I and others will put into this bill, if we are able to pass it, money to help fight crime.

I remember 20 years ago walking around the streets of Moscow at 3 o'clock in the morning feeling perfectly safe. I expect probably at that time of the cold war, being tailed by the KGB, that I would have to be. But you do not have that sense of safety there today.

I believe it was one of our national newspapers that told the story of a car, an expensive car, expensive, imported car pulling up in front of a street-level office. Several gunmen jumped out of this car and started firing machine-guns into the lobby of the business until, according to the story, one of the secretaries opened a filing drawer, pulled out a hand grenade and rolled the hand grenade under the car, which changed the odds somewhat and, as in a sporting event, gave the advantage to the other side.

Now, first off, just the idea of this taking place in a busy, main part of Moscow is mind-boggling, but then you have to stop to think what kind of business do they have that in the filing drawers they keep hand grenades. Do they file it under "B" for boom, "D" for defense, "O" for offense, "G" for grenades, "E" for explosives? We may have a new secretarial school that is going to have to start there. But these are the things that we can help with.

What is the advantage to us? The advantage to us, the United States and the West, are immeasurable. We are talking about a very small amount of investment if we can have it done right. We help the economy grow there. We then have new markets. That creates jobs in the United States. We can use our money to leverage it with the IMF, the World Bank, and others to help.

But one of the biggest advantages, not only to our economic security, but think of a nation with thousands and thousands of nuclear warheads, a nation that has been totalitarian and our greatest potential enemy in the world becoming now a democratic nation, joining with us in NATO and other international organizations, with these warheads no longer aimed to us, is the ability on both sides, the United States and the former Soviet Union, to start dismantling these nuclear weapons. This is just one of the advantages.

It is not all going to happen if we pass this bill. Of course not. But it allows the United States, as leader of the free world, as the greatest democracy in the world, the most powerful Nation on Earth, to give the kind of leadership that we need.

It is my impression as I travel around the world from leader after leader, they want the United States to lead the post-cold war period. "We want the United States to give leadership with your history of democracy and your ability to give the example. We want you to lead." As a United States Senator, as an American, as someone from Vermont, I want us with our great history of democracy to be that leader in the rest of the world.

So it is just one of the many things in here. Look at the tremendous risks, as I mentioned earlier this morning, taken in the Middle East, in Israel, and among leadership of the Palestinian people. These risks are going to be for naught unless we are able to step in and help. And I daresay that no country in the world is prepared to help to the extent the United States is. I think the United States should be proud of that. Because in an area that has festered with hatred, violence and murder, and turmoil for so long, the United States has the ability to help them finally be able to fulfill a promise to a new generation—to grow up without the animosities of parents and forebears—to grow up in peace.

I see the distinguished Senator from New Jersey on the floor. If he is seeking recognition, I will be happy to yield.

Mr. LAUTENBERG. I thank the manager of the bill. I agree with the points that he is making.

Mr. President, if I may be recognized.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I agree with the distinguished Senator from Vermont, as he reviews the obligation that we have under our appropriations bill on foreign operations.

He has been a leader in this area for many, many years, and has a unique ability to fashion a bill to take care of America's interests wherever they may be within ever-shrinking parameters. They call Senator LEAHY a magician of sorts because he seems to be able to accomplish all that we need to do with ever more pressure.

I commend him for his leadership in this regard, as well as in his other duties in the U.S. Senate.

So I thank my colleague and friend from Vermont for yielding the floor.

AMENDMENT NO. 2104 TO COMMITTEE AMENDMENT ON PAGE 21, LINE 12

(Purpose: To urge the renegotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk in behalf of Mrs. FEINSTEIN, Mr. GRAHAM, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from New Jersey that the pending question is the first committee amendment. Is the Senator intending to amend that amendment?

Mr. LAUTENBERG. I ask that we amend the committee amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mrs. FEINSTEIN, and Mr. GRAHAM, proposes an amendment numbered 2104.

Mr. LAUTENBERG. 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 approriate place in the amendment, insert the following:

PRISONER TRANSFERS

SEC. . (a) SHORT TITLE.—This section may be cited as the "Prisoner Transfer Equity Act".

(b) PURPOSE.—The purpose of this section is to relieve overcrowding in Federal and State prisons by providing for the transfer of criminal aliens convicted of crimes in the United States back to their native countries to serve the balance of their sentences.

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

(1) The cost of incarcerating an illegal alien in a Federal or State prison can cost as much as $25,000 per year.

(2) There are approximately 46,000 convicted criminal aliens serving in American prisons, including 25,000 convicted criminal aliens serving in State prisons and 21,000 convicted criminal aliens serving in Federal prisons.

(3) Many of these convicted criminal aliens are also illegal aliens, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of convicted criminal aliens is approximately $1,200,000—

(5) There are approximately 2,500 American citizens serving in prisons outside the United States.

(6) The United States has entered into over 25 prisoner exchange treaties. Since 1977, under these treaties, the United States sent approximately 1,200 prisoners to other counties but has received approximately 1,400 prisoners that it had to imprison. This has added to United States prison overcrowding.

(d) PRISONER TRANSFER TREATIES.—No later than 90 days after the date of enactment of this Act, the President should begin to negotiate prisoner transfer treaties, or renegotiate existing prisoner transfer treaties, with countries that currently have more

prisoners in United States prisons than there are United States citizen in their prisons, to carry out the purpose of this Act. The focus of these negotiations should be on the transfer of illegal aliens who are serving in United States prisons.

(e) REPORT; WITHHOLDING OF ASSISTANCE.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and not later than March 30 each year thereafter, the President shall submit a report to Congress on the progress of negotiations undertaken under subsection (d) since the date of enactment of this Act or the date of submission of the last report, as the case may be.

(2) WITHHOLDING OF ASSISTANCE.—Whenever—

(A) a report submitted under paragraph (1) indicates that no progress has been made in negotiations under subsection (d) with a foreign country, and

(B) the United States continues to maintain a surplus of prisoners who are nationals of that country, then, for the remainder of the fiscal year, and each fiscal year thereafter until progress is reported under subsection (a), not less than one percent or more than 10 percent of United States bilateral assistance allocated for that country (but for this provision) shall be withheld from obligation and expenditure for the country.

(3) DEFINITION.—As used in this section, the term "United States bilateral assistance" means—

(A) assistance under the Foreign Assistance Act of 1961 other than assistance provided through international organizations or other multilateral arrangements; and

(B) sales and sales financing under the Arms Export Control Act.

(f) WAIVER AUTHORITY.—The President may waive the application of subsection (e)(2) if such an application would jeopardize relationships between the United States and a foreign country that the President determines to be in the national interest. Whenever the President exercises the waiver authority of this section, the President shall submit a statement in writing to Congress setting forth the justification for the exercise of the waiver.

(g) DIPLOMATIC EFFORTS.—For each country that does not receive United States assistance for which the conditions of subsections (e)(2)(A) and (e)(2)(B) apply, the President should use such diplomatic offices and powers as may be necessary to make progress in negotiating or renegotiating a prisoner transfer treaty.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect the existing immigration, refugee, political asylum laws of the United States nor any Federal, State or local criminal laws.

Mr. LAUTENBERG. Mr. President, one of the principal concerns of people throughout our country is how they deal with the ever-mounting problem of crime. How we deal with it depends very much on the facilities as well as the structure of our law enforcement process. By facilities, we are talking about courthouses, we are talking about jails, we are talking about equipment, police cars—all of the things that we need in a structure like ours to make certain that we catch the lawbreakers, and deal with them quickly and significantly.

We have a crime bill that has been under consideration for some time now. It is being negotiated in its final form between the House and the Senate. We expect that one day, hopefully in the not-too-distant future, we will have a crime bill that we can move through, get to the President's desk because the President is resolved to deliver a crime bill. It is a pledge that he has made. It is one that he has fought very hard to get through the process.

A significant part of that crime bill is to expand the number of jail cells, so that when someone is arrested for a crime they can be dealt with quickly, and have the sentences be realistic. I am a strong supporter of truth in sentencing, which means that if someone gets a jail sentence that they have to serve a significant portion of that. Eighty-five percent is kind of the rule on truth in sentencing.

That will enable States to use Federal cells that will be built under the crime bill. We are talking about something in excess of $3 billion worth of jail cells to be built across this country. They are desperately needed so that those out there who are either criminals or would-be criminals know very well that if they commit a crime, they will get caught; and, if they get caught, they are going away.

Right now, they do not go away. They get a sentence in many cases, and are turned back out in the street. I know in my own State we just do not have the capacity to house all of those who are convicted of crime.

So that brings me to the amendment, Mr. President, that I am offering to the foreign operations bill. That is to make certain that the thousands of criminal, undocumented aliens who serve time in our State and Federal prisons, and contribute to prison overcrowding which costs the American taxpayers approximately $1.2 billion each and every year, are sent back, or at least we try to send them back to the countries from whence they came. These criminal, illegal aliens have committed two strikes against us.

They have broken our immigration laws in coming here and, once here, have been convicted of crimes against people and institutions in our society. We ought to send back criminal illegal aliens in our prisons to their native countries to serve out their sentences. It is my hope that the amendment we are offering today will begin this process.

This amendment is based on legislation I introduced earlier this year called the Prisoner Transfer Equity Act. I am pleased to be joined by Senator FEINSTEIN and Senator GRAHAM in this effort, and I am told Senator FEINSTEIN will be including her remarks at a later time.

This amendment will direct the President to renegotiate existing prisoner transfer treaties and enter into new treaties to have countries take back the greater numbers of criminal illegal aliens currently serving time in our Federal and State prisons. When I say "greater," I am talking about those who are in our prisons in excess of an exchange for the Americans who are prisoners in those countries. While we have treaties with over 25 countries to do this, they are, unfortunately, not working.

This amendment gives the President and Secretary of State a stick to increase the flow of criminal illegal aliens back to their native countries. It requires the President to withhold up to 10 percent of a country's foreign aid if they do not make progress toward taking back more of their criminal illegal aliens. If the country does not receive foreign assistance and there is nothing therefore to withhold, the President is authorized to use other approaches like trade sanctions.

I want to be clear about one thing. The problem that we are confronting is not legal immigration. Those people who come here with a visa and with various types of permits are more than welcome. That is what has built America. It is the merging of the various cultures and ethnicities that has built the strength and energy this country has and has made us the strongest Nation in the world. I am the son of immigrants, and I know first hand that immigrants have helped to make this country great. The problem is what to do with illegal aliens who have committed crimes in our country and are serving time in our Federal and State prisons.

Once again, the first crime is that they are here illegally. Their second crime is that they have committed illegal acts, often violent acts. But punishing them costs us—the U.S. taxpayers—approximately $1.2 billion a year. Why should these people be jailed here rather than in their own country where their fellow citizens will be picking up the tab? Maybe it is easier to deal with being in prison in the United States than it is in their own country. In my own State, for instance, there is a fellow who is guarded constantly by two, three, or four guards because he is so violent that he has to be watched with every move he makes. If he goes out to the yard for recreation, the yard has to be cleared of other prisoners, and he has to have a couple of guards standing right alongside him all the time. But when we threaten to send him back to his country of origin, he quakes at the thought. Well, too bad. He should not have committed the crime here in the first place.

Nationwide, there are 58,000 convicted criminal aliens in our prisons; 21,000 are in Federal prisons, and 37,000 in State prisons. Not all of these prisoners are here illegally. Those who are here legally are entitled to the same due process as anyone else. But many of these convicted criminal aliens are illegal and should have been deported in the first place, particularly if they

have committed a crime here. However, we do not have precise data on exactly how many of these people are illegal. What we have to do is get that kind of information squarely in front of us and focus on sending criminal illegal aliens back to their native countries.

While we look at this, we recognize that there are about 2,500 Americans serving time in foreign prisons. This surplus of prisoners is not only a burden on the Federal system, but the State system as well. For example, in the State of New Jersey, where we have approximately 500 convicts who are believed to be principally criminal aliens, it would cost us $35 million as a one-time cost to build a facility large enough to hold these people, and it would cost $12 million a year in operational costs to guard them and incarcerate them.

Since 1977, the United States has entered into prison transfer treaties with over 25 countries. These treaties were designed not only to bring American citizens back here to serve out their time if they are criminals, but also to transfer criminal illegal aliens out of our prisons. These treaties have not solved our problems. Since 1977, the United States has transferred approximately 1,200 prisoners back to their native countries. But, at the same time, we took back 1,400 Americans serving time in foreign prisons. So this has only added to our problem of prisoner overcrowding.

Recently, Attorney General Reno announced that the Mexican Government has agreed to take back 53 of its citizens to serve out their sentences. I commend the Attorney General for her efforts, and the Mexican Government. However, this is just a drop in the bucket. The amendment that we are offering should increase the number of criminal illegal aliens going back to their native countries by using the power of the purse—foreign aid—as a negotiating tool. What we are saying is not that this foreign aid should be simply taken away, but rather put into reserve or an escrow fund, and when these countries comply then, of course, these funds will be released.

It is not fair to ask the taxpayers to bear the total cost of jailing criminal illegal aliens who have twice broken our laws—once by entering or staying in our country illegally, and again by breaking our laws.

Mr. President, if, in fact, the roughly 58,000 prisoners who are believed to be principally illegal aliens were to be sent back to their countries, it would release a lot of space available for use in pursuing our own course of justice; 58,000 jail cells and beds is an awful lot of beds, and we ought not to have to spend more money than we ordinarily would if we can free up those beds.

So, Mr. President, I think this amendment is—to use the vernacular—a win-win situation. I think it is appropriate to introduce it here at this time, and I know that the managers have reviewed the amendment.

I hope they will support its adoption.

Mrs. FEINSTEIN. Mr. President, Americans know about trade deficits, but what they do not know about is another deficit—a prisoner deficit. The United States imports more foreign prisoners than we export, creating a tremendous burden on the criminal justice system and on the taxpayers.

To address this problem, on June 9, I joined Senators LAUTENBERG and GRAHAM to introduce the Prisoner Transfer Equity Act. This bill, which we are submitting as an amendment to the foreign operations appropriations bill today, uses the power of the purse to engage foreign nations in balancing the prisoner equation.

Currently, there are approximately 58,000 convicted criminal aliens in Federal and State prisons, a number of whom are illegal aliens. These prisoners can fill almost 20 San Quentins. At the same time, there are some 2,500 American prisoners in foreign prisons. The total cost to the taxpayer is approximately $1.2 billion.

It is not certain how many of these prisoners are illegal aliens, however California estimates that there are currently 13,000 to 15,000 criminal illegal aliens in State prisons and that there will be 18,000 over the next year at a cost of over $375 million. These inmates have not only broken our laws by entering the United States illegally, they have also committed felonies while they are here.

Since 1977, the United States has entered into prisoner transfer treaties with 30 nations which allow prisoners to return to their home country prisons to carry out the remainder of their prison terms. However, since that time, approximately 1,200 prisoners have been transferred from U.S. prisons to their home country prisons and approximately 1,400 American prisoners have been transferred back to U.S. prisons.

Indeed, I would like to recognize the fact that, since last fall, the Attorney General has made concerted efforts to expedite prisoner transfers. As a result, a total of 222 Mexican prisoners have been transferred to Mexican prisons, just since last December.

However, much more can be done.

The bill which I introduced June 15, the Immigration Control and Enforcement Act of 1994, which builds on the legislation I introduced last fall, authorizes the Secretary of State and the Attorney General to enter into agreements with foreign nations for the involuntary transfer of the deportable criminal illegal aliens.

The amendment to the foreign operations appropriations bill that I submit today with Senators LAUTENBERG and GRAHAM takes a significant additional step to address the large number of criminal illegal aliens in U.S. prisons. This amendment directs the President to negotiate or renegotiate prisoner transfer treaties, and it gives the President a powerful tool to use when negotiating and renegotiating these treaties with other countries.

If countries won't negotiate with the United States to improve the prisoner transfer treaties and increase the number of prisoner transfers, the President will have the option to withhold up to 10 percent of a country's foreign aid we provide to them or to use other diplomatic powers—including trade sanctions—until a country does make progress in treaty negotiations.

The broad principal on which the bill is based is very simple. The Prisoner Transfer Equity Act will help alleviate the burden placed on the United States to incarcerate persons who enter this country illegally and are subsequently convicted of crimes. The failure to pass legislation of this kind will only add to the financial and physical burdens placed on our Nation at a time when we can least afford it.

Mr. SASSER. Mr. President, I am pleased to join with the Senator from New Jersey in offering this amendment to H.R. 4426, the foreign operations appropriations bill.

It gives the President and the Secretary of State important new tools to encourage other countries to take back their citizens.

This amendment contains the provisions of S. 2175, the Prisoner Transfer Equity Act. It requires the President to withhold up to 10 percent of a country's foreign aid if they do not make progress towards taking back more of their citizens who are criminal illegal aliens in U.S. prisons.

If a country does not receive foreign aid, the President may use certain other approaches, such as trade sanctions.

The United States currently has prisoner transfer treaties with over 25 countries. It is clear, however, that these treaties have not solved the problem.

Since 1977, when we began negotiating these treaties, other countries have taken back only 1,200 of their own citizens. During that same time, however, the United States took back a larger number of our own citizens—some 1,400.

There are estimated to be some 53,000 convicted illegal aliens in U.S. prisons being fed and housed at taxpayers' expense. They have already broken our laws twice—first by coming here illegally and then by committing a crime while here. They are eating up scarce tax dollars and they are taking up prison space that could be used to house our own criminals.

When we passed the crime bill last year, we heard all sorts of proposals for increasing prison space. Many of them

were good proposals. Well, here's a way to increase prison space without building a single new prison and at virtually no cost to the taxpayer.

These illegal criminal aliens cost the American taxpayer some $723 million a year. It's time to send these criminals back to their own country and let the taxpayers of those countries support them.

Mr. President, I commend the Senator from New Jersey for offering this legislation and I join him in thanking the managers of the bill for accepting this amendment.

Mr. LEAHY. Mr. President, I understand the very serious problem that the Senator from New Jersey and the Senator from California raise in their amendment. As I have told them before, I have some problems about withholding U.S. bilateral assistance from countries that do not cooperate in prisoner exchange and treaty negotiations, and I think that their amendment is improved by the provision to hold this money basically in escrow for these countries.

I worry that if you have some of these countries we are talking about when they are asked to take back these prisoners that we are now housing and paying for, or you forego money for child nutrition or AIDS prevention or whatever, some of them frankly are the most vulnerable in the society that we cut off first.

I am perfectly willing to accept this amendment because I know the very serious problem that the Senator from New Jersey speaks of. As a matter of fact, I can easily understand the frustrations of the taxpayers in these various States that have to pay for the jailing and housing of these people when they should be going back to their own country.

So I will not object to accepting this amendment. I would suggest that prior to now and the time in conference that the Senator from New Jersey and the Senator from California and I may want to look at the possibility of refining it even further.

I cannot imagine a Senator in this body disagreeing with trying to find some way to get these countries to take these people back, as they should. So this is a step toward working that out. I am willing to accept the amendment, but I would note the reservations as I have, and this may be something we should continue to work on.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am informed there is one Senator on this side who would like to take a look at the amendment before we can clear it. Maybe the Senator from New Jersey would like to temporarily lay it aside or put in a quorum call or whatever.

Mr. LEAHY. Could I ask this—waiting for that—if we might just temporarily set this aside and I will assure the Senator from New Jersey we will protect his rights on this so we can probably move on to some technical amendments that have been cleared.

Mr. LAUTENBERG. Mr. President, I have no problem with doing that, and having the assurance of the manager that we will come back to it after there has been a review. I would be happy to answer any questions related to it.

I thank the managers and will await word and hope we will be able to get it done sooner rather than later.

Mr. LEAHY. I ask unanimous consent that the pending amendment by the Senator from New Jersey and the Senator from California be temporarily laid aside.

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

AMENDMENT NO. 2105 TO FIRST COMMITTEE AMENDMENT

(Purpose: To delete Malawi from the list of countries for which FMF is prohibited)

AMENDMENT NO. 2106 TO FIRST COMMITTEE AMENDMENT

(Purpose: To make a technical correction to the bill)

AMENDMENT NO. 2107 TO FIRST COMMITTEE AMENDMENT

(Purpose: To make a technical correction to the bill)

AMENDMENT NO. 2108 TO FIRST COMMITTEE AMENDMENT

(Purpose: To include military training in the drawdown to assist Bosnia authorized by section 546 of the bill)

Mr. LEAHY. Mr. President, I ask that be in order to send to the desk a group of amendments en bloc as amendments to the pending committee amendment.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments en bloc numbered 2105, 2106, 2107, and 2108 to the first committee amendment.

The amendments (Nos. 2105, 2106, 2107, and 2108) are as follows:

AMENDMENT NO. 2105

On page 34, line 11 of the Committee reported bill, linetype *"Peru, and Malawi"* and insert immediately thereafter: *"and Peru"*

AMENDMENT NO. 2106

On page 6, line 13 of the Committee reported bill, linetype *"during fiscal year"* through *"600"* on line 15 and insert immediately thereafter: *"of the amount appropriated under this heading not more than $7,002,000 may be expended for the purchase of such stock in fiscal year 1995"*

AMENDMENT NO. 2107

On page 59, line 19 of the Committee reported bill, after the word *"ceiling"* insert: *"established pursuant to any provision of law or regulation"*

AMENDMENT NO. 2108

On page 79, line 13 of the Committee reported bill, after the word *"Defense"* insert: *"and defense services of the Department of Defense"*

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask the chairman, are these the technical amendments that we have cleared on both sides?

Mr. LEAHY. Yes, they are.

Mr. President, I ask further unanimous consent that these be in order en bloc to the bill.

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

The amendments are considered and agreed to en bloc if there is no objection.

So the amendments (Nos. 2105, 2106, 2107, and 2108) were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2109

(Purpose: To extend the authority for the donation of surplus agricultural commodities to Poland, and for other purposes)

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to submit an amendment on behalf of the Senator from Maryland [Ms. MIKULSKI] to the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Ms. MIKULSKI, proposes an amendment numbered 2109.

Mr. LEAHY. 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. . DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND.**

(a) EXTENSION OF AUTHORIZATION.—Section 2223(a) of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note) is amended by striking "1988 through 1992" and inserting "1995 through 1999".

(b) DEFINITION OF ELIGIBLE COMMODITIES.—Section 2223(b)(1) of that Act is amended by inserting ", soybeans, and soybean products" after "feed grains".

(c) ELIGIBLE ACTIVITIES.—Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii) is amended in the third sentence—

(1) by striking "and" at the end of subclause (II);

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

Ms. MIKULSKI. Mr. President, I rise today to submit an amendment to reauthorize the donation of surplus agricultural commodities to Poland for an

additional 5 years. The donated commodities are sold by the Joint Commission for Humanitarian Assistance to Poland, which then uses the proceeds to promote development in the Polish private sector and to help the people of Poland help themselves.

Mr. President, I am very proud to say that I was one of the original sponsors of the legislation creating this program, and that I have strongly supported the activities of the Joint Commission since its creation in 1988. Since that time, the Joint Commission has built an impressive record of fiscal responsibility, good will, and success in bringing about free market reforms in Poland.

It is no accident that over the same period, Poland has outperformed all other Eastern European economies and has moved significantly toward becoming a truly free economy. Great credit for this achievement must go to the Polish people themselves, but let us also credit institutions such as the Joint Commission, which have provided the stimulus for free market reforms.

Mr. President, the Joint Commission for Humanitarian Assistance to Poland is one of our great foreign aid success stories. Its record is one of purposeful, focused action. It functions as a means to build stable government, church, and nongovernmental agency partnerships. Under its initial authorization, the Commission contributed to improved Polish agricultural productivity. It has helped institute free-market reforms; established cultural and educational programs; and it has financed modern health care activities and orphanages in Poland. In short, Mr. President, the projects supported by the Joint Commission have improved the lives of hundreds of thousands of people in Poland and given them hope for a better life.

The Joint Commission is serving as a model for successful grassroots international cooperation. Our American Embassy personnel in Warsaw, their counterparts in the Polish Ministries of Agriculture, Health, and Labor along with several nongovernmental agencies like Project Judaica, Project Hope, and the Catholic Church in Poland have all assisted in making this effort work so well. The Joint Commission's success is being used as the model for similar cooperative programs in Russia, Ukraine, Belarus, and the other emerging democracies of the region.

Here are a few examples of projects the Joint Commission has funded:

A research center on Jewish history and culture in Poland under the auspices of Project Judaica;

A rehabilitation center for disabled children under the auspices of the Polish Catholic Episcopate;

A clinic and shelter for HIV-infected children and their mothers;

A privately owned drying house and storage plant to preserve produce for sale in the off-season market;

Financing of startup costs for an agro-business magazine, which has since become self-sufficient through advertising revenue; and

Privately owned packing plants, poultry processing plants, dairies, grain mills, feed mills, and honey and herb processing plants.

Additionally, profitmaking recipients of Joint Commission grants must reinvest a portion of their profits in infrastructure, ecological, or humanitarian projects. In this way, the impact of Joint Commission funding is multiplied.

In view of the past success of this program, I deeply believe that this worthy organization must be allowed to continue its important work. I am confident that when my Senate colleagues have considered the great benefits resulting from the innovative use of surplus American agricultural commodities, they will also support the reauthorization of this worthy program.

I urge adoption of this amendment.

Mr. LEAHY. Mr. President, this is an amendment reauthorizing donation of surplus agricultural commodities to Poland.

The PRESIDING OFFICER. Is there debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2109) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, will the Senator from Vermont yield?

Mr. LEAHY. Yes, of course.

Ms. MIKULSKI. I would like to thank the Senator from Vermont and the Senator from Kentucky for moving the legislation to reauthorize the Joint Commission on Poland.

I believe it is a model on how we can promote self-help, initiative and reliance and use dollars that are converted, in as much as they could not leave the country anyway, to be able to put them to good use.

I thank both Senators for their courtesy in seeing that this bill is reauthorized. I particularly know that those in children's hospitals and the Project Judaica, which stands as a great intellectual center for the Jewish heritage of Poland, all of them will be grateful.

Mr. LEAHY. I thank the distinguished Senator from Maryland. I note she has been such a leader in this.

In fact, I have gone to some of the areas in Poland helped by this. I can state firsthand this is one of our more successful programs.

I would also note that its success is owed a great deal to the constant efforts by the Senator from Maryland.

I thank her for her help.

AMENDMENT NO. 2110

(Purpose: To authorize a drawdown on U.S. commodities and services to assist war crime tribunals and other bodies of the United Nations to deal with charges of violations of international law and to require a report regarding the U.S. participation in the United Nations War Crimes Tribunal)

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to submit an amendment to the bill on behalf of myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2110.

Mr. LEAHY. 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 80 of the Committee reported bill, linetype from "(e)" on line 7 through and including the period on line 17, and on page 112, after line 9, insert:

*"WAR CRIMES TRIBUNALS*

*"SEC. 577. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Council or such other tribunals or other bodies as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia."*

Mr. LEAHY. Mr. President, this amendment is to allow the use of excess commodities in relationship to war crime tribunals.

I believe it has been cleared.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered. The amendment is agreed to.

So the amendment (No. 2110) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we are about to move forward to something else in a minute, but I ask unanimous consent for not to exceed 3 minutes as in morning business.

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

## NEA FUNDING

Mr. LEAHY. Mr. President, over the past few years funding for the National Endowment for the Arts has come under fire. The controversy usually begins over NEA funds used to support an artist's work that some people find offensive. I do not argue this point. In fact, some of the artists' works I have seen greatly offended me as they have some of my fellow Vermonters.

But to put this in perspective, these controversial grants are just a tiny fraction, .0001 percent, of the over 100,000 grants the NEA has awarded.

We should not forget all of the good that the NEA does—the great majority of NEA grants have created community celebrations, economic development, better schools, programs for the elderly, and has preserved our national heritage.

I am extremely concerned about the 5 percent cut to the NEA budget in the Interior Appropriations bill which passed the committee yesterday. I hope that prior to the time it comes on the floor and certainly prior to the time it goes to conference we might find a way to bring about a result that I think more carefully protects the interests of the American people.

Last year, the NEA budget was cut across the board by 2½ percent. This year, the Senate committee has targeted cuts to programs that are perceived by some to be the source of controversial grants.

In my home State of Vermont, the programs that are being targeted for cuts are good programs. This year, the Vermont Folklife Center in Middlebury received a $280,000 challenge grant.

The Folklife Center keeps Vermont's heritage alive; circulating exhibits to allow the young and old to see the beauty and importance of the artistry of their roots such as basketry, quiltmaking, stonework, slate and granite carving, the latter of interest to me because both my grandfathers were stonecutters in Vermont.

The Presenting and Commissioning Program awarded grants to arts centers around Vermont, including the Cross Roads Arts Council in Rutland and the Catamount Film and Arts Co. in St. Johnsbury, each of which received $5,000.

This may not seem like much when we debate billion dollar budgets in Congress, but to these programs these dollars mean the difference between being able to bring performers into their communities or not.

The Catamount Film and Arts Co., situated in one of Vermont's most rural areas, has brought the Vermont Composers Festival and the Festival of Japan to its community.

Just last weekend, the Cross Roads Arts Council held its third annual Rutland Region Ethnic Festival, a celebration of different heritages and cultures in their community. The festival was a great success, with more than 5,000 attendees enjoying entertainment and a variety of foods from around the world.

The NEA funds improve these organizations' ability to bring quality artists into the region for extended periods. This is important to give artists the time to go into schools, visit senior centers and work with at-risk youth.

These programs enrich the lives of Vermonters and visitors, connecting us to different ideas and cultures. Arts are effective economic development tools, and can draw people to communities as an attractive place to live, do business and visit.

The NEA programs support quality arts events across the country. If these cuts go through, it would make it very difficult for programs in my small State of Vermont to continue to compete for these funds.

The most recent NEA grant that has received some notoriety of late was a performance at the Walker Art Center in Minneapolis, a very prestigious regional center.

The performance in question is one of more than 100 events produced by Walker this year. And, incidentally, with the tremendous debate and maybe thousands of dollars' worth of debate time that we spend on it, we should note that only $150 of Federal funds were used. Incidentally, this was approved in 1992 by the previous acting chairman of the NEA, not in this administration at all.

Mr. President, we should not be judging next year's NEA budget on a decision that was made in 1992, under a different chairman. We now have a Chairman, Jane Alexander, who is doing a terrific job. She is working to reach the NEA's goal of bringing "the best art to the most people".

Last year, Ms. Alexander was overwhelmingly approved by this body. Since then she has been traveling across America, talking to people and seeing the kind of art that is happening in big and small communities. She is working to ensure that the National Endowment for the Arts continues reaching out to educate and fascinate people of all ages through the arts.

She knows what Americans want. She is an artist of great renown herself. She is backed up by people with great backgrounds, very respected backgrounds, in the arts. And I would note on a personal level, in that regard, Ellen McCulloch Lovell, who is the director of the President's Committee on the Arts and Humanities, someone with a great background in the arts, both in this city and in Vermont.

So I hope Ms. Alexander would be allowed to do her job and the NEA allowed to continue its good work.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I would note once again that the store is open. We are ready to hear and take amendments or debate them or vote on them.

If there are no further amendments, I, of course, would be happy to see us just adopt the committee amendments and go to final passage. This manager of the bill is ready to go.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I assume the distinguished Senator from Vermont does not hold the floor.

Mr. LEAHY. I yield the floor.

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The Senator is informed that the pending question is the first committee amendment.

Is this intended as an amendment to that?

Mr. COCHRAN. Mr. President, I would prefer to seek the counsel of the managers of the bill. This amendment does not seek to amend any provision in the committee amendment. It deals with another section of the bill.

Would it be appropriate to set aside the committee amendment for the purpose of taking up this amendment? Or I will be glad to withhold this until the committee amendment is disposed of, whatever the pleasure of the managers would be.

Mr. LEAHY. The Senator is on the floor now. If it would make life easier for him to just go ahead and set it aside, I certainly would have no objection. Because I would note, Mr. President, as I noted in the past on this particular subject—I think we handled the colloquy in report language—that the Senator knows I support him on it, if it is what I think it is.

But, in any event, whether it is the one I think it is or not, the Senator is here. He is always cooperative. If it would make life easier for him to set aside the committee amendment to go to his amendment, I am perfectly willing to do that.

Mr. COCHRAN. Mr. President, I appreciate the courtesy of the manager of the bill.

Has the unanimous consent been granted?

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

### AMENDMENT NO. 2111

Mr. COCHRAN. Mr. President, I ask that the amendment I submitted to the desk be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2111.

Mr. COCHRAN. 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 33, line 3, strike all after "*Provided further*" through "United Nations Charter" on line 18.

Mr. COCHRAN. Mr. President, let me advise the Senate that this amendment would strike from the bill that portion of page 33 from line 3 through line 18. These lines contain language prohibiting the use of funds under the Arms Export Control Act that would go to Turkey, to the extent that none of the equipment purchased under this section could be used for any purpose inside the country of Turkey or for any internal security purpose.

And then, further, the language extends to Greece and contains a prohibition that funds under this provision going to Greece could not be used in violation of U.N. sanctions against Serbia or the U.N. Charter.

It seems to me that this language is unnecessary and provocative in the way it is used in the bill. These two countries are being singled out for special criticism, it seems to me, with the inclusion of this language.

It is unnecessary and gratuitous and, to me, insulting. It presumes that violations of either sanctions against Serbia or the U.N. Charter have been committed by Greece, or will be committed by Greece, and to me that is presumptuous and has no place in this bill.

With respect to Turkey, there is a presumption in this language that Turkey has or will use funds under this provision in violation of human rights or other interests within its own country. To me, again, that is unnecessary. It is a gratuitous insult to Turkey.

So I hope the committee managers can look favorably upon this suggested change in the bill. There is also corresponding language in the report which seeks to explain why this language is included in the bill.

When I saw that in the report and had it brought to my attention, it occurred to me that we should strike that from the report. But having consulted with the manager's staff, and having looked at the issue carefully, it seems that the most appropriate way to deal with this issue is straightforward: simply strike the offensive language from the bill. And I hope the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in a moment I am going to suggest the absence of a quorum. That will be for just a few minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2112

(Purpose: To eliminate the appropriations proposed to be made for fiscal year 1995 for the International Development Association)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Chair advises the Senator that there is pending at this time an amendment of the Senator from Mississippi.

Mr. HELMS. In that case, I ask unanimous consent that the amendment of the distinguished Senator from Mississippi be laid aside temporarily.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2112.

The amendment is as follows:

On page 3, strike lines 8 through 13.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, it would be difficult, if not impossible, to imagine a Federal giveaway program more resented by the American taxpayers than the so-called foreign aid program. And that is not too hard to understand because the American people are aware that Congress has run up a debt of $4.6 trillion, and the American people more and more are demanding to know how and why billions of their tax dollars are being shipped overseas, in their minds at least, in massive handouts.

Year after year, there is an annual ritual in Washington about foreign aid reform. They talked about it the first year I was here, and that was almost 22 years ago. Nothing has been done of any consequence. The bureaucrats down in Foggy Bottom scurry around drafting what they call reform proposals. Congressional oversight committees hold endless hearings on the topic of reform, and inside-the-beltway magazines publish pompous articles about how Congress is finally going to do something about foreign aid. But when all the dust has settled, nothing changes, and this wasteful program runs on and on like Tennyson's brook.

Now if Congress sincerely wants to reform foreign aid, an excellent place to begin is with the World Bank and those other multilateral development banks. Year after year, these banks literally chew up hundreds of millions of dollars, all the while duping both the Congress and the administration—Republican and Democrat—into assuming that these wasteful institutions are performing a useful service.

The President's foreign aid reform proposal expresses no intent whatsoever to reform multilateral lending. In fact, none of the reform proposals considered by either the House of Representatives or this Senate during the past few years have set forth any such reform.

Therefore, the purpose of this amendment is to establish some reform in the World Bank operation. Despite the World Bank track record, this bill contains a $1.207 billion line item appropriation for a World Bank outfit called the International Development Association, hereinafter known as IDA. The World Bank and IDA have had 50 years to prove themselves to the American people, and have failed miserably.

In fact, just last year, over the objection of the United States Executive Director, the World Bank approved loans of $463,400,000 to, guess who, Iran, of all countries.

Mr. President, according to the most recent World Bank report, in 1993, the World Bank, including IDA, has lent developing countries more than $312 billion since it was created. What has been the track record of all that massive spending? Has it led to economic growth? Has it reduced global poverty? Has it strengthened the private sectors of the recipient countries? Not on your own patootie. No, sir.

The Cato Institute recently published an extensive report, as a matter of fact, on multilateral lending policies providing a clear answer to those questions, and the report's title is interesting. Listen to what the Cato Institute calls it: "Perpetuating Poverty: the World Bank, the IMF and the Developing World." That report stated:

After providing advice, loans and grants to the governments of the world's poorest countries for 4 decades, the multilaterals can point to few, if any, cases in which their efforts have led to improved living standards and sustained economic prosperity. Instead of growth, the Third World has experienced social disintegration, economic stagnation, debt crises, and in some regions declines in agriculture production and income.

Now, as I already stated, Mr. President, the pending amendment would cut the United States $1.2 billion contribution to IDA. IDA is the major lending component of the World Bank. It constitutes more than half of the administration's request for all World Bank funding for fiscal year 1995. But it is an absolute sham, with a disgraceful record of propping up illegitimate and corrupt regimes throughout the Third World.

First of all, the fact that IDA is part of the World Bank is misleading. If it were a true bank, we would not have to "replenish" the funds in it. I am using a Treasury Department term when I say "replenish." Every 5 years they have to put more and more and more money back in. Now, here are the so-

called lending terms. I have quotation marks around the word "lending" described by the Department of Treasury in their Congressional presentation for fiscal year 1995. Let me quote:

The terms of new IDA credits—

Meaning taxpayers' money—

which are made only to governments, are 10-year grace periods, 35- and 40-year maturities, no interest and a .75 percent service charge.

That is three-quarters of 1 percent.

Now, I just wonder how many people who may be listening would like to borrow money on those terms. I would like to borrow a ton if it were available to an average citizen. But, in other words, IDA hands out cash—and it is money taken from the American taxpayers—IDA hands out this money to the governments of the least developed countries and tells them do not bother to begin paying back this money for another 10 years. And when that 10-year period expires, you have another 35 to 40 years to complete the payment, all of this with virtually no interest.

So to be honest about it, these are not really loans. They are handouts. And they are handouts to the sectors that deserve the money the least—the governments. If we are going to use the taxpayers' money for anything, we ought to work with the private sector and not hand it to these corrupt governments around the world.

In many cases it goes to corrupt governments with no track record of any attempt at economic reform.

Now, the administration in its congressional request had this to say:

IDA plays a pivotal role in supporting efforts to alleviate poverty and encouraging economic reform.

The administration then continued:

IDA borrowers confront formidable development challenges in their efforts to promote economic growth and reduce poverty.

I am not sure exactly who wrote that, and I do not know what he was smoking, or she, but nothing could be further from the truth than that. It is a sham. It is a waste of the taxpayers' money. It is an insult to the taxpayers.

In short, the administration is operating under the illusion that IDA recipient countries are engaged in economic reform, which they are not, that they engage in efforts to promote growth, which they are not, but look at who is receiving the money.

Now, the administration in this request this year boasts about IDA's contribution to development in sub-Saharan Africa, and the administration request had this to say.

IDA is especially important for its 38 sub-Saharan African borrowing countries.

I do not know how you define importance in that context, but I know how you spell sham, and I know what it means.

Anyhow, a review of IDA's lending to sub-Saharan Africa shows no correlation whatsoever between IDA lending and development in Africa. In fact, many of the African countries that have regressed the most over the past 10 years share one thing in common, and that is they have received generous amounts of money from IDA.

Mr. President, you can pick any illegitimate regime on the continent of Africa, any regime with a track record of repression and human rights violations, any regime with centralized control over the economy, and then ask the question, did that regime receive handouts from IDA? And in almost every case the answer is yes, yes, yes. It is well known that the Communist regime in Ethiopia, under its president there, was one of the most ruthless on the African Continent. That has been documented time and time again on this floor, not to mention in the Foreign Relations Committee.

In 1990, the regime was teetering on the brink of collapse, yet according to the World Bank annual report for 1990, the latest available, the Government of Ethiopia received $75,200,000 from IDA. The previous year the regime received $157 million from IDA. And in 1985, the time when the world was horrified by that brutal regime's indifference to the starvation of tens of thousands of its own people, that regime was rewarded with $166 million from IDA.

And 1990 was also the first full year in power for the repressive regime in Sudan, a regime that has been linked by the United States Government to international terrorism. Nonetheless, you have got it, that regime was rewarded with $82,200,000 in 1990 and according to World Bank documents the Sudan received $16 million in 1992.

And then there is another African country that is very much in the news, Somalia. In 1990, the year before Somalia collapsed into anarchy, the regime of President Siad Barre received $54,600,000 from IDA. The year before that it received $89 million from IDA.

Zaire is another African nation that has pursued disastrous economic policies. According to a 1994 State Department report, the regime in Zaire, which had been in power since 1965—now, this is the State Department's assessment, the State Department says Zaire is "highly corrupt, heavily indebted," and maintains "ineffective" economic policies.

That is a quote from the State Department, the same State Department that comes up here and says let us give this money away.

Up until last year, the Government of Zaire continued to receive assistance. In fact, in the years since IDA was created—that is, the 1960's, as I recall—Zaire alone received more than $1 billion in IDA loans, IDA credits.

There is another little country that we hear a whole lot about, if you want to talk about repression and horror and brutality. Yes, I am talking about Rwanda, a country that has recently distinguished itself by having one of the worst human rights records in the history of the world. Did Rwanda receive IDA funding last year? You bet. According to the 1993 World Bank Annual Report, Rwanda received $26 billion last year, and according to the World Bank's cumulative tables, Rwanda has received more than $617 million during the existence of IDA.

Despite all that, this administration claims that IDA plays a pivotal role in encouraging economic reform. A pivotal role.

P-i-v-o-t-a-l? I had better get my dictionary and see if the definition has changed when I was not looking.

What "pivotal role" did IDA play during the Mengistu regime? What are the results of this "pivotal role" in Sudan? In Somalia? In Zaire? In Rwanda?

Mr. President, I could go on and on. I focus on Africa because that is the continent where the administration seems to believe that IDA has made the biggest difference. The fact is, many African nations which have received massive infusions of IDA assistance have made little to no progress in the area of economic reform.

Let me quickly say in conclusion that wasteful spending is not limited to the African Continent. Last year Communist China received over $1 billion from IDA. The Communist nation of Laos received $55 million. India received more than $1.5 billion.

Let us go to Central America, down to Nicaragua. You know, the place where the Government has expropriated, seized property owned by hundreds upon hundreds of American citizens. Good old Madam "Nicaragua" Chamorro's government—with the Sandinistas still intact insofar as running that country is concerned—received $33 million.

In most cases, even if the United States attempts to block an IDA loan, it is approved over our objection of the United States. Last year I asked CRS to prepare a memorandum discussing the effect—if any—of United States opposition to IDA lending for China.

For example, I wanted to know in the wake of the Tiananmen Square crackdown if it had any effect.

What do you reckon the Congressional Research Service replied? It said:

Because the U.S. vote is insufficient to block loans, IDA lending to China has not only resumed, but increased from $515 million, or 10 percent of total IDA loans approved in 1989 to $949 million, or 15 percent of IDA loans approved in 1992. About $400 million of the almost $950 million in IDA loans approved in 1992 went for projects in [names of cities deleted] the most affluent province and cities in China.

So not only are the loans which are constituted in large measure by the taxpayers of the United States, including North Carolina, being approved

over the objections of the United States, but they are increasing dramatically, and they are going to some of the most affluent cities in Red China. This is not a new problem.

Mr. President, this is not a new problem. Three years ago the Under Secretary of Treasury appeared before the Foreign Relations Committee to discuss World Bank funding. He acknowledged that in most cases when the United States objects to a loan at the World Bank, our objection is typically overridden.

A little over 30 years ago, as the Senate considered a foreign aid bill, one of the great Senators in the history of this body, Sam Ervin, Jr., made a statement that is as timely today as it was when he made it with respect to foreign aid, Senator Ervin stated, and I quote:

> If an individual were to persist in borrowing money for the purpose of giving it away, his family and friends would institute an inquisition in lunacy, and procure the appointment of a guardian to manage his affairs. If an individual were to undertake to give away his property instead of paying his debts, the law would stay his hand and compel him to be just rather than generous. It is high time that Congress should exercise some common sense and put similar restraints on the Federal Government.

That is the end of the quote of Sam Ervin, Jr., with whom I served the first 2 years I was here. He was a brilliant constitutional lawyer, a great Senator, and a great friend, whom I miss.

Mr. President, Sam Ervin's statement has even more resonance today because the United States of America is flat broke. As I said at the outset, and as I say every day on the floor of this Senate, the U.S. Government is $4.6 trillion in debt. How do you imagine all of this debt was run up? It was incurred $1 at a time through spending on wasteful projects like the World Bank.

According to Citizens Against Governmental Waste, a stack of $1 bills amounting to $4.6 trillion would reach all the way to the moon and halfway back. Maybe that is what we ought to do to Senators who vote to continue this sham. Spending for projects like the World Bank indicates that the stack is going to get higher and higher and higher. If I were a member of the younger generation, I would resent what our generation is doing to them and to their future.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor, and 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. LEAHY. 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. LEAHY. Mr. President, I cannot think of anything that is more fun than to shout about the so-called foreign aid and say, "Oh boy, more American giveaways." And you hear sometimes about these huge debts and that if we just do away with foreign aid, we would be done with all our debt, our deficits and everything else.

Of course, the fact of the matter is foreign aid is less than 1 percent of the overall national budget, and it is done for such things as helping our companies export abroad, creating tens of thousands of jobs in the United States, so we have a place to export. It fulfills the international commitments that we have entered into as a world power. It allows us to give humanitarian aid—incidentally, it is far less than many other nations do. When we talk about the national debt, it is a little less than 2 weeks of the interest that we pay on the debt that was run up during the Reagan administration, if you want to put that into perspective. We do not do such things as the past administration did; that is, giving $1.9 billion in foreign aid to Saddam Hussein. Incidentally, that is before the Persian Gulf war.

This is a bill designed to protect our national security interests. Do we get angry at some of the things in the World Bank? Absolutely. Nobody has been more angry than I have. Some of the argument that I and others have made is one of the reasons they are beginning to do some of the things we have asked them to do, like get rid of the lavish lifestyles, first-class air travel, and things of that nature.

But let us keep in mind we ask these international organizations to do the lion's share for what we want in the other parts of the world. We asked them to do the lion's share in the former Soviet Union because we do not want to risk our money, so we ask them to. We ask them to help develop a lot of the markets—American markets for American goods—worldwide, whether it is Eximbank, World Bank, or whatever else. These are things we help them to do. We see them helping out in Tajikistan, Georgia, Armenia, Albania, Macedonia, and a number of other countries which we are not particularly interested in going into, particularly with the amount of moneys we want. In Africa, where we have one of our greatest potentials for a new market and where we send our least amount of aid in developing those markets, we have asked IDA to go in and do it for us. In fact they have commitments in Africa for over 3 years. Some think this is something we should not be doing. I feel we should. This is a huge continent, and we would like to see it stable, economically viable, and we would like to be able to work with them.

Mr. President, I hope this amendment will be defeated.

The PRESIDING OFFICER. Is there further debate?

If not, the question occurs on the amendment offered by the Senator from North Carolina.

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

The bill clerk called the roll.

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

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—34

| | | |
|---|---|---|
| Bennett | Grassley | Nickles |
| Brown | Gregg | Pressler |
| Burns | Hatch | Pryor |
| Byrd | Heflin | Roth |
| Cochran | Helms | Simpson |
| Craig | Hutchison | Smith |
| D'Amato | Kempthorne | Stevens |
| Dole | Lott | Thurmond |
| Faircloth | Mack | Wallop |
| Ford | McCain | Warner |
| Gorton | McConnell | |
| Gramm | Murkowski | |

NAYS—66

| | | |
|---|---|---|
| Akaka | Dorgan | Lugar |
| Baucus | Durenberger | Mathews |
| Biden | Exon | Metzenbaum |
| Bingaman | Feingold | Mikulski |
| Bond | Feinstein | Mitchell |
| Boren | Glenn | Moseley-Braun |
| Boxer | Graham | Moynihan |
| Bradley | Harkin | Murray |
| Breaux | Hatfield | Nunn |
| Bryan | Hollings | Packwood |
| Bumpers | Inouye | Pell |
| Campbell | Jeffords | Reid |
| Chafee | Johnston | Riegle |
| Coats | Kassebaum | Robb |
| Cohen | Kennedy | Rockefeller |
| Conrad | Kerrey | Sarbanes |
| Coverdell | Kerry | Sasser |
| Danforth | Kohl | Shelby |
| Daschle | Lautenberg | Simon |
| DeConcini | Leahy | Specter |
| Dodd | Levin | Wellstone |
| Domenici | Lieberman | Wofford |

So the amendment (No. 2112) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

SASSER PROVISION

Mr. SASSER. Mr. President, I would like to take a minute to thank Senator LEAHY for including a provision in the bill which will allow the Overseas Private Investment Corporation [OPIC] to continue to provide much-needed support to the American export community this year.

Section 573 of the reported bill allows the immediate transfer of $12 million to OPIC from the Export-Import Bank, allowing OPIC to keep their lending programs active through the end of this fiscal year. It will also allow $1 million to be transferred to the Trade and Development Agency [TDA] to support their operations.

We are able to make these resources available due to the fine work of Ken Brody and his staff at the Export-Import Bank. I am pleased to be able to report that this provision enjoys the support of the administration.

The provision will also allow a degree of future flexibility to transfer resources among the various agencies which support U.S. exporters. This has been a goal of the Trade Promotion Coordinating Committee and fully in keeping with Congress' goal of providing vigorous support to U.S. exporters.

Again, I would like to thank the chairman and Senator McConnell for including this provision in their mark. I would also like to thank their fine staffs—and officials of OPIC and Eximbank—for all their help in this matter.

AMENDMENT NO. 2111

The PRESIDING OFFICER. The Chair advises the Senator from Vermont and the Chamber that the question occurs now on the Cochran amendment, No. 2111.

The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I understand what the Senator from Mississippi wishes to do. We have been trying, during some of these votes and other matters, to work out an area of agreement. I believe we do now agree.

I have prepared language which I have shown to the Senator from Mississippi. I am wondering if he is willing to accept this language, or to modify his amendment with the language I have shown him? If he would, I will send that language to the desk.

Mr. COCHRAN. Mr. President, if the Senator will yield?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have had a chance to look at the suggested language the managers have proffered and I am willing to accept that as an amendment to the amendment I had previously sent to the desk.

So I appreciate very much the cooperation of the distinguished Senator from Vermont and the Senator from Kentucky on this issue.

Mr. LEAHY. Mr. President, I will send this language as a modification to the amendment of the Senator from Mississippi.

Mr. President, if I might clarify that, as the amendment of the Senator from Mississippi was a strike of the committee amendment, then I would offer mine as an amendment. I believe parliamentarily that is what we have to do.

The PRESIDING OFFICER. If there is no objection, the amendment previously offered by the Senator from Mississippi will be withdrawn and the clerk will now report the amendment offered by the Senator from Vermont.

Hearing no objection, that will be the order.

The amendment (No. 2111) was withdrawn.

AMENDMENT NO. 2113 TO THE COMMITTEE AMENDMENT ON PAGE 32, LINE 12

(Purpose: To amend the committee amendment regarding FMF for Greece and Turkey)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2113.

Mr. LEAHY. 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 33, line 3, of the Committee reported bill, strike *"Provided further, That"* and all that follows through *"Charter"* on line 18, and insert: *"Provided further, That any agreement for the sale or provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey utilizing funds made available under this heading that is entered into by the United States during fiscal year 1995 shall expressly state that the article will not be used in violation of international law, and any grant of any excess defense article under the Foreign Assistance Act of 1961 during fiscal year 1995 shall be subject to the same condition: Provided further, That in any case in which a report to the Congress is required under section 3(c)(2) of the Arms Export Control Act regarding such a violation, such report shall also be submitted to the Committees on Appropriations: Provided further, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations by February 1, 1995, describing how United States assistance to Greece is promoting respect for principles and obligations under the United Nations sanctions against Serbia, the United Nations Charter and the Helsinki Accords."*

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to say to the Senator from Mississippi how much we appreciate his effort with regard to Turkey. We do not have a better ally anywhere in the World than Turkey. I think the Senator from Mississippi was correct in concluding that some of the language in the bill might well have gone too far. I commend him for his leadership on this issue and I also thank the chairman for working with the Senator from Mississippi and working the matter out.

Mr. LEAHY. Mr. President, if I might, I wish to echo those words commending the Senator from Mississippi. I note that this is following initiative, trying to improve the bill.

By parliamentary form I offered this amendment, but it was the initiative of the Senator from Mississippi that brought us forward and I commend him for his work.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2113) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no objection, the committee amendment, as amended, is also agreed to.

Mr. COCHRAN. Mr. President, let me thank the distinguished managers of the bill also for their cooperation on the issue. I appreciate their looking at the suggestion to delete this language and then agreeing to modify the language with this new amendment.

I think this would certainly work to the advantage of all concerned, both Turkey and Greece, to whom the language applied. I appreciate, again, the good cooperation from the Senators.

THE FIRST COMMITTEE AMENDMENT ON PAGE 2, LINE 12

The PRESIDING OFFICER. The question now recurs on the first committee amendment on page 2, line 12 of the bill.

Mr. LEAHY. 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. DECONCINI. 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. DECONCINI. Mr. President, I thank the distinguished chairman, Senator LEAHY, and Senator MCCONNELL, the ranking member, for their work in attempting to put this bill together. This bill includes many areas. I do not agree with them all but indeed there are many things that are very positive in the foreign operations appropriation.

Included in some of the things Senators LEAHY and MCCONNELL have done, they have advanced human rights around the world by some of the programs they have promoted and funded here. They have promoted democracy in Africa by supporting the Microenterprise Lending Program and ensuring that the amount and manner in which aid is delivered to Russia and the Newly Independent States of the former Soviet Union is appropriate and has some controls.

I here question the amount of aid we are going to distribute to Russia and the former Soviet Union, the republics. Nevertheless, it is done as well can do with so much diversity of opinion as to where the emphasis should be.

Another program under which Senator LEAHY and Senator MCCONNELL have been leaders are the Child Survival Programs. With relatively small

amounts of funds, these programs have been successful in addressing the tragedy that goes unreported every day; tens of thousands of children die every day from diseases which most Americans do not realize can even be fatal. Senator MCCONNELL and I both offered amendments during the subcommittee markup to earmark funds for these particular programs.

I am pleased the chairman accepted an amendment to earmark funds in the bill for child survival, basic education, and micronutrition programs. I strongly hope, Mr. President, this earmark will be retained in conference. I understand the House bill did not have earmarks, and the great constraints which the chairman faces in meeting the budget allocations for this bill. But clearly there are a few programs that are important, and this particular program of child survival is one of those programs.

While we certainly cannot afford to fund all the programs, I believe we must do all we can to provide this modest but vital funding to these programs which literally meet the most basic needs of children. These programs are what I consider smart spending. They help end the downward spiral of poverty and needless death and malnutrition of children in the developing world. The Child Survival Programs are far less costly than allowing famines of catastrophic proportions to develop which require responses far more costly in lives and resources than support for these programs that are in this bill.

I think what happened in Somalia is a perfect example of how much we put in to saving children there after the fact, how much more it cost than if we had a good child survival program in that part of the world.

Certainly the death of 35,000 children everyday from preventable diseases is nothing short of catastrophic. Indeed, just think and dwell on 35,000 children who are alive today will die tomorrow. This program, Mr. President, makes a difference and we know it makes a difference.

So, again, I thank the chairman and ranking member for their support and hope that they will keep this earmarked in the conference.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, is the pending business the Lautenberg amendment?

The PRESIDING OFFICER. The Senator is correct, the Lautenberg amendment is pending.

Mr. McCONNELL. I ask unanimous consent that the Lautenberg amendment be temporarily laid aside.

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

79-059 O—97 Vol. 140 (Pt. 11) 3

AMENDMENT NO. 2114

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2114.

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

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

The amendment is as follows:

At the end of the section entitled "Assistance for the New Independent States of the Former Soviet Union," add the following new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be spent to support and expand the hospital partnerships program conducted throughout the NIS."

Mr. McCONNELL. Mr. President, over the past year, a very worthwhile hospital partnership program has been established involving 21 hospitals. For every dollar AID invests, the private sector invests three. This has proved to be a remarkable exchange program which has improved the quality of services, strengthened medical training and know-how and made basic equipment available the Russians could not afford. Nearly $24 million in time, equipment, and supplies have been contributed since the program began.

There have been 1,138 exchanges since July 1992. So, obviously, AID wants to end the program because it is working. After considerable debate, AID has agreed to briefly continue the program. I might note that five of the nine partnerships in Russia are with hospitals with members on our subcommittee.

I want to assure this important program continues and has the opportunity to expand. I understand there is an application pending from a Vermont hospital as well as one in Arkansas. Meaningful services, expertise and funds from the private sector are just the kind of programs we should be expanding.

Mr. LEAHY. Mr. President, I wish to note that I certainly support the distinguished Senator from Kentucky on this issue, and I appreciate his reference to Vermont. I know from our own experience in Vermont how helpful it is. I also know from the dedicated professionals in Vermont who have worked with this how valuable it is. So I certainly support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment (No. 2114) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

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

## TRIBUTE TO GEN. WILLIAM KEYS ON HIS RETIREMENT

Mr. LEAHY. Mr. President, on July 8, the U.S. Marine Corps will hold a change of command ceremony at Camp Lejeune that will leave a vacuum in its wake. The Corps and our Nation will say hail and farewell to one of the finest leaders in its ranks: Gen. William Keys.

Bill Keys has served his country as a Marine for 34 years. What a remarkable accomplishment. Any individual who survives over three decades of drinking Marine coffee, well known for its distinctive CLP oil taste, deserves accolades, if not an eulogy.

In all seriousness, General Keys' career is marked with a long list of accomplishments in the Marine Corps that is second to none. Beginning his illustrious career as an infantry officer, General Keys served at every level of operational command, from a platoon leader with the 3d Battalion, 2d Marine Regiment, to commanding general of the 2d Marine Division which participated in the successful assault across the Kuwaiti border during Operation Desert Storm.

The stellar military career of Bill Keys is well documented by the many decorations and medals he has received. The list is too long to read on the floor today, but the honors include the Navy Cross, the Distinguished Service Medal, and the Silver Star.

Mr. President, medals are an important token of accomplishment, but they cannot fully express the gratitude this country has for the leadership and service Bill Keys has provided to his country. The Marine Corps has been an invaluable part of his life. But Bill Keys is the type of person who gives back even more than has been given to him.

Yes, he grew up with the corps but, more important, the corps grew with his leadership.

I first met General Keys through his association with one of my very best friends, Richard Torykian. Mr. Torykian and I have known each other since we were teenagers in college. I have a lot of respect for Dick Torykian. He frequently spoke to me about his relationship with General Keys, whom he had known in the Marine Corps. After listening to the unstinting praise that Dick had for General Keys, I was already predisposed to Bill Keys him when I first met him. I actually first met him while

visiting my own son, Mark, on Parris Island, who was just beginning his own career in the Marine Corps.

During Desert Storm I could not help but think how fortunate this country was to have a man of General Keys' abilities in a command position. I knew Bill Keys was somebody who would always put the interests of the United States, the interests of those under his command, and the interests of the Marine Corps first and foremost. I was confident that he would have no agenda other than the honor that accompanies his own oath of office.

Bill Keys will be retiring in a few days, but his service to the corps is not complete. I know his advice and counsel will continue to be relentlessly sought out by the corps. Marcelle and I wish him the best. We know he is going to excel in whatever endeavors he takes on in the future.

Mr. President, I ask unanimous consent to make a statement as in morning business.

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

---

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, some time ago, I offered an amendment that I understood was accepted by both sides on this bill.

Mr. McCONNELL. Will the Senator yield?

Mr. LAUTENBERG. I will be happy to yield.

Mr. McCONNELL. I specifically said it had not yet been cleared on the Republican side.

Mr. LAUTENBERG. I thought in fairness to the distinguished ranking member of the subcommittee that that was kind of an afterthought and that it had been cleared because it was my understanding through the staffs that the amendment——

Mr. McCONNELL. I say to my friend from New Jersey, it has not yet been cleared. We are working on that and hope to get back to him shortly.

Mr. LAUTENBERG. Then I stand corrected.

Mr. President, I ask what the pending business is, please?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from New Jersey to the first committee amendment.

Mr. LAUTENBERG. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote, when taken, will be by the yeas and nays.

Mr. LAUTENBERG. Mr. President, in deference to the bill managers, I will wait now and relinquish the floor. I relinquish the floor at the moment to come back to perhaps a vote a while later.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, just so everybody will understand my position on this amendment, I raised some points that I may raise again either in conference or later in working with the administration. I support the amendment of the Senator from New Jersey, and I will vote for the amendment by the Senator from New Jersey. I share his frustration and the frustration of the Senator from California [Mrs. FEINSTEIN], at the enormous cost being borne by many of our States, and by the Federal Government in some instances, for people who are in this country illegally, who have been prosecuted, convicted, sent to jail for violent crimes, who should be sent back to their countries, and we are unable to get the countries to take them back. So the taxpayers get stuck with the bill. If I recall the debate earlier today, the Senator from New Jersey said about 45,000.

Mr. LAUTENBERG. Fifty-eight.

Mr. LEAHY. Fifty-eight thousand.

Fifty-eight thousand people is larger than all but one county in my State, just to put it in perspective. These are foreign citizens. We know it can mean tens of thousands of dollars for one person incarcerated. So we are talking about hundreds of millions of dollars or more being paid for by the State of New Jersey and the State of California, and, I suspect, the States of many other Senators represented here are paying this bill.

So I hope that we will vote on it soon, and I will vote for it.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, I have three amendments that have been agreed to. I could do them very quickly if we could lay aside the pending amendment and do these three amendments, and I do not plan to take more than a minute or two on each one.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I do not expect I will, but I am not sure I know which are the amendments the Senator from——

Mr. PRESSLER. If the Senator will talk with staff, he has all three of them. I will explain what they are.

Mr. LEAHY. If the Senator will withhold just a minute and let me finish.

Mr. PRESSLER. The Senator's staff has all of them, and they have been cleared. I will send them over.

Mr. LEAHY. If the Senator will just let me finish my sentence. I know he wants to be helpful. Could he just tell me briefly what the three amendments are he is talking about because we are going to have to ask the Senator from New Jersey if he will be willing to set aside his amendment to do this.

Mr. PRESSLER. I have two amendments actually.

Mr. LEAHY. I am sorry. I misunderstood. I thought the Senator said three.

Mr. PRESSLER. I have two.

Mr. LEAHY. And what are they about?

Mr. PRESSLER. The first of the two amendments is a Buy America amendment. It declares a U.S. firm should be given equal opportunity to bid for U.N. acquisition needs, both peacekeeping and other acquisitions.

Additionally, this amendment says no funds appropriated by the foreign operations appropriations bill should be obligated or expended to pay U.S. voluntary contributions to U.N. peacekeeping activities unless the Secretary of State can certify that U.S. companies are being given a fair shake.

Mr. President, as you know, the United States currently pays 30.4 percent of U.N. peacekeeping costs. U.S. manufacturers need to be assured of the same opportunities to provide equipment, services and material that foreign manufacturers have.

My second amendment specifically addresses procurement problems associated with the telecommunications industry. This sense-of-the-Congress amendment calls on the administration—it does not require it—to use a reciprocal standard when considering awarding telecommunications contracts or when buying products from primary foreign telecommunications firms.

Additionally, if a foreign-owned firm discriminates against U.S. firms in awarding contracts or making Government-financed purchases, the amendment says that the administration should review critically such contracts and purchases.

This amendment expresses the sentiment that the United States should expect other countries to allow U.S. firms equal access to telecommunications contracts and procurement if foreign firms are expected to be able to participate in projects financed by U.S. foreign aid.

I urge my colleagues to support these two probusiness amendments.

Mr. LEAHY. The Senator's staff has given us three amendments. He has given us two amendments.

Mr. PRESSLER. Yes, there is a third amendment. It relates to the——

Mr. LEAHY. Is the Senator speaking of three amendments or two amendments?

Mr. PRESSLER. Three amendments.

Mr. LEAHY. We are back to three.

Mr. PRESSLER. Back to three.

Mr. LEAHY. We started at three, went to two, and are back to three.

Mr. PRESSLER. That is right. That is exactly correct. And there was no sleight of hand.

My third amendment is a sense-of-the-Congress amendment. It would allow U.S. payments in kind for U.N. peacekeeping assessments.

In other words, this amendment would encourage the contribution of U.S. goods and services in payment of our U.N. peacekeeping assessed costs. The United States could contribute excess defense equipment or other articles to peacekeeping operations and these contributions would be credited to the U.S. assessed costs. With the lion's share of the peacekeeping assessments—30.4 percent—the United States should be able to count goods and services against overall peacekeeping assessed costs.

AMENDMENT NO. 2104 TO COMMITTEE AMENDMENT PAGE 2, LINE 12

Mr. LEAHY. Now that I understand what the amendments are, I will object to going forward with those because I think we are about to dispose of the Lautenberg amendment. And while the Senator from New Jersey is still in the Chamber, I ask unanimous consent that the order for the yeas and nays be withdrawn on the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. I ask, Mr. President, for the adoption of the Lautenberg amendment.

The PRESIDING OFFICER. Is there further debate then on amendment No. 2104 offered by the Senator from New Jersey?

Hearing none, the question is on agreeing to the amendment.

So the amendment (No. 2104) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, it is now, of course, open for the Senator from South Dakota to send forward the amendments that he wishes. I would note, though, on discussions he had on Buy America, I would not object to that because I have already been advised that we are getting a fairly significant share of the peacekeeping equipment in America anyway. In fact, considering how much in arrears we are in a lot of our payments, as much in arrears as the United States is in its payments to the peacekeeping funds, we should probably be happy that other countries have not argued that they buy only the amount of American goods as we are in our payments because I suspect that, if other nations took that attitude, we would find the U.N. buying a lot less American equipment.

I am not going to object to that particular amendment. I just hope that it does not become of high profile to other countries because they might start calling up and asking just how much in arrears we are and start suggesting they buy a lot less.

Now, I would object very much to taking money out of our appropriations and our allocation, as the Senator from South Dakota does in another one of his amendments, to pay for the allocations and the appropriations in another appropriation, that is, State-Justice-Commerce, which it appears to be.

But I mention this, and, of course, the Senator can send any one of his amendments to the desk and we can debate them and decide where to go with them.

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

The PRESIDING OFFICER. The Chair inquires of the Senator from South Dakota whether the Senator intends to amend the pending first committee amendment or whether the Senator wishes to set aside that amendment and introduce this amendment.

Mr. PRESSLER. Parliamentary inquiry. Would it be simpler—I think I will offer two of my amendments en bloc. We have two of them agreed on for sure.

Mr. LEAHY. Mr. President, I do not want to be difficult on this, but we started with three amendments, came to two amendments, went back to three amendments. And before I start agreeing to anything, I would want to know which amendment we are talking about.

I think maybe it would be a lot quicker just to send the amendments one by one, debate them, and dispose of them.

AMENDMENT NO. 2115

(Purpose: To express the sense of Congress that funds should be restricted unless United States firms are given opportunities equal to foreign firms for supplying goods and services for peacekeeping activities).

The PRESIDING OFFICER. If there is no objection, the pending committee amendments will be set aside, and the clerk will report the first amendment sent to the desk by the Senator from South Dakota.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2115.

Mr. PRESSLER. 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 112, between lines 9 and 10, insert the following new section:

BUY AMERICA

SEC. . (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay any United States voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the appropriate congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers for such activities and for other United Nations acquisition needs.

(b) For purpose of this section, the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

Mr. PRESSLER. Mr. President, I have already explained this amendment.

Mr. LEAHY. To make life easier, Mr. President, for the Senator from South Dakota, we are willing to accept this. In fact, I would hope we might do as little fanfare as possible. Other countries that are concerned about us being in arrears in our payments know what we are doing. They will not be losing sales to America, not the other way around.

Mr. PRESSLER. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2115) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 2116

(Purpose: To express the sense of the Congress regarding telecommunications procurement)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], proposes an amendment numbered 2116.

Mr. PRESSLER. 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 112, between lines 9 and 10, insert the following new section:

TELECOMMUNICATIONS PROCUREMENT

SEC. . It is the sense of the Congress that the Agency for International Development, and other agencies as appropriate, should take steps to ensure that United States firms are not unfairly disadvantaged in procurement opportunities related to promoting development through telecommunications enhancement. The Congress expects that high technology firms primarily owned by nationals of countries which deny procurement opportunities to United States firms will not be eligible to bid on procurement opportunities funded by programs in this Act. In particular, the Congress would oppose such purchases if the government of that country restricts American manufacturers of the same high technology products from government procurement or government-financed programs.

Mr. PRESSLER. Mr. President, this amendment calls on the administration—it does not require them—to use a reciprocal standard in considering awarding telecommunications contracts when buying products from primary foreign-owned telecommunications firms. If a foreign owned firm discriminates against U.S. firms in awarding contracts or making Government-financed purchases, the administration should review critically such contract purchases.

This amendment expresses the sentiment that the U.S. should expect other countries to allow U.S. firms equal access to telecommunications products and procurement if foreign firms are expected to be able to participate in projects financed by U.S. foreign aid.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PRESSLER. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2116) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. LEAHY. Mr. President, I would suggest that, regarding the third amendment of the Senator from South Dakota which he is considering to offer, payments in kind, insofar as that is not something within the jurisdiction of this appropriations bill or this subcommittee, at least for the time being he may want to withhold that, and find out whether there is any way within the jurisdiction of it. Because I do not want to have other chairmen and ranking members down here, as well as the chairman, and the distinguished ranking member of the full committee, who is on the floor, getting involved in this debate. This does not appear, at least at first blush, to be within the jurisdiction of our committee of appropriations.

I would suggest to the Senator from South Dakota that he may want to withhold this one while we at least check out the jurisdictional issue.

The PRESIDING OFFICER. Is there further debate?

Mr. LEAHY. I do not think it has been sent to the desk.

The PRESIDING OFFICER. The Senator from South Dakota has apparently decided to withhold sending the amendment to the desk.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, I would like to offer an amendment to this bill. I understand under the procedure we are in that this would be ruled as out of order. But I would like to make a few comments about the amendment and the content of that amendment.

I know that a number on this floor share my concern about the proliferation of conventional weaponry in the world today. The United States has the dubious title of being the largest arms merchant, arms peddler, in the world today, now that the Soviet Union has shifted its structure.

Let me indicate that this bill that we have before us today appropriates over $3 billion in security assistance to U.S. allies. As many of you know, I am a longtime critic of our military assistance program because I believe that it undermines our development efforts in poorer countries. Our policy of encouraging nations to become militarized all too often encourages them to become aggressive, repressive, and impoverished.

I appreciate the committee's notations in the report accompanying this bill which calls upon the administration to show some leadership in curbing the global flow of weapons. Unfortunately, it is not enough.

It is time for reform of our weapons transfer policy. Let me remind us that since the end of World War II, 40 million men, women, and children have lost their lives in wars fought with conventional weapons.

These wars are fueled by weapons transfers and the United States is the world's arms dealer.

Our so-called nonproliferation policy has a gaping hole created by our desire to peddle arms worldwide. I would track that back to our own addiction for arms development in this country. Nevertheless, we have spread the virus all over the world.

The United States now sells over one-half of all weapons transferred to the Third World. Let us focus on the Third World. During fiscal year 1993 we set a record, with the United States entering into agreements for the sale of over 31 billion dollars' worth of conventional arms to 140 nations. It is almost a characteristic of wanting to somehow fuel our own budget by the sale of arms to the rest of the world.

This role as the leading arms peddler is a dangerous one: Promoting the sale of arms abroad weakens our own national security, undermines our nonproliferation efforts and sends a message of false hope to workers who are employed in the declining defense industry in this Nation.

Arms sales especially threaten stability in the Third World, as governments acquire U.S.-built weapons while at the same time failing to meet the basic needs of their people.

In their eagerness to acquire the latest conventional technology poorer countries ignore the human needs of their people and expend, on average, 38 percent of their scarce resources on their military weapons. Their choice to arm themselves leaves men, women, and children without adequate health care, education and employment opportunities all of which sow the seeds of war. At a cost of less than half their military expenditures, developing countries could have health care services which could save as many as 10 million lives a year, according to some studies.

The administration pledged to review conventional weapons transfers but has not delivered on its promise. Instead, it has adopted an aggressive promotion strategy which shops U.S. arms abroad. it is clear to me that only Congress can curb the war trade.

(Mr. MATHEWS assumed the chair.)

Mr. HATFIELD. I believe that Congress should not only review the kind of weapons allowed to be sold abroad, but also to whom those weapons are provided. The American public does not believe that U.S. arms should be provided to dictators. Current law in this country prohibits the transfer of weapons to gross violators of human rights. Yet, we ignore this law routinely in the administrative branch of Government, and in the legislative branch of Government we continue to fund and subsidize arms transfer.

It is time for a new policy and the code of conduct on arms transfers, which I have offered as freestanding legislation. I believe it is time for this to be approved by Congress. I was prepared today to offer this bill as an amendment to the foreign operations appropriations bill, and I have the support of over 100 grassroots organizations, including human rights, arms control, religious, and development groups that have already endorsed the code of conduct. These people have rejected the flimsy arguments that arms sales are relatively inexpensive and

low-risk and that selling U.S. weapons abroad is good economic policy.

We sent our Secretary of Commerce to the Paris air show to peddle our arms, as one example of a policy of promoting the arms sales as an economic advantage to ourselves. Conventional arms transfers are none of the above. Arms transfers are heavily subsidized by the taxpayers of this country. Millions in taxpayer money are spent underwriting the cost of U.S. participation of arms trade fairs. The total Federal taxpayer cost of conventional arms transfers is estimated at $7 billion per year.

Even more disturbing are the security implications arms sales create for ourselves. As research has shown, American arms transfers fuel regional arms races, which in turn increase our own security requirements. Most startling, though, is the realization that our arms financing and transfer policy has resulted in United States soldiers in Panama, Somalia, and Iraq, facing weapons provided by their own Government. One researcher found that of the 48 conflicts underway as of 8 months ago, more than 36 of them involve parties which receive some U.S. weapons and training during the period leading up to the war. Our Nation is in the business of selling death and selling and promoting war with this kind of policy of arms transfer.

Since the toppling of the Soviet Union, we have been in a state of weapons sales free-for-all, with Cabinet Secretaries of the previous and the present administrations leading the way. Even as the administration claims concern, our bureaucracy is being streamlined in order to make arms transfer easier. I recall the change a few years ago wherein the Office of Munitions Control was renamed to a friendly name—the Center for Defense Trade. That tells me that our emphasis is no longer the restraint of arms trade, but rather the promotion of arms transfer.

By adopting the code of conduct on arms transfers, the Congress can turn this around. The United States would lead by example a worldwide ban on arms transfers to governments. My proposal would prohibit the transfer of any weapons to a nation which abuses the rights of its own people, which denies democratic rights to its people, which attacks its neighbor or its own people, and which fails to prohibit in the U.N. registry of arms their signing and registry.

My proposal does allow the President to ask Congress for a national security waiver if there is a compelling reason to provide military supplies to a country which does not meet all of the criteria of the code. In other words, we have to face the world as it is, and this is reality. There might be a special circumstance, and we have that kind of flexibility in this code.

Having spoken with many about my proposal, I know many Americans consider the code of conduct on arms transfers to be common sense. It is time for Congress to turn aside the short-term economic gains created by arms sales—economic gains which are lost to taxpayer subsidies and increased defense spending, as well as offsets in which U.S. arms suppliers agree to promote foreign domestic products as a trade for the weapons sales.

Mr. President, if we are going to debate again that issue that confronted this Congress on a number of occasions, whether to send arms to Bosnia because of the attack by the Serbs, have we ever thought or considered the possibility about cutting off arms, choking off the supply of arms that flow to the Danube freely by our allies and friends, as well as our own infusion of arms into all parts of the world? No. The profit—the almighty dollar—is of much higher value than human life under this policy. What is the difference if we kill a few people in some war somewhere else as long as we are making a buck on it? That is at the heart of this kind of addiction we have for arms selling all over the world.

There is only one supply of arms in the Yugoslavia area, and that is the Serbs that have an old arms equipment manufacturer. But they still need oil to move their instruments of war. At one time, West Germany, Greece, and other countries, such as France and Italy, were supplying arms in there, which are now being utilized to create these atrocities. Let us go back to the source of these atrocities. By sending more arms or by bombing other people, in that sense we do not solve the issue.

The amendment I planned to offer to this bill deals comprehensively with the crisis of the global arms glut, and I realize that it is therefore not in order procedurally. But this issue is too important to ignore. I believe that as we consider the pending legislation—which is the backbone of our arms transfer policy—the Senate should spend at least a few minutes discussing the critical need for change in our conventional weapons promotion policy.

Mr. President, this is not the first and only speech, and it will not be the last one. We must pursue this and persevere until we can get the attention of enough people in this body and in the administration to bring a halt to this merchant-of-death role that we have played all too effectively, all too efficiently, and all too profitably, in the world today, particularly in the Third World.

Mr. DORGAN. Mr. President, let me follow up on something Senator HATFIELD said that is enormously important. I have joined Senator HATFIELD in support of a bill, S. 1677, the code of conduct for arms transfers. He was going to offer it as an amendment to this bill, but there is a point of order against the amendment, so he did not.

However, I want to stress the importance of the issue that he raises. There is $3 billion in this bill for arms transfers to other nations. Not many people realize that the United States is the arms exporter of the world. The cause for concern is summarized in a recent newspaper headline: "Arms Control? U.S. Is The Worst Offender."

We have become conventional arms merchant to the world. We sell more conventional arms to more countries all over the world than anybody else by far. We continue to do this even though the last three times that American fighting forces faced hostile fire, they faced either American weapons or American-made technology.

In Iraq, for example, our forces faced U.S.-designed howitzers, cluster bombs, and ballistic missiles. Our own technology was used against us. American technology had found its way to Saddam Hussein's army.

Somalia? The soldiers that we sent to Somalia faced American-made recoilless rifles and landmines.

I understand it is difficult for the leading arms merchant in the world to shut off these transfers. This trade is done in the name of profit. But this trade isn't even levelling off—it's increasing. It is not just that we are leading the world, it is that these arms transfers are going up and up and up after the cold war is over. I am not talking about nuclear arms. I am talking about fighter planes and rifles and mines and flamethrowers and tanks that we sell throughout the world.

I full well understand, as does Senator HATFIELD, that it is difficult to put a stop to this because this is done in the name of profit. And if we don't supply these weapons, some other nation probably will. But these transfers are wrong for all of us.

The proposal that Senator HATFIELD discussed is the code of conduct on arms transfers. It provides that this country could not transfer arms to foreign governments that one, are undemocratic; two, abuse human rights; three, engage in armed aggression; or four, fail to register their own arms trades with the United Nations registry of conventional arms.

This is not a very sexy issue. Not many people are interested, partly because a lot of commercial interests in this country want to keep selling arms. I understand that.

But the United States has an obligation to lead the world. Our country should lead. We must work to make our allies and the rest of the world understand that selling more and more arms all around the world to various forms of governments to be used in all sorts of regional conflicts produces a less stable world, not a more stable world. These transfers cause regional tensions and instability, and make regional conflicts more deadly.

But these arms transfers don't just cause instability. They also suck up

money from higher priorities. Literally hundreds of millions of people in some of the poorest countries of the world watch their governments use growing shares of their budgets to buy arms, often from us.

Lots of governments around the world have badly misplaced priorities. Some of the examples are absolutely astounding. Ethiopia, in 1990, spent 15 percent of its national output on its military. Ethiopia—a country with a tragic record of drought, disease, and famine.

Angola is even worse. How would you like to live in a country that devotes one-fifth of its annual output to military spending?

As I said, it is nice, for some, to be able to sell arms for profit. But we ought to provide leadership. The United States ought to be a country that leads. We ought to tell countries around the world: "Let us try to put a stop to the arms race in conventional weapons, let us stop saturating this world with arms." Hungry people need food. Sick people need medicine. All too often their governments are off in the arms bazaar and we are the merchants. And—most strikingly—when American fighting men and women go into harm's way, they usually face weapons that were manufactured or developed here at home.

We ought to learn from that. Senator HATFIELD is absolutely correct. I respect enormously his leadership on this issue and I am very pleased to speak in support of what he is trying to do.

I hope one day soon the Senate will debate this bill and pass it and make some progress in limiting the arms sales that so destabilize our world.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GREGG] is recognized.

AMENDMENT NO. 2117

(Purpose: Sense of the Senate relative to military operations in Haiti unless certain conditions are met)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2117.

Mr. GREGG. 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 insert the following:

**SEC. . SENSE OF THE CONGRESS ON UNITED STATES MILITARY OPERATIONS IN HAITI.**

(a) REAFFIRMATION OF POLICY.—It is the sense of the Congress that the policy stated in section 8147 of Public Law 103-139 (107 Stat. 1474) regarding Haiti should be reaffirmed.

(b) LIMITATION.—It is the Sense of the Congress that none of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other Act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after the exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

Mr. GREGG. Mr. President, this amendment is a sense-of-the-Senate relative to the situation in Haiti. I believe the matter in Haiti is clearly on the front burner of the agenda of this country right now relative to foreign policy, and it would be inappropriate to pass a bill of this nature without Congress in a sense specifically expressing its views as to how the matter in Haiti should be managed.

We are seeing, obviously, a significant human tragedy in Haiti, which has been going on and expanding for the last few years.

But in the last few days, it has even become more significant in its relationship to the United States in the rather large increase in people fleeing that country and seeking the high seas and the American Coast Guard vessels having been put in the position of having to pick these people up and evaluate their opportunities to seek political asylum in this country.

But the issue goes well beyond those individuals who are fleeing Haiti. It goes to the matter of how this country relates to another nation, especially a nation which has been our neighbor in this hemisphere and whether or not our Nation is going to define our role in a coherent and precise manner or whether we are simply going to evolve in a hopscotch and herky-jerky pattern into a policy.

The purpose of the sense-of-the Senate resolution is to make it clear that before the President can take military action in Haiti, and there has been a tremendous amount of discussion of that being an option which this Presidency is considering, that before the President pursues military action in Haiti he must come to this Congress and explain why and receive the approval of this Congress, we would hope, but at the minimum explain why he has pursued that course.

There is, of course, talk specifically that this administration is considering invading the nation of Haiti. That is a rather dramatic act for any nation to take vis-a-vis another nation.

And we recognize that the problems of Haiti are dramatic and significant and that the Government of Haiti hardly qualifies for that term. But still a decision to invade that country demands an open and honest debate on the floor of this Senate before it is pursued if it is a premeditated act and something that is done for the purposes purely of executing public policy rather than for the purposes of protecting American lives or addressing an imminent disaster.

So this sense of the Senate makes it clear that we as a body expect the President, pursuant to the terms of the Constitution and the War Powers Act, to come to us in advance and explain whether or not and why that is the decision he wishes to pursue military operations in Haiti.

Why is this important? Well, it is, first, important for constitutional reasons and very significant constitutional reasons. Yes, the President is the Commander in Chief and as the

Commander in Chief he should have considerable latitude in his role to execute military operations around the globe. But as Commander in Chief he also has, under the Constitution, the responsibility to come to the Congress if he decides to pursue an act of war, and under the War Powers Act equally has an obligation to come to the Congress should he decide to pursue an action that involves an act of war, and clearly the invasion of Haiti is an act of war if that is a decision that is made and if that action is taken for political purposes or to accomplish a foreign policy goal.

Therefore, from a constitutional standpoint, it is very important that this Senate make it clear that we have a role on a decision of that magnitude as it impacts a sister nation in our hemisphere.

Equally important is the fact that before an invasion is to occur, if that is the decision and the policy this administration moves to, and it appears to be the decision unfortunately that they are pursuing, that before an invasion occurs of a neighboring nation, we, the Congress, and more importantly, the American people need an explanation of why and need to have a public debate as to why we would take such an act, why we would we put American lives at risk, why would we use American power to possibly take the lives of our fellow citizens in this hemisphere.

And this administration to date has not given us a definition of policy on the issue of Haiti. In fact, it has not given us a definition of policy on a number of international issues. But clearly on the issue of Haiti it has not defined its policy.

I would submit to you there are three tests which must be addressed and passed before we pursue military action in another part of the world, before we put American lives at risk, and those tests involve the following:

First, we have to have an explanation from the administration as to what the nature of the conflict is. Is it a conflict that is resolvable through military force? Or is it a conflict that has been going on for a great deal of time and which has generational roots and ethnic roots and religious roots and, therefore, may well not be resolvable.

Second, we need to know what our national interests are, and they have to be defined very clearly. When you ask an American soldier to put his or her life on the line, you need to be able to tell that American soldier why, you need to be able to tell the loved one of that American soldier why, you especially need to be able to explain that should the unfortunate occur and that soldier loses his or her life.

And third, there must be an explanation as to once American force is used how it will be disengaged, what is the plan for ending the use of the American force, for bringing the soldiers home.

On all three of those counts, this administration has been incoherent relative to the issue of Haiti. We do not have an explanation of the terms of the political situation in Haiti that makes any sense to anyone. One day we hear that we are supporting Mr. Aristide because he was elected. The next day we hear that, well, maybe he is not such a nice fellow and, therefore, we really should not be supporting him. And the next day we hear we are supporting the Governor's Island agreement. Then we hear maybe the Governor's Island agreement has been abrogated and no longer effective and, therefore, we do not want to pursue that either. It has been a back-and-forth manner of discussion, unfortunately.

In the public arena that has no definition to it at all as to the terms of what this conflict involves—should we engage in it and what do we expect the political consequences to be for the nation of Haiti and whether or not we can settle it?

We do know from history, however, that the last time we said we were going to go into Haiti with military force and try to resolve the Haitian political situation through the use of a military action and we expected to spend a few months doing it we ended up there for 19 years, and the overtones from that invasion and that occupation are still fairly significant in not only the Caribbean but throughout South America and especially Central America.

The second issue, of course, is what is our national interest in Haiti. In the arguments made I guess most often our national interest in Haiti and the one that has the most legitimacy is to keep Haitian refugees from coming to the United States. In addition, of course, we have the national interest of seeing the horrible situation Haitian people are confronting resolved in some manner so that they can go on with reasonably organized or orderly lifestyles and not be subject to a government that is basically one of violence and vigilante law.

Those are the two arguments that are made for our national interest, but I think we need to look at them in some depth because they have not been made substantively to the American people in the way the American people can say, yes, that legitimizes our putting an American life at risk.

On the first issue, the issue of immigration, that to a large degree has been created by ourselves through our use of sanctions. We are the ones who have put sanctions on this nation to a point where the only people benefiting from the sanctions are the political thugs who are running the country and the people on the streets are the ones who are suffering those sanctions to the degree where their only option appears to be to sail in small boats and hope wherever they come ashore will be better than where they left. And that was our doing in large part by the use of sanctions which may have been put on with good intention but clearly have not worked and have had, in fact, unintended consequences that have significantly deteriorated the situation and generated, in fact, the immigration, the outpouring of people from Haiti.

And so I do not think we have many excuses in the area of the excessive outflow of people, the immigration into the United States of Haitians. We do not need to look much farther than ourselves to find a cause for that action that presently is occurring, and it is occurring in this case because we changed our policy relative to dealing with the people once we met them on the high seas. At least for a while we were saying to these people, "I'm sorry. You are simply not going to be allowed into the United States. Therefore, turn back and go home."

Now we are saying to those people, we are holding out that light of hope that says: Some of you we are going to be let in; some of you we are going to be send back. We are going to put you on a ship, this hostile ship, to evaluate you. Maybe we will send a few back, maybe we will keep some of you here.

Obviously, we have held out hope that, if you get in a boat and you take off from the coast of Haiti, you have an opportunity to maybe get into the United States and get political asylum. It was a foolish and stupid decision which has been totally counterproductive, as has the tightening down of the sanctions on Haiti, leading to basically the only people benefiting from that being the hoodlums who are running the country who are now able to earn more profits from the black market which they control.

The administration has fostered, for all intents and purposes, because of this policy, because of the sanctions policy and because of its policy of holding out hope of political asylum to a few, has fostered, in large degree, the outpouring of people in boats from Haiti.

Had we, and we should have, actually, in my opinion, taken the position which we were taking, which was to say, "I'm sorry; we will not accept you; you must go back," then you would not have had people setting sail in such large numbers as they have been over the last few days.

And so I do not think that you can justify, and I do not think this administration can justify, invading Haiti because of a problem of people leaving Haiti which was created by this administration's policy, unless, of course, that was the intention. And I shall not attribute such cynicism to this administration, because I do not think it is there. But clearly that appears to be the primary reason for justifying invasion—the outpouring of people from Haiti who may end up in the United States.

I can understand the concerns of States along the gulf, especially Florida, which are having to bear the great burden of this foolish policy. But I do not think that we should further aggravate an already poor policy with a dramatically worse policy of putting American lives at risk and invading a neighboring country in order to try to correct the initiatives which have been taken by this administration which have failed.

And, second, there is the issue of, well, we should go into Haiti to restore the elected government of Aristide and replace the recognized thugs who are running the country.

Well, I do not know about you, and I do not know about other Senators in this Chamber, but I would find it extremely difficult to go to a wife or to a mother or to a father of an American service person who might die in such an invasion should the administration pursue it and say that they died to put in power Mr. Aristide.

There are too many questions about this gentleman. Yes, he was elected, we recognize that, and we wish to support democracy. But we do not support all people who have been elected to all offices around this globe. And when the type of questions which have been raised about Mr. Aristide exist, I find it very difficult to say that we are going to use American force to support his reinstitution into position.

But if the administration feels that way, if they feel that their failed policy relative to immigration, with the Haiti nation people leaving as boat people, needs military response, and if they feel that they must use a military response in order to put Mr. Aristide back in power, then that is the right of the President of the United States to make that decision.

But it is also his obligation, before he uses American troops to do that, to come to this Congress and this Senate and tell us he is going to do it, so that we may raise that issue to the proper level of debate that a democracy requires and especially so that the American people will have a chance to hear the debate in an open and viable forum and be able to make their own decision.

Because I think what we learned in the Desert Storm experience—as I recall, at the beginning of Desert Storm, there was not a whole lot of public support for that—but what we learned in the Desert Storm experience was that the American people, when educated on an issue of American military force, will act responsibly and that this Congress will act responsibly and that decisions will be made that are consistent with our constitutional framework, and that will actually enhance the power of the President to use military force if that is his decision.

That is true in a democracy. If you tell the people and you get their support, the power of the leadership on the issue becomes much stronger.

And so this sense of the Senate is a follow-on to a sense-of-the-Senate that was passed by this legislative body last year. It says that before a military operation can occur in Haiti, such operation should be authorized in advance by the Congress, unless the military operation is for the purpose of, one, saving American lives, or, two, confronting a catastrophe that is of a military nature that requires immediate response.

That is the purpose of this amendment, this sense of the Senate.

I do feel, considering the time and the nature of the present events that are occurring and the way that the movement now appears to be going within our foreign policy, that it is very important that this body reaffirm its right to that type of advanced authorization and warning from the President. Because it appears to be fairly clear that this administration, as a result of the failure of its policies on Haiti, is moving up to a higher level of action and maybe moving toward an invasion. Before that occurs, I think this Congress has a right to address the issue.

I yield to the Senator from Kentucky.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on general principle, I feel very strongly that we should have congressional votes before we move our troops into any type of an invasion, absent the kind of emergency situation that has been discussed on the floor.

I know that a somewhat similar amendment or similar resolution to the one proposed by the Senator from New Hampshire passed this body, I believe, 98 to 2 here within the past year.

At the time of Desert Storm, I had urged President Bush and the congressional leadership, because of the deep divisions on that issue in the Congress, that there should be a vote. With some misgiving, I believe, the President and others tended to finally agree. We had a vote. It was a closely divided vote in this body.

But, having had the vote, we then gave strong support to the munition and manpower needs and financing and even some foreign aid issues necessary to support Desert Storm. Those who had opposed the action, like myself, and those who supported the action joined together after a congressional vote in favor of it to give President Bush and our allies the tools they needed.

I would note just one thing, while the Senator from New Hampshire is on the floor, because much of what he says I agree with. But there is one area where I would express some concern. When you say that, albeit the fact that President Aristide was elected, we are not about to support every elected official, he was elected rather overwhelmingly in Haiti. If we are going to stand up for the idea of Democratic elections, we do not have quite that luxury to pick and choose.

I would contrast this with our administration's strong support of the Emir of Kuwait. The Emir of Kuwait, if one can believe the independent news stories about him, has a lifestyle that would bring about an indictment in any one of our 50 States on everything from morals to drug usage. The Emir of Kuwait did not have enough concern about his own country, that—I mean, not only at the first sign of invasion he was out of there, living in great luxury in Saudi Arabia, but even after his country had been liberated it was beneath his dignity to return to his own country until the American taxpayers had footed the bill for the Corps of Engineers to outfit a palace for him, if news stories are to be understood or to be believed—and they were not disputed—with gold plated bathroom and toilet fixtures. Then, when that was set up, and only then, and only after many of his own people died, and only after Americans had died, and only after allies had died to protect this kingdom, then he finally saw fit to come back.

This is a man who leads a lifestyle that would make Nero blush with shame, even though he is one generation away from living in a tent in the desert, keeping warm by fires from whatever might be available. He was not elected by anybody. We were willing to add tens of billions of dollars to our deficit, put in harm's way hundreds of thousands of Americans, spend down our munitions and so forth, to go to save him and his country.

There are a couple of differences. He was not elected, as I said. In fact he did not even care enough for his country to come back until all his creature comforts were restored. I am trying to think what other difference.

One does occur. One does occur. Haiti is the poorest country in the hemisphere. Kuwait has huge oil reserves. I suspect somewhere, somewhere that might have allowed us to overlook the immorality of the Emir of Kuwait, drug usage by him, what appeared at least on the surface to be less than any bravery and attachment to his country, huge human rights violations within his own regime, an antipathy toward the United States demonstrated in vote after vote in the United Nations, risk to our own people, huge cost to our Treasury, deaths of so many brave Americans and our allies, veterans who still suffer from that combat. But there was that little matter of oil. I just mention that for what it is worth.

I know the Senator from North Dakota was seeking recognition. I apologize but I did want to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will be happy to relinquish the floor with the understanding I be recognized at the end of the time the distinguished Senator from North Dakota is about to use.

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

Mr. DORGAN. Mr. President, I thank the managers of the bill for their courtesy.

Let me say in comment that Haiti is an extraordinarily complicated problem. I have been in Haiti. I have stood in the neonatal clinic there and held in my arms babies who are dying. This is a desperate, desperate situation in Haiti. I do not know the answer to it, but I hope we have a long and productive debate on what our Haiti policy ought to be.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. It is my understanding the Senator from New Hampshire would like to have the floor just very briefly. So I will yield the floor.

AMENDMENT NO. 2117, AS MODIFIED

Mr. GREGG. Mr. President, I send a modification of my amendment to the desk.

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

**Sec. . UNITED STATES MILITARY OPERATIONS IN HAITI.**

(A) REAFFIRMATION OF POLICY.—Congress reaffirms the policy stated in section 8147 of Public Law 103-139 (107 Stat. 1474) regarding Haiti.

(b) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

Mr. GREGG. Mr. President, let me quickly explain. My modification makes this, rather than a sense-of-the-Senate, a rule of law, making it a condition of funding that the President first contact and advise us in advance before he uses military force in an invasion of Haiti.

So rather than being a sense-of-the-Senate, this makes it a statement of law. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to commend the distinguished Senator from New Hampshire for his amendment, particularly as now modified. And I also want to make some observations about the use of American force.

My good friend and colleague from Vermont was discussing a moment ago the morality of the royal family in Kuwait and what their human rights record might be as somehow relevant to the Persian Gulf war. I submit, Mr. President, the Persian Gulf war did not have anything to do with human rights in Kuwait, did not have anything to do with the morality of the royal family. It had to do with American national security interests. That is what the Persian Gulf war was all about.

Certainly, the fact that Saddam Hussein, if he had been allowed to go into Saudi Arabia, would have controlled 50 percent of the world's oil supply was a very relevant issue. I do not think we should make any apologies about that. Why should we feel in any way embarrassed about the fact that control of 50 percent of the world's oil supply was a major factor in the fighting of the Persian Gulf war?

So the morality of the royal family or the human rights record of Kuwait was largely irrelevant. It had nothing to do with why the Persian Gulf war was fought. We fight wars when it is in our national security interests to fight wars.

The point the Senator from New Hampshire is making is there is a very legitimate concern among many of us as to whether or not an invasion of Haiti is a good idea or in our national security interest. Maybe the President can make that case and, as I understand the amendment of the Senator from New Hampshire, what he is saying is come to us and make the case in advance. Make the case.

The reason this is an appropriate amendment is because of the waffling of this administration on the Haiti issue. I will just cite for my colleagues some examples.

First, with regard to the sanctions issue. In November 1993, the President said:

> Sanctions were a bad idea because they would hurt the poor and would not guarantee the military government's surrender of power.

In November 1993, the President said:

> Sanctions are a bad idea because they would hurt the poor and would not guarantee the military government's surrender of power.

In February 1994, the administration encouraged Aristide to compromise with Haiti's military and ignored Aristide's calls for sanctions.

In April 1994, the President called for a global embargo and changed his mind about compromising with the military. One position in November, a different position in February, a different position in April.

In May 1994, the embargo is enforced. Clinton shows he is not as concerned about the embargo's effect on innocent Haitians at that point. Then in June 1994, the administration forms new, tougher sanctions that, in effect, hurt Haiti's rich and spare the poor, because now we are not allowing flights to the United States. Of course, that is only going to impact the people in Haiti who have the money for an airline ticket.

So the reason for the amendment of the Senator from New Hampshire is that we cannot seem to get a steady hand here at the tiller when it comes to Haitian policy.

Look at the issue of military use. Before May, the President apparently did not consider using military force—before May.

May 3, the administration said it was reconsidering using force.

May 20, the administration lists reasons to use the military.

And on June 9, the administration shifts emphasis to sanctions because of criticism of potential military use.

So one issue 1 week, another position 2 weeks later, and another position 3 weeks later.

With regard to refugees, during the election we all recall—I see the Senator from Georgia on the floor, the Senator from New Hampshire of course offered the amendment. They were running in 1992. We remember candidate Clinton criticized the Bush policy for taking fleeing Haitians back to Haiti. That was candidate Clinton in 1992. After the election, the new administration adopted the policy of the old administration, a 180-degree flip.

Then on May 7, 1994, with regard to the refugee issue, the President rethinks the U.S. position on refugees.

May 9, he shifts his positionmaking processing available for refugees on ships.

May 17, Haitians are still being sent back.

I just cite these as examples of constant shifting of position by this administration on Haiti, leading the Senate not to have a whole lot of confidence in the administration's policy, thus, the amendment of the Senator from New Hampshire suggesting, now in binding form, that the President come here and make his case in advance as President Bush made his case in advance with regard to the Persian Gulf war, that that same approach ought to be used with regard to any kind of military invasion of Haiti.

There has been some concern around here that as soon as the Senate and the House left town, the invasion would occur. I hope that is not what the administration has in mind. But I think we want to send a message here that we would like to know something about it in advance. We are here this week. We are debating foreign policy. There are a number of Senators on the floor concerned about it.

I see the Senator from Georgia who has been extremely interested in this issue and will speak momentarily. We need to have this debate now in advance.

So, Mr. President, I see the Senator from Georgia is here, and I know he is anxious to speak on this. I yield the floor at this point and will resume the debate later.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered by the Senator from New Hampshire, and others. We had an opportunity to hear from former Congressman Gray, special adviser to the President, on the question of Haiti yesterday. I advised Mr. Gray that I could be counted among those who very much opposed the concept of an invasion of Haiti. I pointed out at that time that I would not want to be the messenger to any American family of the death of their son or daughter engaged in the resolution of a significant domestic crisis in Haiti.

Everything we do now is definitional as we approach a new century. Are we saying or contemplating saying to this hemisphere that every time there is a significant domestic internal crisis that the U.S. Marines are going to show up? Is that what we are contemplating saying, because certainly that would be what the hemisphere would see.

We would be saying, because there is an interruption in democracy in a country in our hemisphere, that that is grounds for invasion. My heavens, in the last 15 years, we have had similar incidents in Ecuador, Honduras, Chile, Uruguay, Argentina, Grenada, and Suriname.

Are we saying that the message to the hemisphere is going to be that each and every time there is an interruption of this sort that the United States will be the resolver, will pick the solution? This sounds an awful lot like nation-building, a new term that we talk about often. It reminds me of Somalia where the outside force is dictating what the internal resolution should be.

My remarks in no way suggest that I am not sympathetic with the grave concerns that are occurring there. It is a most serious problem. There is great human suffering. Clearly, the junta has no moral standing. But I suggest that we should consider very, very seriously whether or not we want to say to the hemisphere, the United States is the resolver of every democratic interruption in our hemisphere; that American lives are going to impose the outcome of domestic crisis in every country in our hemisphere.

The Senator from Vermont was a moment ago talking about distinction. There are distinctions, very pragmatic ones, indeed.

Are there any Americans being held hostage in Haiti? Not to my knowledge. Are there Americans under immediate threat of harm in Haiti? Not to my knowledge. The United States has asked all Americans to leave, and the only ones remaining there have chosen to do so, wisely or unwisely.

Are there any strategic interests in Haiti that threaten the vital national security of the United States? Is there a passageway? Are there oil or strategic materials produced there in this poorest country in the hemisphere? No, no, and no.

That leaves us with only the theory that it is the responsibility of the United States to resolve internal domestic crises. For me, that answer is also no. We should be engaged in international pressure. We can debate the degree of these sanctions and who is affected or not. We can encourage other member states of the hemisphere to exact pressure. We can engage in international negotiation. We can involve the United Nations. But I cannot, for the life of me, see how we could turn to one family, one parent and say we decided to put your son or daughter at the threat of death or bodily harm over this domestic crisis. Nor do I believe we can say to this hemisphere, in good faith, that we are establishing a doctrine by which the United States is the ultimate resolver and judge over every domestic crisis.

So an amendment such as offered by the Senator from New Hampshire, which says there must be grave consultations on a matter of this nature, is absolutely correct. We are not only talking about Haiti; we are talking about American policy in our hemisphere and beyond. He does not deny the President his options. He ensures America an open dialog on the question that affects her sons and her daughters.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my friend and colleague, Senator GREGG, from New Hampshire for this amendment.

I wish that this amendment was not necessary, but I think, unfortunately, it probably is. We keep reading things, we keep hearing things; that the administration is tightening down on the economic embargo in Haiti. And now we see more and more refugees leaving Haiti, creating somewhat of a crisis atmosphere, and more and more people talking about military intervention as a real possibility, reports in papers that the military is preparing for such an event.

Mr. President, I rise in strong support of the amendment introduced by the Senator from New Hampshire. The Clinton administration's policy on Haiti has been one of one failure after another. To cap off this failure, this administration, by all accounts, is seriously considering an invasion and occupation of that country for the purpose of returning the deposed President Jean-Bertrand Aristide to power. I think such a move would be a terrible mistake.

I would like to draw to my colleagues' attention a series of editorials that appeared on the Wall Street Journal editorial pages on June 16, 1994. Mr. President, I will ask unanimous consent that these all be inserted in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. NICKLES. Perhaps the most disturbing thing is that the Clinton administration's plan to invade Haiti is an open secret up at the United Nations in New York. On May 24, there was a high-level meeting of nervous U.N. officials who fear they may get stuck with the baby after a United States invasion of Haiti. Another article, "From Port-au-Prince to Gucci Gulch," by Christopher Caldwell, is an abridgement of a much longer article that appeared in the July 1994 issue of the American Spectator. Mr. Caldwell chronicles the behind-the-scenes political machinations in Washington that are closely tied to the administration's determination to put the highly unstable, violence-prone, and anti-American Mr. Aristide, back in power no matter what.

It appears the Clinton administration is planning to return Aristide to power with American military force. The administration is itself creating the very conditions it points to as justification of an invasion, with its sanctions policies and stepped-up processing of asylum claims. Both of these policies, working together, encourage more and more Haitians to risk their lives trying to get to the United States.

For ordinary Haitians, it is a carrot-and-stick policy. The tightened sanctions are the stick deepening the misery of what is already the poorest county in the hemisphere. The stepped-up processing of claims—some one-third of Haitian migrants intercepted on the high seas have been receiving asylum status in recent days, much higher than the usual rates—are the carrot. And now, because these policies mean more Haitian boat people, we supposedly have no choice but to send in our troops.

Mr. President, I would like to review for a moment the administration's policy, and look at how we got to this point. As some might remember, candidate Clinton talked big on Haiti in 1992:

> I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti before considering their claim of political asylum. * * * This policy must not stand. * * * If I were president, I would * * * give them temporary asylum until we restored the elected government of Haiti.

That was May 27, 1992. You did not need a crystal ball to figure out what followed: an unprecedented frenzy of boat-building activity in Haiti, with launch dates set for Inauguration Day, 1993. Most Presidents at least wait until they get into office before they start breaking campaign promises. But on January 14, 1993—1 week before taking the oath of office—President-elect Clinton reversed himself and reinstated the same Bush policy he had trashed during the campaign.

This episode pretty much set the tone of the Clinton policy on Haiti. To take another example: in their 1992 campaign manifesto, Putting People First, the Clinton-Gore team pledged to insist that our European allies observe the embargo on Haiti, especially with regard to oil. It then turns out, in April of this year, that the United States has been buying black market oil for our Embassy in Haiti, not only undercutting the sanctions but putting money in the pockets of the government we are trying to get rid of.

We should also remember the S.S. *Harlan County* episode of October 11, 1993.

Keep in mind, this happened not too long after 18 American servicemen were killed and 78 wounded in Somalia, in large part thanks to the refusal by Clinton appointees at the Pentagon to agree to requests from the military to give our troops the right kind of equipment, such as armored personnel carriers, to defend themselves.

As we all remember, American troops were sent to Haiti as part of a U.N. peacekeeping force to help implement a negotiated settlement that would put Aristide back in power. But the military men now running Haiti watch CNN too. They figured that the United States has been so easily humiliated in Somalia, they could probably get away with the same thing. It turns out they were right. A demonstration by some lightly armed thugs was enough to send us steaming back toward home.

So now we are faced with the possibility that the administration will seek to vindicate its failed policy with the ultimate folly: sending in U.S. troops. No less than Boutros Boutros-Ghali said at that May 24 meeting in New York described in the Wall Street Journal that the United States will repeat the Somalian experience.

I think that's right—this will be Somali all over again. It will be another impossible exercise in nation building, with maybe some warlord-chasing on the side. Except maybe we will not get out of it as easily as we did from Somalia. Last time we were in Haiti it was for 19 years.

Mr. President, this administration has not explained how, if we go into Haiti, this will further United States national interests. The Clinton administration has failed to set out any reasonable criteria for the use of United States troops in Haiti. The Clinton administration policy toward Haiti is obviously and disproportionately motivated not by a sober assessment of American national interests but by an inappropriate and misguided deference to United States domestic political considerations. It is obvious that the Clinton policy is very closely, and unwisely, tied to the personal political fortunes of Aristide, whose own commitment to democracy and human rights, respect for his political opponents, and propensity to violence has been the subject to controversy. At the same time, no one can claim that the solutions to Haiti's persistent social, economic, and political problems can be successfully resolved by direct military intervention of even the most well-intentioned foreign countries or international organizations.

In my opinion, there should be no deployment of United States Armed Forces into Haiti for the purpose of reinstating Jean Bertrand Aristide as president of Haiti.

Finally, we cannot forget that the Clinton administration has demonstrated a clear lack of strategic vision with regard to not only United States policy toward Haiti but in other trouble spots around the world such as Bosnia, North Korea, and Somalia. In short, Mr. President, military intervention in Haiti is a bad idea.

I strongly support the amendment of my colleague, and in my opinion there should not be deployment of United States Armed Forces into Haiti for the purpose of reinstating Mr. Aristide as President of Haiti. I am afraid, if we start this venture, the United States will be stuck in nation-building in Haiti for a long, long time.

Again, I wish to compliment my colleague from New Hampshire.

Mr. President, I ask unanimous consent to be added as a cosponsor to the amendment.

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

EXHIBIT 1

[From the Wall Street Journal, June 16, 1994]

REAL VOODOO

A lot of people are wondering whether the United States is going to wake up some morning to discover that Bill Clinton's foreign policy has invaded Haiti. The usual take on invading runs something like this: Yes, it would be a drop kick for a big U.S. invasion force to drive the army out of Port-au-Prince, but then. . . .

But then what? The questions and issues that lie beyond that "but then . . ." are more than a little intriguing. Problem is, hardly anyone seems to want to ask them, defaulting the decision about invading a place no serious person wants to invade to Bill Clinton's impulses and the political interests of the congressional Black Caucus.

One group that appears to be worrying alot about this issue is the people who set policy at the United Nations in New York. In the columns alongside, we publish excerpts from a rapporteur's notes on a meeting about Haiti that took place on May 24 among U.N officials.

In the aftermath of any invasion, "The Americans will be applauded and the dirty work will come back to the U.N.," Dante Caputo was quoted as saying at the May 24 meeting. "With Aristide as president, during two or three years, it will be hell," said Dante Caputo, the U.N.'s special rep for Haiti.

Then there's the voodoo issue, likely to make the U.N.'s "dirty work" even dirtier than usual. An AP dispatch out of Port-au-Prince Sunday reported a speech by interim Haitian "president" Emile Jonassaint, who cited "protectors they don't know about" and ended by invoking Agawou, the voodoo god of strength. President Clinton's special

adviser on Haiti, William Gray, minimized the speech, noting that it was given at 2 a.m. Haitians understand that as the hour when secret societies meet.

Voudoun is an ancient African religion, known by other names in other Latin nations. But it takes a special meaning from Haiti's history. Since the successful slave revolt against the French in 1804, there has been a clandestine power of societies, sometimes called bizango and led by hougan. They are expert at poisons, used with great effect against the French. In 1986, ethnobotanist Wade Davis identified the chief ingredient of "zombie power" as tetrodotoxin, drawn from puffer fish and indeed capable of producing a deathlike trance. We suggest that any peacekeepers could reasonably demand that anything they ingest be shipped in from Guantanamo Bay.

Yet the congressional Black Caucus finds it in its interests to order up a large U.S. commitment to solving the disarray of a country that is organized around ruthless, clandestine factions driven by religious and nationalist crosscurrents. The caucus's champion is ousted President Jean Bertrand Aristide, an unpriestly priest whose followers, when he was in power, burned down the 250-year-old Catholic cathedral and stripped that papal nuncio to his underwear and paraded him. And recall that Commerce Secretary Ron Brown's interests in Haiti originated with being a paid lobbyist for the Duvalier government. Our only conclusion here is that the political world of Father Aristide, in Haiti and in Washington, is a mishmash that we wish we knew a lot more about. (Christopher Caldwell attempts elucidation in the columns nearby.)

In checking out the U.N. documents we've reprinted, we spoke with Alvaro de Soto, senior political adviser to the secretary-general, who neither denied nor confirmed their accuracy. However, Mr. de Soto did want to tell us that institution building in any country emerging from deep-rooted fratricidal conflicts requires patience and the cooperation and ability of former enemies to compromise. As the chief architect of the postwar accords in El Salvador, Mr. de Soto knows something about rebuilding civic institutions in torn countries. "You can't impose nation building," Mr. de Soto told us. "If these institutions are imposed on them, it just won't be durable." To date, though, we don't see a shred of evidence that the Clinton administration has thought about institution building in Haiti.

There is certainly a real concern about an unmanageable influx of refugees onto U.S. shores. But the best way to keep Haitians home would be to help create an environment in Haiti less hostile to survival. So far, the Clinton embargo has succeeded only in making nasty Haitians richer, the majority poorer and life on the island nation even more intolerable.

Incidentally, during Haiti's troubles in 1987, we looked into the history of successfully ridding a place of thugs. To rid India of its religious "thug" cults, Lord William Bentinck and Sir William Sleeman between 1831 and 1837 captured some 3,200 thugs, of which 412 were hanged. Such peacekeeping methods have passed into history. Highly motivated thugs in our time, alas, have not.

---

[From the Wall Street Journal, June 16, 1994]

FROM PORT-AU-PRINCE TO GUCCI GULCH

(By Christopher Caldwell)

President Clinton appears to be seriously considering using U.S. troops to return exiled Haitian President Jean-Bertrand Aristide to power. Taken on their face, the stated reasons for his pro-Aristide policy—stemming the flow of refugees and drugs and improving human rights—are absurd. The refugee flow is due to U.S. economic sanctions; Haiti's role in drug shipments is dwarfed by its neighbors; and Mr. Aristide flagrantly violated human rights during his brief reign.

The administration policy amounts to blind subservience to Mr. Aristide's agenda. It's a warning of what can happen when virtually the entire budget of a sovereign nation is funneled into a massive Washington lobbying and public relations campaign.

After the September 1961 coup that ousted Mr. Aristide, President Bush issued an executive order that Haitian government funds frozen in the U.S. be delivered to Mr. Aristide. While the U.S. Treasury and State Departments have imposed no oversight requirements, the rough amounts of the money Mr. Aristide can tap are known. According to State and Treasury sources, the funds contain upwards of $50 million, and Mr. Aristide's forces have spent more than $30 million so far. Disbursals from the U.S. Treasury started at $500,000 a month and have risen steadily, to their current point of $5.6 million to $5.9 million per quarter.

What is happening to all that money is unclear: During the brief premiership of Robert Malval last autumn, the U.S.-based newspaper Haiti Observateur was leaked a copy of the Aristide government's fourth-quarter budget for 1993, which showed $740,000 per month budgeted for Mr. Malval's ministerial cabinet. The scrupulous Mr. Malval, who was a major Aristide supporter, claims he never received a penny. That $2.2 million has never been accounted for.

The democratically elected Haitian Chamber of Deputies in April asked Secretary of State Warren Christopher for a thorough accounting of Mr. Aristide's expenditures. The request has not even been acknowledged. While it's true that Mr. Aristide is spending Haitian, not U.S. funds, his finances should be of concern to U.S. taxpayers. The handover of Haitian assets to Mr. Aristide violates the Haitian constitution and possibly international law. "When this is all over," says one American consultant to Haitian interests, "the Haitians are going to sue us for the money Aristide has spent, and we're going to have to pay it all back."

Since his arrival in the U.S., Mr. Aristide has used those funds for a public relations blitz. Miami attorney Ira Kurzban gets a six-figure salary as Mr. Aristide's lawyer. Another lawyer, Haitian-American Mildred Trouillot, is paid $6,000 a month, plus rent, expenses and office space. Mr. Aristide also engaged the services of Rabinowitz, Boudin, Standard, Krinsky & Lieberman to defend him against a $10 million suit filed in Brooklyn by the widow of Roger Lafontant, a Haitian coup leader slain in prison in 1991, allegedly by Aristide supporters. The law firm was paid tens of thousands of dollars out of the Haitian treasury before the suit was finally thrown out.

Mr. Aristide's PR is coordinated by the firm of McKinney & McDowell, which charges $175-per-hour of its services. However, the Aristide budget printed by the Haiti Observateur has no money earmarked for public relations. That led the newspaper's editor, Raymond Joseph, to speculate that the Aristide government has been fabricating its outlays to dupe the U.S. into releasing frozen funds.

But Mr. Aristide's most effective representative in the U.S. has been former Rep. Michael Barnes (D., Md.). As chairman of a House Foreign Affairs subcommittee in the 1980s, Mr. Barnes was among the most outspoken leaders of the congressional effort to thwart supply of the Nicaraguan Contras. Today, Mr. Barnes is all for U.S. intervention—in Haiti.

Mr. Barnes has used his connections to give the Aristide government a beachhead inside U.S. foreign policy, and earn his current firm, Hogan & Hartson, compensation that started at $55,000 a month. (In March, perhaps reacting to the Aristide government's straitened circumstances, the firm cut its retainer in half.) Mr. Barnes has claimed to charge Mr. Aristide half his going rate, but that still adds up to big money: $303,237.60 for billings between Sept. 29 and Dec. 7, 1993, to take the last period for which records are available. (Mr. Barnes did not return repeated calls seeking comment.)

According to an Aristide source, when associates of the exiled president expressed unhappiness with Mr. Barnes's work in late 1992, Mr. Barnes was able to play his trump card—his access to the incoming administration. He had run the Clinton campaign in Maryland. What's more, deputy national security adviser Samuel R. "Sandy" Berger, who is in charge of Haiti policy at the National Security Council, is by all accounts a close friend of Mr. Barnes. Just four months after Mr. Berger left his partnership at Hogan & Hartson to take up his administration post, Mr. Barnes pulled up stakes at Arent, Fox, Kintner, Plotkin & Kahn and took his account to Hogan & Hartson. This potentially brings millions into a firm that Mr. Berger will have every right to rejoin after his White House stint.

Dealing with Haiti at all may have become a serious ethical violation on Mr. Berger's part. The issue was first broached by Rep. Frank Wolf (R., Va.), after an article in the National Journal raised questions about Mr. Berger's negotiating most-favored-nation status for China after having lobbied for Payless Shoes, a major Chinese trading partner. Then-White House counsel Bernard Nussbaum found no conflict. Nonetheless, he said in a May 12, 1993, letter, Mr. Berger "has a 'covered relationship' with Hogan & Hartson for a year after severing his relationship with that firm, and [we] would be required to undertake the same inquiry if Hogan & Hartson represented a party in a particular matter."

Five days after that letter was written, Michael Barnes brought the Haiti account to Hogan & Hartson. Since Mr. Berger's "covered" status with Hogan & Hartson didn't expire until Jan. 19, 1994, an inquiry should have been opened into his Haiti role, and Mr. Berger should have recused himself from Haiti policy until his covered period expired. It is unlikely that any such inquiry was ever launched, for by Nov. 14, 1994, the Washington Post was describing Mr. Berger as the "principal driver of the U.S. policy of supporting Aristide's return."

According to Justice Department records, Hogan & Hartson had direct phone contact with Mr. Berger during this period to discuss the "restoration of democratically elected government in Haiti." (White House counsel Lloyd Cutler later wrote me that Mr. Berger did consult both the White House counsel and the NSC's legal adviser, and that both approved his participation.)

All of these questionable dealings should, at the very least, give Americans pause as President Clinton continues his campaign to return Mr. Aristide to power.

U.N. VIEW OF HAITI INTERVENTION

On May 24, officers of the United Nations gathered in New York to discuss the possibility of a U.S. invasion of Haiti and the role the U.N. might play in the aftermath. In attendance at the meeting were: Dante Caputo, special U.N. representative for Haiti; Boutros Boutros-Ghali, secretary-general of the U.N.; Rosario Green, assistant secretary-general; Alvaro de Soto, senior political adviser to the secretary-general; Chinmaya Gharekhan, special political adviser to the secretary-general; and Fabienne Sequin-Horton, rapporteur.

The Wall Street Journal obtained a copy of the rapporteur's notes on the meeting (prepared a day later), excerpts of which we publish below.

Mr. Caputo explains that . . . the Americans will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily.

The secretary-general wonders if President Aristide could invoke Article 51 of the [U.N.] Charter in order to call for a military intervention.

Mr. de Soto says that the [Haitian] constitution prevents him from doing so.

Mr. Caputo thinks that after having asked for the intervention, Mr. Aristide will condemn it. Moreover, the U.S., that wants to obtain the Security Council's blessing, is now actively studying the means to accord a legal protection to this affair.

Mr. de Soto recalls that this idea recently provoked a general protest among the OAS [Organization of American States].

What can the U.N. Secretariat do, either to avoid or to encourage this intervention? asks the secretary-general.

Mr. Caputo predicts a disaster. The U.S. will make the U.N. bear the responsibility to manage the occupation of Haiti. "With Aristide as president during two or three years, it will be hell!" It is not so much the armed intervention itself that we have to avoid. What we do not want is to inherit a "baby." For the Americans are fixing to leave quickly. They would not intervene if they had to remain.

Mr. Gharekhan asks Mr. Caputo what he understands by leaving "quickly." One month, replies Mr. Caputo. Who is going to replace the Americans? asks the secretary-general.

"Us," replies Mr. de Soto. The Americans will be applauded and the dirty work will come back to the U.N. The only thing that could discourage the U.S. would be to not obtain any contributing countries for mounting a multinational operation. . . .

The secretary-general recalls that in the past, the U.S. was able to show that it could mount a multinational force, if only in appearance. "Must we say that we think that a military intervention in Haiti would be negative?"

Mr. de Soto thinks that insinuating the possibility of an armed intervention is working to produce a certain effect in Haiti. The [Haitian] military leaders are nervous. . . . It would thus be politically dangerous to publicly discourage this menance. . . .

The Secretary-general fears that the U.S. will take a unilateral decision and that it will repeat the Somalian experience. The main question remains knowing what to do to avoid this unpleasant role for the U.N.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS], is recognized.

Mr. HELMS. Mr. President, thank you very much.

Mr. President, have the yeas and nays be obtained on this amendment?

The PRESIDING OFFICER. No.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I am amazed at the speculation around this town that the President is preparing to order United States forces to invade Haiti while the Congress is in recess. I cannot believe that. Surely they have not gone out of their minds entirely down on Pennsylvania Avenue, because if the President in fact does do that I suspect it will be a decision he will long regret. The American people will hold him accountable, particularly when and if the first body bag comes back because the American people are opposed to this. The Congress has made clear on a number of occasions that both Houses of Congress, the House and the Senate, are opposed to it.

The President, of course, has constitutional authority to order such an invasion. Nobody questions that. But I cannot believe that he will do it without consulting Congress. Consultation will not consist of a last-minute call to the chairmen and the ranking members of the Foreign Relations Committee and the Armed Services Committee, et cetera. He had better sit down with leaders on both sides of the Capitol, and both sides of the aisle on both sides of the Capitol, and talk this thing out.

Furthermore, I have been assured as ranking member of the Senate Foreign Relations Committee by both the White House and the State Department that this is not going to happen.

So I am so pleased with my friend's amendment because it will remind the White House and the State Department, if they need reminding, that they had better consult the Congress.

On October 21 of last year the Senate voted 98 to 2 in opposition to using United States troops to invade Haiti. Then on May 3 of this year, Deputy Secretary of State Strobe Talbott assured the Foreign Relations Committee that an invasion was not imminent. On June 15, the President's special adviser on Haiti, William Gray, gave the same assurance at a House Foreign Affairs Committee meeting.

I say again to the President of the United States that Congress is opposed to an invasion and has said so repeatedly. My advice, for whatever it is worth, to the President of the United States is do not do it, Mr. President. Do not do it.

Regional experts at the State Department are opposed to the invasion, and I am amazed that they have not put an end to the speculation. The Pentagon is opposed to such an invasion. Most importantly, the mothers and fathers out there of servicemen and women are strongly opposed to an invasion of Haiti. Such an invasion is not an answer to Haiti's problems.

So I say again to the President, with all due respect, do not do it. Do not do it. Do not order the United States troops to invade Haiti in July when the Congress is in recess, or at any other time.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I would like to speak on the proposition that is before the Senate at the present time, which is an amendment to the Foreign Operations Act, which would establish some conditions prior to the President's ability to commit military force in Haiti.

Let me first put this in some context. One of the contexts is what the U.S. Senate did last year in considering this same subject. On October 21, 1993, the Senate, by a vote of 98–2, approved a sense of the Congress amendment to the Department of Defense Appropriations Act, which appears to be virtually verbatim to the proposal that is before us today—with this major exception: The October 21 proposal offered by Senators DOLE and MITCHELL was a sense of the Congress. That was the format of this proposal when it was originally offered. It has now been modified to be a rule of law. So we are about to pass—if we were to follow the advice of the advocates of this amendment—a rule of law to the President relative to the specific country of Haiti, a standard that I do not believe we have adopted for any other site-specific country around the world.

I am a strong believer that foreign policy should be both bipartisan and presidentially led. The best period of American foreign policy in this century was the period that occurred immediately after the end of World War II, at a time when there was a Republican Congress and a Democratic President, under circumstances that might have led to gridlock and stalemate in American foreign policy. It was a period of tremendous creativity in foreign policy. It was during that time that the United States adopted the Marshall plan, the basic structure of NATO, the policy of containment of communism. It was the period in which the basic architecture of free world foreign policy—not only United States foreign policy—lasted 45 years and eventually led to the demise of the Soviet Union, and the Warsaw Pact was

put in place. It was done, Mr. President, largely because there was a cooperative relationship and understanding of our common national interests between Republicans in the Congress, such as Senator Arthur Vandenberg of Michigan, and President Harry S. Truman. I believe that is the tradition of bipartisanship that we in the 1990's should seek to emulate.

I am concerned that proposals such as the one before us today will take us in an opposite direction at the very time when we have the need for sensitivity, for very great awareness of not giving comfort to those who are in opposition to United States and international interests in Haiti, at the very time when we want to give the strongest message of resolve behind our current policies, exactly so that we will not be placed in the position of having to consider armed force. To have a proposal which will be interpreted by the military leadership in Haiti as a signal of division in our country is a disservice to the accomplishment of important United States national objectives.

There are other contexts in which this debate should take place, Mr. President. The United States has had a long, special interest in the Western Hemisphere. The Monroe Doctrine was a statement of the United States special concern for its relations with the nations of the Caribbean and Latin America. The Marine Corps hymn starts "From the halls of Montezuma," which is reflective of our early interest in what was occurring in Mexico.

Within the last few years, we have twice committed U.S. military force to action within this hemisphere—in 1983 in Grenada, and in 1989 in Panama. I was not a Member of the U.S. Senate in 1983, so I cannot speak from personal knowledge as to the circumstances that surrounded the relationship between the Congress and President Reagan in 1983 when the decision was made to commit U.S. force to that island nation. I was a Member of the U.S. Senate in December 1989 when President Bush committed force in Panama. And I can say, Mr. President, with great certitude that that occurred in the last days of December 1989, just prior to Christmas. It was a time when Congress was not in session. There had been no debate on the Senate floor to formally authorize President Bush to take the action that he did in Panama. But, Mr. President, I believe that President Bush exercised appropriate responsibility as United States Commander in Chief, protecting United States interests in Panama and protecting the principle of democracy which had been thwarted when General Noriega overthrew a free and fair election that occurred in Panama earlier in 1989 and denied the democratically elected President the opportunity to accept his position of responsibility.

I supported President Bush in 1989. I believe that he used American power appropriately to advance American national interests. I believe the interests of the United States would have been disserved if a Democratic Congress in 1989 had attempted to deny the Commander in Chief the ability to use that kind of authority in the maintenance and advancement of U.S. interests.

Our policy in Haiti has been the policy through two Presidential administrations. When President Aristide was removed from power at the end of a rifle in September 1991, President Bush immediately committed the United States to a policy of restoration of President Aristide. And throughout the balance of his term, he used various measures, including sanctions, as a means of accomplishing that objective. President Clinton has also had as the touchstone of United States policy in Haiti the restoration of the democratically elected President Aristide.

It has been suggested that rather than a bipartisan position of two U.S. Presidents, we are engaged in some precipitous act, that we are flailing away and about to act in a reckless manner. I point out that when we talk about our relations with Haiti, we are not talking about a country that is halfway around the world; we are talking about a country that is in our neighborhood; we are talking about a country with a long history of relationships with the United States.

In fact, Mr. President, as one brief historical aside, but for the fact that the Haitian military in the early part of the 19th century defeated an army of Napoleon, the United States would not have been in a position to have persuaded the French to sell the Louisiana Purchase to this country.

So almost from the beginning of our American history there have been interrelationships between Haiti, the second republic in the Western Hemisphere, and the United States of America, the first republic in the Western Hemisphere.

In December 1990, after a long period, three decades of dictatorial and tyrannical rule, the people of Haiti voted in what was acclaimed by international observers to be a free and fair election. The result of that free and fair election was that Jean-Bertrand Aristide was elected President of Haiti. He assumed office in February 1991. He served in that office for 7 months, and then in September 1991, in an old-style military coup, was banished and has been in exile from that date.

It has now been 2 years and 8 months that President Aristide has been denied his lawful position as President of Haiti.

Both President Bush and President Clinton have committed the United States of America as part of the international community support for democracy to the restoration of President Aristide.

We are not here debating the personality of President Aristide. We are debating whether the United States has a sufficient interest in the protection of the principle of democracy within our own hemisphere to warrant the President of the United States in 1994 having the same Commander in Chief responsibility that President Reagan exercised in 1983 and President Bush exercised in 1989.

I believe, Mr. President, that if we are going to have a credible, sustained policy in foreign policy, that while it is good that we have an active debate, it is critical that we speak to the world with a single voice. I supported President Reagan, I supported President Bush, and I will support President Clinton because they are the persons who have the legitimacy of the election of the people of the United States to be that voice to the world.

The Senator from New Hampshire in his earlier remarks laid out what I think is a fair method of analysis of when the United States should consider the use of armed force. He suggested a three-part test.

First, can the conflict be resolved by military means, or is it a situation which requires some methods other than military means?

Second, are there U.S. national interests that warrant the use of U.S. military force and the inevitable danger into which that will place American fighting men and women?

And third, how do we disengage what is our exit strategy?

Let me discuss those three items as they relate to Haiti:

First, can the United States accomplish its objective through the use of military means?

The answer to that question is clearly yes. Haiti has a small, ill-trained, ill-equipped, incompetent military force. There is no question that the United States in a very short use of combat capability would quickly overwhelm the Haitian military.

When I was in Haiti 10 days ago, it was the expectation of most of the observers that if there were, in fact, conflict, the Haitian military would fade into the population, would not stand and fight. In fact, it was even suggested that some Haitian military personnel wore civilian clothes beneath their uniform so that in the event that they should be called upon to fight during their particular station time, they could remove their uniform, lose their identity as a military personnel, and flee.

The second question is, I think, the heart of the debate, and that is, are their sufficient U.S. national interests to warrant the President of the United States having the authority to exercise his role as Commander in Chief?

I would start by saying that I think there was sufficient United States national interests to warrant President Reagan's action in Grenada and President Bush's action in Panama, and I

would defy those who would impose a different standard on President Clinton as it relates to Haiti to explain why we have a lesser interest in a country which is substantially larger, closer, and has at least as many economic, political, and historic relationships to the United States and potential to inflict adverse consequences on the United States as does Grenada or Panama?

What are the United States interests in Haiti? Let me suggest some of these—and these are not original.

It has been stated that President Clinton has been in some way silent, inarticulate relative to United States interests in Haiti. In fact, I think quite to the contrary. He has been precise and he has been repetitive in stating what those U.S. interests are.

Among others, he has underscored the following:

First, the United States is a signatory to the San Diego Accord to the Organization of American States to which we committed ourselves with the other countries of the OAS to defend the principle of democracy within our hemisphere.

That was not a position taken by President Clinton but rather a position taken by President Bush, and that was one of the reasons that President Bush cited when he stated immediately after the coup that the U.S. position would be the restoration of President Aristide

I believe that if we were to retreat, to surrender, to accept the military overthrow of the democratically elected government in Haiti, we would be sending a horrendous signal to the barracks of the Caribbean and Latin America.

Just 25 years ago, Mr. President, you could count on the fingers of your hand with several left over the number of democracies in the Western Hemisphere. Today, Mr. President, all but two of the nations of the Western Hemisphere, Cuba and Haiti, are democracies. Many of those democracies are fragile, almost all are new, almost all are potentially vulnerable to the same type of military coup that occurred in Haiti in September 1991.

The signal that we would be sending to the barracks, barracks often occupied by the sons and grandsons of the former military presidents of these nations, would be that if they attempt a military takeover of their country, there will be no resolve, no sustained commitment to the protection of their democracies as there had been none to the protection of the democracy in Haiti.

It is very much in our interest, in the interest of the United States of America, that the Western Hemisphere be a hemisphere of stable democracies. It would be very debilitating to our relationships within our own neighborhood if again we had to deal with a series of dictatorships.

Second, Haiti is a neighbor and, therefore, when we see Haiti bleed, as Haiti is bleeding today, it evokes a special sense of empathy.

From February 1 to June 1 of this year, Mr. President, in Haiti there were 295 political murders according to the United Nations human rights observers. From February 1 to June 1, 1994, in Haiti, Mr. President, there were 66 political rapes according to the United Nations human rights observers. Between February 1 and June 1, 1994, in Haiti there were 91 political abductions according to the United Nations human rights observers.

Mr. President, those are descriptive of the conditions under which the 7 million Haitian citizens are now living. Those are conditions which now are coming into the living room of Americans as they are being communicated on a daily basis by the American press.

We have been moved by human rights abuses in Bosnia. We have been moved by human rights abuses in Southeast Asia. We have been moved by human rights abuses in Africa. This is an example of the abuse of our own neighbors.

Mr. President, we are not immune from the impact of these human rights and other political and economic denials.

Admittedly, horrendous things happen around the world. But when horrendous things happen in Haiti, we receive a significant part of the negative aftereffects.

Some of those negative effects are being seen as clearly as on the front page of today's newspapers—hundreds and now thousands of people seeking to flee Haiti, with the United States being the principal destination of those refugees, Haiti having been taken over as a significant new transshipment point for drugs from the production countries of South America to the United States. We are seeing the results of the Haitian dictatorship in our streets and with our children who are increasingly the targets of the drugs that are coming through Haiti.

I believe, Mr. President, that the United States has substantial interests in what is occurring in Haiti. Those interests extend beyond the 8,000-plus American citizens who are living in Haiti and who are at special jeopardy during this period.

A third question that the Senator from New Hampshire asked was: How do we disengage; what is our exit route?

I believe that President Clinton has been following a prudent, sequential policy in terms of our attempts to resolve the crisis in Haiti. We have been following a policy in the past several months of gradually increasing the economic sanctions and the political isolation of Haiti. In the last few days, we have cut off bank accounts for those Haitians wealthy enough to have accounts in the United States. We have terminated commercial air flights into Haiti. We are being joined increasingly by other nations around the world in seeing that those sanctions have the widest possible reach.

Now, I want to be candid, Mr. President, as I attempted to be yesterday in some testimony before the Western Hemisphere Subcommittee of the Foreign Relations Committee. That is, that I personally am not optimistic that those economic sanctions alone will be sufficient to cause this current military leadership in Haiti to voluntarily transfer power back to President Aristide. The unfortunate fact is that during this period, the Haitian military has been using their theft of the sovereignty of Haiti to become enormously wealthy—wealthy by the drug trade, wealthy by the great profits they are taking from contraband through other countries into Haiti.

I believe that we should continue to allow these sanctions, and possibly further increased sanctions, to run for a period of time to test whether they can accomplish that objective. But we may well reach the point where we are faced with an unhappy set of alternatives.

This debate has led one to believe that there is some silver bullet for the situation in Haiti that will come without pain and without consequences and without effect on the United States ability to protect its own interests and to be a credible voice in the international community.

I do not think there are going to be such easy answers. I think that we are going to be faced with the alternative of essentially surrender; accepting the fact that the Haitian military has won; that they have been able to face down the international community, face down the United States; that we would have to begin to accommodate to them to reach some form of working relationship. There would probably be a fig leaf offered in the form of new elections—new elections under the control of this illegitimate government; new elections which would give no sense of legitimacy of that government to the people of Haiti or to the international community. That is one option that we have before us.

Another is to fulfill the commitment that two Presidents of the United States, that the Organization of the American States, and that the United Nations have made collectively, and that is that the democratically elected President of Haiti will be restored to power. And, in my judgment, to achieve that end, if these current economic sanctions and political isolation do not do so, will require the credible threat and willingness to use military force.

I believe that the President of the United States is proceeding in a prudent manner in terms of developing that option should it be necessary. He has been clear that he is not going to take that option off the table. He is not

going to give the thugs in Port-au-Prince the peace of mind that they are secure from military force. He is working with other nations and, I might say, in a particularly effective manner with our former colleague, Congressman Bill Gray, to develop a multinational support for future U.S. action; and a multinational direct participation, first, in a force that would be used to carry out that credible threat and a peacekeeping force which would be our exit strategy that would come in after the President had been restored to power in order to assure an ongoing international presence during the transition back to a democratic regime.

It will be that U.N. presence in Haiti, much like the U.N. presence in El Salvador, that will avoid a repetition of the necessity of a long period of United States involvement in Haiti, such as that which occurred from 1915 to 1934.

But there will be other forms of United States involvement in Haiti during this period of transition. There will be tremendous needs for economic assistance—economic assistance in terms of public sector involvement, assistance in rebuilding a shattered infrastructure for the country, and in creating a climate that will bring back private sector employment which has largely fled the country.

A week ago Sunday, I visited what had been a bustling industrial area near the airport in Port-au-Prince. On that day, it was a skeleton of empty, abandoned buildings, because the assembly industry had fled to other locations.

We are going to have to have an economic plan—"we" being the international community—with the international financial institutions playing a major role, that will be ready to be implemented as soon as President Aristide is restored to power.

We are also going to have to have a role in democratic reform. One of the most immediate will be to separate the police function from the military function so that there will be a professional police force to guarantee the security of the people of Haiti and to assure that human rights are being protected rather than abused by those who have the gun. I am very pleased that Canada is already in the process of training a corps of Haitian exiles who will form the base of a newly professionalized police force that can provide that kind of quality security to the people of Haiti.

Mr. President, this is a very serious debate we are having this afternoon. I would hope that, at a minimum, we would act in 1994 consistent with the manner in which we acted in October of 1993. I hope that, on a larger stage, we would act consistent with the manner which we did almost 50 years ago. With a spirit of bipartisanship, Congress and the President joined hands to develop new approaches to a new challenge to American freedom and democracy, the emergence of a Soviet Union with very acquisitive aspirations around the world.

Bipartisanship served the United States and served the world community well 50 years ago. That same spirit of bipartisanship can do the same in a more complex situation in which we are not facing a single enemy, but a whole series of challenges around the world as we reach the end of the 20th century.

I hope it would be in that spirit of building an American foreign policy to respond to American interests and opportunities around the world in this post-cold-war era that we would begin to evolve in this and other debates on America's position in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, let me just preface my comments by saying I rise in opposition to the amendment, in its current form, of the Senator from New Hampshire. I would like to see if there is room for some discussion with him, with respect to that form.

Obviously the language of the amendment is very similar to an amendment that we passed in the Senate, I think last year it was, as a sense-of-the-Senate resolution. As every one of us knows, there is a huge difference between a sense of the Senate and a resolution which as a matter of law seeks to do more than just express the opinion of the Senate with respect to certain prescriptions on Presidential behavior.

If we are to discuss this issue as a matter of law binding as part of the ops appropriations, then we have a serious problem in terms of finishing the ops appropriations bill, because it would be as equally unacceptable, I might say, on the Republican side of the aisle—as it ought to be on the Democrat side of the aisle—that that kind of curbing of Presidential prerogative, or even this kind of expression of opinion in a binding form, is, in effect, a War Powers Act, a mini-War Powers Act applying specifically to Haiti. If we are going to pass some sort of mini-War Powers Act with respect to Haiti, then we ought to do it in the proper fashion.

I do not think anybody is going to come in here and start applying mini-war powers acts country by country. But that is precisely what binding language seeks to do.

There is a serious constitutional issue and, I might add, there is a very serious diplomatic issue in the context of what is at stake in our current efforts with Haiti. I have been here not long compared to some colleagues, like the Senator from Virginia and the Senator from Georgia [Mr. NUNN] the ranking member and the chairman of the Armed Services Committee, whom I know would feel very strongly on the merits that a binding statement with respect to this has serious implications with respect to Presidential power and prerogatives and the separation of powers. If we want to debate that, just as we have debated for ages, the issues of the War Powers Act, then let the debate begin and let it run on into the Fourth of July weekend.

I might also say to my friends on the other side of the aisle that there is a duplicity of standard here, a serious duplicity of standard. In the few years I have been here, I can remember coming to this floor and we had debates. I think, by and large, with the exception of major confrontations where forces might have already been in the field, or covert, unauthorized activities were taking place, as in Central America, there was debate on Presidential action. But I cannot think of an instance of prior restraint before any kind of activities had taken place that the Congress saw fit to engage in that forum for restraint. It was restraint on action already taken, not a prior restraint.

I can remember supporting President Bush and supporting President Reagan with respect to Panama, Grenada, where people felt there was a justification and certainly Presidential prerogative to immediately take action for reasons that the President saw fit at that time.

I think it is fair for the U.S. Senate to express the reservations that we did express. I voted for it. So I am not opposed to the substance of suggesting to the President that we ought to approach this carefully and for national security interests and the other reasons that are expressed.

But I think you have to look hard at what is really going on here, Mr. President, and question at least whether or not there is more than is really happening.

If you measure the responses that we have heard in the course of the foreign policy debates of the last months on almost every single issue, we hear people complaining about the choices made by the administration, but no offer of an alternative. Or if there is an offer of an alternative, it is an alternative that is kind of casually and cavalierly tossed off without real respect for the consequences of the alternative being offered.

You can look at Bosnia and find examples of this. You can look at Korea and find examples of this. You can certainly look at Haiti and find examples of this where we have heard colleagues recently say, "You have to lift the embargo, that's the solution." For the life of me, I cannot understand how lifting the embargo on Haiti does anything except award to a bunch of thugs the victory that they are already claiming.

Mr. President, this is not good diplomacy, it is not good timing. The administration has appointed——

Mr. McCONNELL. Will the Senator yield?

(Mr. FEINGOLD assumed the chair.)

Mr. KERRY. I yield for a question.

Mr. McCONNELL. Just for a question. I am having a hard time figuring out what the Senator from Massachusetts objects to.

He has, of course, read the amendment of the Senator from New Hampshire, and these stipulations have the word "or" between them. In other words, if the President meets any of these conditions, he would be free to go forward, as I understand it. So I was curious if the Senator from Massachusetts had a problem with subsection 1 which says:

"Such operations are authorized in advance by the Congress."

Is that not the Persian Gulf example?

Mr. KERRY. Mr. President, let me say to my friend, as I just said a few moments ago, the substance does not bother me. I voted for this. I have read every line of it now. I have compared it to the original law that is referenced, and I do not disagree with that. That is not the problem.

Mr. McCONNELL. What is the problem?

Mr. KERRY. The problem is severalfold. No. 1, as the Senator knows, there is an enormous distinction between a sense-of-the-Senate resolution and something that we make into binding law. No. 1.

No. 2, I think the President can make a decision, he can even explain under any of the circumstances that may arise, he can find a justification in this. That is not the issue.

The issue is whether the U.S. Senate has a real need and reason at this moment in time to either curb the President or send this message and, second, precedentially, does the U.S. Senate want to do to this President what this Senator who asks the question would not have done and, in fact, argued against with respect to Presidents Bush and Reagan?

Mr. McCONNELL. I say to the Senator from Massachusetts that I specifically would not support restricting the President's options in advance by saying under no circumstances could the administration invade Haiti. That is not what I understand this says.

I am looking at my friend from New Hampshire. He is shaking his head no. No, that is not what this says. We are not ruling out the possibility of a Haitian invasion in advance. We are simply saying consistent with the Persian Gulf experience that you ought to come to Congress and get it authorized.

And I say to my friend from Massachusetts, the reason for this is all the flip-flopping—back and forth, back and forth—leaving Congress, at least some of us, not to have a lot of confidence and to fear—and it has been mentioned by several people on the floor, including this Senator—that this invasion is likely to occur when we are not around.

Mr. KERRY. Mr. President, let me answer my friend's question and correct him politely at the same time.

This is not like the Persian Gulf resolution, and my friend should remember back to the Persian Gulf resolution where the President of the United States put the troops in and then talked to us. There was no prior approval; there was no prior request for approval. The President put the troops in and explained to the American people why he chose to do it.

The first notice most Americans had was on television when they saw a bunch of grease-painted Seals arriving on the beach in full combat regalia. And they asked themselves, "What the hell's going on?"

So I say to my friend, he would not have done this to President Bush, and there is no rationale for doing this, except to try to come to the floor now and talk about flip-flops, et cetera.

I say to my friend, there are no flip-flops with respect to Haiti. It is nice to be able to make these arguments and it has become the current political game in Washington to try to make them. But the fact is that the President has had to balance a whole set of interests. People in Washington say, "Well, we don't want the refugees coming here." But, on the other hand, they are not willing to do something to end the process of refugees coming.

That touches our shores. What is astonishing to me is that if you really examine what is happening in Haiti where you have thugs involved in drug trafficking, which our own DEA and State Department acknowledge—they may dispute the amount, but they do not dispute the fact.

The fact is these guys are running drugs into your cities, my cities, and the cities in New Hampshire, and I wonder why my friends on the other side of the aisle are not more concerned about that.

They are engaged in the most horrific human rights abuses not far from the shores of the United States, where people are killed, left out in the street to rot. The people go out to try to collect the bodies, and the people who go out to collect the bodies are killed and left to rot as an example to the rest of the people in the community.

Prior Presidents of the United States saw fit to send American warships into the region some 27 times prior to the 1915 occupation. Then we saw fit to be there for 19 years. We have seen fit to be in other parts of the Americas. And here we are for once not asked to go down there in the interests of United Sugar or United Fruit but to go down there in the interests of the majority of the people who elected a President, supposedly in support of democracy, which is one of the major hallmarks of American foreign policy, and what happens? The Republican Party says lift the embargo and give a victory to these thugs.

Mr. McCONNELL. Could I just ask one more question?

Mr. KERRY. I wish to say something about this, and then I will come back to it because this is what is at stake. Not only do you have humanitarian abuses, you have widespread hunger; $150 is the annual income of a farmer in Haiti and only one-third of the land is arable. And what happens? Hunger is a solution to send troops to Somalia but hunger alone is meaningless in Haiti to my friends on the other side of the aisle.

So you not only have hunger, you not only have human rights abuses, you not only have drug running, but you have the theft of democracy right off our shores. And what happens? The Republican Party says award them the victory. Lift the embargo. That is the policy.

So I say to my friends you have in Haiti more rationale to kick these guys out than you had in Grenada or than you had in Panama, and you have all of the reasons that were present in Panama and in Grenada and in Somalia present in this one location, but there is a contrary policy that has been chosen by our friends on the other side of the aisle.

Why is there a double standard? Why is it OK for President Reagan to suggest that—let me use his words. I wish to use his words. Here are the words of President Reagan and President Bush. President Reagan told us he was sending American troops to Grenada to "protect innocent lives, including up to 1,000 Americans, to forestall further chaos and to assist in the restoration of conditions of law and order and of governmental institutions." There is not a word there with respect to Grenada that could not apply to Haiti.

Mr. McCONNELL. That is covered in the Senator's amendment.

Mr. KERRY. President Bush told us that the United States was invading Panama to safeguard the lives of Americans, to defend democracy and to protect the integrity of the Panama Canal Treaty.

And when he sent American forces to Somalia, President Bush said:

Some crises in the world cannot be resolved without American involvement. American action is often necessary as a catalyst for broader involvement of the community of nations. Only the United States has the global reach to place a large security force on the ground in such a distant place quickly and efficiently and thus save thousands of innocents from death.

So there is a difference in the saving of innocents from death in Haiti and innocents from death in Somalia. I would respectfully suggest in our hemisphere and given our history there are 100 times more reasons, and I would suggest that for African-Americans in America who are asking themselves about this double standard, if we want to keep faith with what this country is about and hold together, we ought to apply the same standard.

Mr. McCONNELL. Will the Senator yield?

Mr. KERRY. I yield for a question.

Mr. McCONNELL. The Senator makes a very compelling argument. What is wrong with asking the President to make that argument to the Congress, which is all that the Senatoı from New Hampshire, as I read the resolution, is asking here, that the President simply come make the argument. There are a number of different options in the amendment which could justify an invasion if that is what the President had in mind. All we are saying here is, ask for permission, if you will.

Mr. KERRY. Let me say to my friend——

Mr. McCONNELL. I think the Congress might well be willing to have forceful leadership, conviction expressed by the President of the United States that this is what he feels we ought to do and asks for our support.

Mr. KERRY. Let me say to my friend from Kentucky that I think the President of the United States is offering forceful and clear policy with respect to Haiti. He has appointed a special negotiator, a special envoy. The President has made clear that the military option is not off the table, and the President has made clear that we are obviously tightening the sanctions and proceeding down a fixed course of action.

Now, he is on that course of action. Along comes the Senate at this very instant and merely replicates what it has already said. Now, how can one not believe there is not mischief in the effort to simply replicate what we are already on record 98 to 2 in doing, but we want to do it suddenly in binding fashion. We want to change the terms.

Now, we all understand what binding is around here. And we all understand the message that is trying to be sent. I just respectfully submit to my colleagues, if you read the language, in fact, because it is binding, I personally have serious concerns about some of the conditions as they are defined, and I would assert those concerns differently where it is binding than I might have asserted them when it is simply a sense of the Senate.

I might also add there are prerogatives expressed with respect to intervention that do not particularly apply to Haiti in the language, and therefore you find that you have a binding statement about reservation of powers of the President of the United States which might, in fact, be used as precedents for other situations and go beyond. We do not do this. This is not what the Senate does in its relationship with the President unless it is being asked to play politics.

Now, we were not asked to do that with the prior Presidents. And so the question has to be asked why it is happening now? I just respectfully submit to my colleagues if we want to debate this for a great, great period of time—if he wants to send his message as a sense of the Senate, I know that Democrats will join in that. But if he wants to create a War Powers Act that specifically curbs the power of the President, this Senator—and I am confident others, I would think the Senator from Georgia and other Senators will not be sanguine with that approach.

Now, it is very simple. It seems to me it is also horrendous timing for the Senate at this moment to send a message which is an expressed reservation about the conditions under which the President could make a choice, is in effect to send a message to the thugs that there are friends here in the Senate, that we are not really looking out for the interests of the country. Arthur Vandenburg would be ashamed of what is happening here right now. This is not bipartisan foreign policy, and it certainly is not an effort to try to find a consensus. So I respectfully suggest we can deal with it.

I ask my colleague whether he would be willing to try to send what is a reasonable statement, as we did previously, or whether the Senator feels compelled to force this confrontation on Presidential power.

Mr. GREGG. Is the Senator yielding?

Mr. KERRY. I am asking the question of the Senator. I yield to him to answer the question. I am not yielding the floor.

Mr. GREGG. Mr. President, prior to answering that question, let me make a couple of responses in relation to the question because the Senator made a lot of points here. I think some of them have been well said.

I honestly agree with the Senator from Kentucky. I wish the President were speaking as effectively as the Senator has spoken so the American people would have a sense of direction of where the Senate is going. I do not believe the President has done that. Basically this amendment gives the President that opportunity before putting American lives at risk, because that is needed to be done.

The Senator said the President has not flip-flopped. Read the President's words. On October 13, 1993, he said, "I have no intentions of asking our young people in uniform to go in there to do anything other than implement a peace agreement." Then in May 1994, he said, "I think that we cannot afford to discount the prospect of a military operation in Haiti."

That is just one example of the innumerable statements. The record reflects that inconsistency.

Mr. KERRY. Mr. President, I believe I asked a question and yielded the floor for an answer, not a speech.

I would be happy to answer the Senator and say that it is not inconsistent. There is no inconsistency in that statement. The implementing of the agreement was the implementing of the agreement of Governors Island. That agreement had a very specific set of requirements that the thugs were supposed to live up to. They did not live up to it. That is one thing. And the President has tried to act, I think with great patience, as a President of the United States ought to act where lives are concerned and the potential use of American service people are concerned. He ought to proceed with caution and care. That is what he is elected to do. The President has done that in a way, I think, that asserts the interests of trying to get back with the Governors Island accord. But at the same time he has made it very clear that if that cannot be implemented, he reserves other options that are available to him.

Mr. GREGG. If I may reply—

Mr. SPECTER. Mr. President, parliamentary inquiry.

Mr. GREGG. Is your definition of a peace agreement—

Mr. SPECTER. Does the Senator from Massachusetts retain his right to the floor when he asks a question? I do not intend to assert that he does not, although I think that is the rule. But there are quite a few of us who have been waiting to make statements on the issue.

So my parliamentary inquiry is, does the Senator from Massachusetts retain the floor when he asks a question of the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator retaining the floor may only answer a question of another Senator by unanimous consent.

Mr. KERRY. Mr. President, parliamentary statement. I believe the Senator said—we can go back to the record—I will only ask the question and yield to him if I retain my right to the floor in the asking of a question. So, in effect, I asked unanimous consent and noted no objection if the Senator answered the question. I believe under those circumstances, while the general rule may be you would yield, I asked not to yield the right to the floor.

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

Mr. BENNETT. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KERRY. Without yielding my right to the floor, I will yield for a question.

Mr. GREGG. May I ask a parliamentary inquiry? Is that the proper form of the request for yielding, or does the Senator from Massachusetts have to ask unanimous consent to ask the right to yield for the purpose of taking a question?

The PRESIDING OFFICER. The Senator who has the floor has a right to respond to the question without yielding the floor.

Mr. BENNETT. Mr. President, I ask the Senator from Massachusetts if he would refer to the Gregg amendment,

the second portion of which reads that the deployment is temporary and necessary to protect United States citizens from imminent danger, and tell me whether or not in his opinion had this had the force of law it would have prohibited President Reagan from going into Grenada? Because, under my understanding of this language, President Reagan could have gone into Granada if this had had the force of law.

I ask the Senator for his reaction.

Mr. KERRY. Mr. President, that is a very legitimate question. The answer is very simply no. He would not have, nor do I assert that it might preclude him from any situations in Haiti. But it also might not apply to situations in Haiti. We cannot envision what specific situations might be. Certainly, there are some that are not contemplated in this. But I guarantee the Senator that he would not have voted, nor would the Senator from New Hampshire, nor the Senator from Kentucky, to try to restrain President Bush or President Reagan in the way that this amendment seeks to. They simply would not have done so. I know it from the arguments we have had on the floor in the last 10 years regarding this issue. No matter what reservations you may have or may not have about the way in which decisions are being made, let us just call it fair and directly and honestly here among Senators.

Mr. DODD. Will my colleague yield?

Mr. KERRY. No other Senator would have voted to restrain the President.

I yield for the purpose of answering a question and ask unanimous consent not to lose the floor.

Mr. DODD. I think the Senator raises a very legitimate point. Just look first at the title of this amendment. I ask this in a form of a question, Mr. President. The United States military operations in Haiti, "comma", North Korea, and Cuba.

Now let us pose the question whether or not we in this body would want to restrict this President, or any President, from the ability to respond in a way that he may feel necessary in situations that jeopardize the interests of the country by a binding, legal document.

I would suggest—and I raise this in the form of a question to my colleague from Massachusetts—that you would not find this amendment being offered were those other countries to have been added here.

Let us be very candid. What we are talking about here is a small, desperate, poor, black country in Haiti. It does not have any friends in the world, not much of a constituency here in this country. People do not care about it much; 7 million people, the poorest country in this hemisphere; one of the poorest in the world. So it is an easy target.

Frankly, we do a great disservice, in my view. My colleague from Massachusetts has accurately pointed out this is going to send a dreadful signal right now. I do not see a great number of people pounding for some military invasion here. We have a broad-based sanctions policy in effect now. We have put restraints on visas and commercial flights.

Let us try to come together if we can for just a few weeks to see if this new policy can work. Let us try, at least on this one issue, to see if we cannot find some common ground. No one is advocating at this particular juncture that the military option ought to be exercised. Yet, by voting in this body tonight we make that the issue. In one way or another we send signals that we ought not to be sending.

This is irresponsible. We are in the middle of a crisis right now. We ought to be able to come together as Americans on an issue like this. A nation stands a few short miles from our shores where people are being terrorized like no other nation in this hemisphere right now, with serious problems. And as U.S. Senators, we owe an obligation to our constituencies, to the executive branch in this country, and to this institution to act with a far higher degree of responsibility than this amendment suggests.

I urge the author of the amendment to withdraw this amendment. Debate Haiti if we want to, but do not place this body in the situation of trying to complicate and confuse the conduct of foreign policy at a critical moment. It is the height of irresponsibility, I would suggest, to put this institution in that position and to complicate the conduct of foreign policy at this critical moment in our relationships with this nation.

Mr. GREGG. Parliamentary inquiry, Mr. President.

Mr. KERRY. Mr. President, could I answer the question?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would answer whether or not—

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold?

Mr. GREGG. I withdraw the parliamentary inquiry and simply ask whether that was a question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thought it was an excellent question.

Mr. President, if I could simply say to my colleague who asks about the title of the bill and the impact of it, obviously, I agree completely. I think that he has pointed out a tremendous inconsistency, that if this did say "Cuba," we would probably not be debating this right now. I am not sure where we would wind up with respect to some other countries, but certainly you can come up with a list that this obviously would not be before us in this form.

Mr. President, I know my colleagues want to speak to this. I do not intend to hold the floor interminably. But I do want to say that this is much larger than a political issue in Washington. Whatever one's perceptions of the President's choices with respect to Haiti or elsewhere, we have a responsibility to look out for the larger interests of our country.

I am not saying the Senator from New Hampshire is not doing that, or does not want to do that. I think his perception may be that this is the way he protects that interest. But I am suggesting that in the process of dialog here on the floor, maybe we can come to a joint agreement or assessment that in fact that judgment might be misplaced or mistaken in this particular circumstance; that if we can avoid sending the kind of message that the Senator from Connecticut has just talked about, we ought to try to. It is our responsibility to.

Obviously, if you go back to the succession of events leading up to Haiti, you can look at Somalia. What happened in Somalia? A group of Rangers were ambushed, and I would agree that—and some of us said it at the time—the policy somehow rambled out into this broader reach. We suddenly were chasing Aideed, and suddenly it was more than any of us thought.

But what was the reaction? The reaction—if you will recall that briefing we went to—was the most incredible stampede and hue and cry for cut-and-run that I have ever seen in my life. In point of fact, this President of the United States resisted the enormous political pressure being put on him by the cut-and-run folks to create an orderly, sensible, withdrawal which left something in place of both our original intent and our honor.

In effect, we wound up with a President making a tough political decision to get people out, but doing so in a way that was totally contrary to most of the folks who said, "You have to get out of there immediately." That sent a message. And do not mistake it for one instant, the thugs down in Haiti read that message, because it was 1 week later that those thugs were on the dock building on the syndrome of Somalia to threaten the *Harlan County*.

What was the reaction? *Harlan County* turned because they were not equipped to fight, folks. That was not the mission. Nobody approved it. If they had, there would have been a hue and cry saying, "What the hell are you doing in Haiti?"

So they made a decision to respect what the original Governors Island meeting was about and did not engage in the threats of the loss of American life. But believe you me, the Haitian thugs read that message, too.

Then you turn around and you have the situation with respect to Bosnia, where everybody knows there is not

one person—maybe 10 in this institution, who would vote to put American troops on the ground.

So here you are negotiating a hand where you have little leverage without American troops, and that sends a message. And every leader in the world, including Kim Il-song in Korea, has read that message.

So if you want to add to that message here on the floor of the Senate today and say to the thugs in Haiti, "Boy, you guys have a free hand because they have tied the President's hands in a way that he has to jump through hoops," and they are making it a clear message, no matter what the language says—the language of this amendment that you may understand and others may understand for the way it can be legally interpreted—to give him the right to make $x$ decision or $y$ decision, the truth is that it is not the legalities that the thugs will look at; it is the broader perception of what is happening here and what people are really trying to say. And you will have stripped out, once again, from this President whatever leverage may or may not exist to try to bring to a close this sorry chapter next to our shores.

So I hope we are not going to do that. I am certainly going to resist an effort to try to tie the hands of this President in a way that this same institution denied and resisted, and I think appropriately so, on other occasions efforts to do so for prior Presidents.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when I raised a parliamentary inquiry before, my own view—and subject, obviously, to the determination of the Chair—was that the Senator from Massachusetts had lost the floor. I did not hear him ask unanimous consent when asking a question of another Senator. I did not raise that matter but only sought to suggest that others had been waiting for an opportunity to debate the issue. The Senator may yield for a question to another Senator without yielding the floor and does not need to ask unanimous consent. But when he asks questions, he loses the right to the floor in the absence of unanimous consent.

I have sought recognition here to make a relatively brief statement. I disagree with the Senator from Massachusetts when he says that this is a political issue. My view is that it is a constitutional issue as to who has the authority to authorize the use of military force.

My very strong view is that, when time permits, it is the Congress which has the authority to authorize the use of force. I did not like what I saw in the course of the Korean conflict, where the United States was engaged in war without appropriate congressional authorization. And I did not like what I saw in Vietnam when the United States engaged in war without appropriate congressional authorization. When the issue arose in Iraq, there was a specific congressional authorization to have that use of force.

I think that the situation in Grenada and Panama are fundamentally different from what is involved in Haiti. But perhaps we ought to revisit Grenada and Panama if there is a suggestion that when the Congress has the opportunity to deliberate and to make a decision on the use of force, the Congress should abdicate that and allow the President to act without congressional authorization.

When the Senator from Connecticut says that what the Senator from New Hampshire has proposed here today is irresponsible—and we have the Senator from Massachusetts agreeing with the Senator from Connecticut—I disagree with that. If the Senator from Connecticut wants to pursue the argument that there ought to be intervention because of the fact that Haitians are being terrorized, then let the Senator from Connecticut suggest a resolution to authorize the President to use force under that circumstance. And where the Senator from Massachusetts goes through a sequence saying that the thugs are running drugs; there are human rights violations; there is widespread hunger; there is theft of democracy, and then he says, "Why are people on the other side of the aisle not concerned with that?" Well, we are concerned with that.

What ought to be done here, if the Senator from Massachusetts and the Senator from Connecticut think that the President ought to have leeway to use military force, is to let them offer a resolution that authorizes the President to do that. When the Senate had a sense-of-the-Senate resolution back on October 21, 1993, which is identical in substance, limiting the President to use force without the authorization of Congress unless there is an emergency to protect U.S. citizens, or unless there is an emergency on national security interests, and the President continues to talk about the use of force, then I think it is entirely appropriate for the Senator from New Hampshire to come back and say, "Let us have it in the effect of law." It is highly unlikely that it will become law, because even if it passes the Congress, subject to a Presidential veto, then you have to have a two-thirds override. But I think what the Senator from New Hampshire is saying here is that he really means business, and that the President ought not to act unilaterally.

We went through this in a very measured way on the resolution for the use of force in Iraq. I remember very well back on January 3, 1991 when it was the Senator from Iowa, Senator HARKIN, who raised a procedural issue which forced the hands of the leadership to bring up the issue for debate on January 10. We had a debate on the floor of the Senate on the 10th, 11th, and 12th and authorized the use of force where the President had set a deadline, or the United Nations did, for January 15.

There is no doubt that if we had voted down that resolution the implication would have been plain, that the President could not have used force because he did not have the authorization of Congress to do so, notwithstanding the fact that there was no resolution saying no funds may be used by the President unilaterally to use force.

We know what the situation is in Haiti, and there is plenty of notice about what is going on in Haiti.

If that warrants the authorization of the President to use military action, then let us say so. But if it does not, then let us not criticize the Senator from New Hampshire for coming forward and offering a resolution which expresses the determination of the Senate and the Congress that force ought not to be used on the current state of the record without the authorization of Congress and unless there is a specific emergency and a specific way.

I do not believe that this is a political issue. I believe it is a constitutional issue, and I believe it is a matter of the authority of the Congress.

That is why I think the amendment is a good one and I intend to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPECTER. Mr. President, what would constitute a sufficient second with a number of Senators on the floor?

The PRESIDING OFFICER. Under the rules the sufficient second requires one-fifth of the seated Senators.

The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, this is a very important matter, one on which the Senate has previously acted. A few months ago, the Senate voted on precisely this language in a sense-of-the-Senate resolution. My hope is that the Members of the Senate will act in a manner consistent with their previous vote in that regard.

But there are a number of Senators who wish to address this subject, as I do myself at a later time. And so, because this was offered in a form that is a second-degree amendment, it is not now subject to amendment, although it is likely that there will be an alternative presented in some form after a vote occurs on this.

I will myself have more to say on the subject before we get to a vote on it. I know Senator MCCAIN has requested an opportunity to speak.

So I will now yield the floor.

Mr. LEAHY. Will the Senator yield to me before that for an observation?

Mr. MITCHELL. I will yield and the Senator can get recognition.

Mr. LEAHY. Mr. President, I will note the matter before us was originally presented, as was in that form last year, as a sense of the Senate. I should note, as a sense of the Senate, it passed, I believe, 98 to 2. In any event, I know of only two votes against it on the last rollcall vote as a sense of the Senate.

Had it remained as a sense of the Senate, as the majority manager of the bill, I would have been prepared to accept it. Others, of course, could have taken a different position, but I would have been prepared to accept it.

My objection and concern is setting an unprecedented mandatory position, one that has never been presented certainly in a country-specific fashion as this one is, something that no Member, to my knowledge, in either party, has ever presented in opposition to action of any President.

Certainly no Democrat or no Republican has ever presented as binding law legislation of this nature during the time of President Bush. No Senator, Republican or Democrat, ever presented a piece of legislation this specific as binding law during the Presidency of President Reagan. No Senator, Republican or Democrat, ever presented a piece of legislation this specific as binding law during the Presidency of Jimmy Carter, nor during the Presidency of Gerald Ford.

I use those Presidents because I have served here with five Presidents and never has any Senator, Republican or Democrat, sought legislation, binding legislation of this nature, of this specificity, binding the hands of any President.

And there is no question in my mind that, should there be action anticipated by the United States, President Clinton would consult with the bipartisan leadership of the Congress, as President Bush did, as President Reagan did, as President Carter and President Ford did.

But, I have basically concluded that, if legislation of this nature on a foreign aid bill in the final form were to go to the President, I would recommend the President to veto the bill. I hope we would not reach that point. But it would not be responsible for us to pass legislation this specific.

I would be happy to see us go back to what we had last year. There is legitimate debate about our policy in Haiti. It is a debate where Senators on both sides of the aisle and within both parties could differ and disagree. And that is perfectly legitimate. I have expressed my own concerns at times on that and as I know there is within the administration itself.

But to put this kind of binding legislation on would be unprecedented, unprecedented, in the annals of this country and something, in my 20 years here, with both Republican and Democratic Presidents, I have never known a Senator to bring forward or seek, in the U.S. Senate, to do anything with this specificity.

I yield the floor.

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

Mr. LEAHY. I yield for a question.

Mr. SIMON. I thank him for yielding.

Mr. McCAIN. Does the Senator yield the floor?

Mr. LEAHY. I yielded for a question. I will yield the floor.

Mr. SIMON. My question is this: I happen to oppose military action in Haiti. But I also do not want to weaken the President's hand in terms of the present situation.

In the kind of situation I am in, should I vote against the proposed amendment? What would the Senator from Vermont recommend?

Mr. LEAHY. I would recommend voting against it. Frankly, if I had my druthers—and of course the Senator who has proposed it can do whatever he wishes—but it would make more sense, in my estimation, to go back to what it was, a sense-of-the-Senate resolution, vote as we did last year on that. It would express the real concern and legitimate concern of all Senators, Republican and Democrat alike, on the Haiti policy.

But, should it be in this form, I would strongly urge one to vote against it. And we can express our opinion in another form, and either I will make that available or another Senator will in a sense of the Senate. But not in this form.

Mr. SIMON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I will be relatively brief. My friend from Utah has been waiting for some time, he informs me.

It is with great reluctance that I oppose this amendment. I do so on strict constitutional grounds. I do not believe it is constitutional even with the significant caveats contained in this amendment, to prospectively limit the powers of the President of the United States.

Someday we should have a debate and either reaffirm or reject the War Powers Act. It is long overdue. It is an act of cowardice that we have not. But for us to prospectively tell the President of the United States that he cannot enter into military action anyplace in the world, in my view is a clear violation of his powers as Commander in Chief under the Constitution of the United States.

Mr. President, let me say I think the views and the concerns raised here by the Senator from New Hampshire are valid. I, too, am afraid we are on a slippery slope toward a military intervention.

There is no doubt that if you impose an embargo, you harm the lives of the very people you are trying to help, especially when the embargo is imposed on a poor, unfortunate island like Haiti. A flow of refugees is virtually assured by our policy toward Haiti. And we are seeing that tide increase as the embargo squeezes the very life out of these poor people. The effects of this policy will then give the administration a very invalid, in my view, rationale for invading and replacing this oppressive and dictatorial regime.

My prescription is to lift the embargo, offer the generals a way out, and stop insisting upon the reinstatement of Aristide. Call for free elections and see if that will work.

Sanctions are affecting the poorest people in Haiti. You cannot deny it. You cannot get around it. Preventing people from going shopping in Miami is one thing. There are people in Haiti who are for the first time starving to death, and we should not allow that to go on.

I believe that we could effectively send the right message to the President of the United States with a sense-of-the-Senate resolution stating that we should not undertake military action in Haiti. I believe it would pass overwhelmingly.

Mr. President, we should not get militarily involved because there is no way out. If the United States in a very brief military operation—it would be less than 6 hours—takes over the country of Haiti, my question is, who will run the country? I will tell you who would be running the country. It would be the United States of America. The people of Haiti would resent it, and you would find the kind of resistance and eventual armed warfare that we saw the last time we were there, where we went for a few months and stayed for 19 years. Before anyone supports invading Haiti, read the history of our last invasion of that country. If you read it, you cannot support an invasion of that country.

At the same time, I cannot support any resolution which prospectively limits the powers of the President as Commander in Chief. And I ask my colleagues, what if the Senate of the United States had passed a resolution prohibiting President Reagan from the invasion of Grenada, which might have happened, given the situation in Grenada at that time? What would have happened? What would have happened if this body had passed a prospective resolution prohibiting the President of the United States from invading Panama? Both were operations which, by the way, I supported, because I thought they were in our national security interests. I do not believe Haiti is. I am saying if you do this, you will set a very dangerous precedent.

I now yield for a question from my friend.

Mr. McCONNELL. Mr. President, I was going to ask my friend from Arizona in what way the Gregg amendment would have restricted President Reagan's actions in Grenada?

Mr. McCAIN. Obviously there are caveats in the Gregg amendment which give the President of the United States some wiggle room. But the fact remains, I tell my friend from Kentucky, that you are telling the President of the United States that he cannot expend funds to invade except under certain circumstances. It is the wrong thing to do. You can express the will of the Senate with a sense-of-the-Senate resolution and you can do it with great ease. If we pass this amendment, it will be a small step to further restrict the powers of the President of the United States.

The Senator from Kentucky is entitled to his view of what the amendment says. I know the Senator from New Hampshire has his view and the Senator from Utah has his view. I am saying it is dangerous to begin any amendment by saying that no funds will be spent for operations of this nature, even if you add a list of caveats that is 2 miles long.

Mr. McCONNELL. I say to my friend from Arizona, not to belabor this too long, seven times last year—seven times last fall I voted to support Presidential flexibility in Somalia, Bosnia, and Haiti. I think on a couple of those amendments I may have been the only one on our side of the aisle. Maybe Senator WARNER and I were the only two. So I share my colleague's concern, I say to my good friend. I just do not see how the Gregg amendment unduly restricts the President's hand. Basically, in a sense, the Constitution does that as well with the requirement of a declaration of war, if you wanted to carry it to that point.

But it seems to me that this is pretty sensibly addressed to reflect recent military experiences. Also, it is not without precedent for us to put some restrictions. I think of the Clark amendment with regard to Angola when President Ford was around; the Boland amendment—various mutations of that; the Cooper-Church amendment during the Vietnam period.

Anyway, I do not want to prolong it, I say to my friend from Arizona. I am sorry he will not be able to support this amendment. I think it is excellent.

Mr. McCAIN. I thank my colleague. I would be glad to respond to that comment. Early in our history, I would say to my friend from Kentucky, when we had Barbary Coast pirates who were interfering with United States trade, we sent a task force of naval vessels to punish those people. And some of the greatest names in our naval history went there. That was done without a declaration of war. That set a precedent for operations like Grenada, Panama, et cetera.

If the Senator from Kentucky supported the Boland amendment, I would say that he was in a very different position than I was because I believe the Boland amendment was unconstitutional. And I wish that the Reagan administration, by the way, had had the guts to fight that all the way up to the U.S. Supreme Court.

Mr. DODD. Will the Senator yield on that?

Mr. McCAIN. I will.

Mr. DODD. I just want to point out the Barbary pirates is a good historical example, because in that particular case—consider the day and age, it was in the early part of the 19th century—the forces there, in the Mediterranean, sent a boat back seeking permission of the President of the United States as to whether or not they could engage them. It took several months to get an answer. But they did not dare engage them without that permission, I point out to my colleague.

Let me just add as well, on the debate of the war powers resolution, Presidents, beginning with President Nixon, he—and for good arguments—objected. And there the law says in the absence of a declaration of war—the last time we did that was on December 8, 1941—that Presidents are allowed. The President shall submit within 48 hours to the Speaker of the House of Representatives, 48 hours after the engagement begins, a report in writing setting forth the circumstances, and so forth. That has been the subject of significant debate as to whether or not a President, even after there has been an engagement militarily, should be required to report back to the Congress. This goes the extraordinary step——

Mr. McCAIN. That is what I would also address. I hope my friend from Connecticut would agree—we need to debate the War Powers Act and clearly define what a President can and cannot do. We would not be engaged in this debate if we did. Be that as it may, my friend from Kentucky asked me what the problem was with the amendment. The first sentence, part (b):

None of the funds appropriated or otherwise made available to the Department of Defense * * * may be obligated or expended for any United States military operations in Haiti unless * * *.

Now, those caveats are excellent. I am glad that they are in there. But it does not change the fact we are telling the President of the United States that he cannot spend any money to invade Haiti, even though there are caveats to it. If those caveats, I would say to the Senator from Kentucky, are that great, then let us make it a sense-of-the-Senate resolution, which the distinguished manager of the bill and the majority of us—not all, I see the Senator from Florida there and others—would support overwhelmingly. And then we would send a simple message.

As it is, we are now getting embroiled into interpretations of the Constitution of the United States. My interpretation is clear that we cannot prospectively limit the powers of the Commander in Chief.

Mr. DODD. Will the Senator yield?

Mr. McCAIN. Could I just finish this thought? I tell my friend from Kentucky, hopefully—hopefully—some day there will be a different party in power in the White House. And I would hate to be standing on this floor arguing with one of my colleagues on the other side of the aisle who wants to prospectively limit action by the President of the United States when I supported such a thing when my party was not in power. We could be setting a very dangerous precedent for those of us on this side of the aisle.

Mr. DODD. My colleague may know better, but I cannot think of a single example, even during the 12 years of the Reagan and Bush administrations, when any such amendment like this on any part of the world was ever offered or adopted. Does my colleague know of any example I may be forgetting?

Mr. McCAIN. I know of none, except for the Boland amendment, and the Boland amendment, in my view, was something that, frankly, poisoned the entire issue of our policy towards Nicaragua.

In retrospect, whether the Senator from Kentucky agreed with the Boland amendment or opposed it, we would have been better off if it had been judged constitutional or unconstitutional. There were people in the White House, as the Senator from Connecticut knows, who said it was unconstitutional and, therefore, violated it.

Mr. KERRY. Will my colleague yield for a point?

Mr. McCAIN. Yes, I yield.

Mr. KERRY. I point out with the respect to the Boland amendment, the Boland amendment reflected the desire to cut off aid to other people's forces, aiding other people's forces and effort, not directly to our forces being engaged in a particular conflict of a country.

Mr. McCAIN. I think the Senator from Massachusetts makes a good point.

I want to apologize to the Senator from Utah for taking so much time.

I want to briefly suggest to my friend from New Hampshire that we make his amendment a sense of the Senate, sending an overwhelming message to the President of the United States. If there is a significant vote—which I think there is going to be—then clearly the President cannot ignore that message from the Senate of the United States.

I hope we could do that. I deeply fear we are on a slippery slope to an invasion which cannot be of any benefit to the people of Haiti or the men and women of the Armed Forces of the United States. If we did make it a sense of the Senate, I think we would avoid a lot of this debate.

I understand and appreciate the goals of the Senator from New Hampshire. I regrettably cannot support the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I yield to no one in my respect for the Constitution, for my concern for the maintenance of the proper role of the Constitution and the separation of powers. I would be persuaded by the arguments of the Senator from Arizona and the Senator from Massachusetts, and others, who raised the constitutional issue if I were not satisfied that the language of the Gregg amendment reflects proper constitutional procedure.

I asked the Senator from Massachusetts earlier when he was talking about this issue if the Gregg amendment would, in fact, have prevented President Reagan from proceeding in Grenada? I am satisfied that the language of the Gregg amendment makes it clear that President Reagan could easily have proceeded in Grenada had this amendment been in place because it says:

> The President can proceed if he finds that the deployment is temporary and necessary to protect U.S. citizens from imminent danger.

President Reagan found that to be the case in Grenada and proceeded. This amendment would not in any way have diminished his powers as Commander in Chief.

I was prepared to ask the Senator from Massachusetts a second question, which I will now review, with respect to Panama. If this amendment had been law, could President Bush have proceeded in Panama? In my view, he could have because No. 3 in the Gregg amendment says that he could proceed if he finds that the deployment, and I am quoting, "is vital to U.S. national security interests and insufficient time exists for the receipt of prior congressional authorization."

President Bush, obviously, believed that that was the case, and he proceeded.

I share with my friend from Pennsylvania, who has a legal background that I do not have, having never been to law school, the concern that Congress may well be losing its rights under the Constitution to declare war; that we may be in a position where the executive, under the powers of the Commander in Chief, gets us into a war situation and does not come to Congress for the proper authorization.

I find that this amendment strikes an appropriate balance in that concern. I do not want to tie the hands of the Commander in Chief when there is a necessary deployment needed to protect American citizens.

I do not want the Commander in Chief to have to come to Congress to ask for permission, to have to come to Congress to ask for a declaration of war when U.S. citizens are in danger. This amendment does not say that would be the case.

I do not want the President to have to come to Congress to ask for permission to use his powers as Commander in Chief when vital national security interests are at stake and there is not appropriate time.

But I do get concerned on a constitutional basis when I hear people talking about the United States planning an invasion in a leisurely fashion of a sovereign country with the President feeling he has no requirement to discuss that with the Congress. That gives me constitutional pain.

This is not an emergency. There is no one threatening American students in Grenada who may be carried off momentarily if the Marines do not land. This is not a surprise operation where national security interests are vitally affected if we do not go in under the cover of some kind of stealth operation and surprise a warlord, as was the case in Panama.

This, at least as I understand it in the press, is a considered, formal invasion of a sovereign country by the United States of America military. I think it is appropriate under the Constitution that the Congress be asked to declare war if that is what we are going to do. But if the President says, no, I cannot ask the Congress to declare war because the deployment was temporary and it was necessary to protect U.S. interests, I cannot ask the Congress to declare war because it is vital to our national security interests and there is insufficient time, this amendment says, fine, we will take your word for that, we will not change it. All we are asking you to do is do that much.

So I find myself in somewhat—not somewhat—in disagreement with my friend from Massachusetts on the legal issue and in agreement with my friend from Pennsylvania on the legal issue here. I feel that the amendment is not a violation of our constitutional circumstances.

I wish to make a few other comments because of the statements that were made by the Senator from Massachusetts, in all good motive and intention on his part. This is an issue, obviously, about which reasonable men and women can disagree, I would hope, in reasonable fashion.

He said to lift the embargo would be to award the thugs the victory. That is the interpretation he would put on that matter. I view it differently. The people of Haiti are suffering. They are hurting across a wide spectrum of economic deprivation. That economic deprivation is made intolerably worse, in my opinion, by the embargo.

The thugs who run Haiti, on the other hand, are prospering, and their prosperity is made considerably better by the embargo. They are not bothered by the lack of food. They are not bothered by the lack of economic support for the economy. They are taking it off the top and, I suspect—cannot prove it—that they are putting it in Swiss bank accounts preparing for the time when they decide to leave Port-au-Prince and enter into retirement on the Riviera in the time-honored fashion of other dictators in that part of the world who have gone that route.

The embargo, in my view, is furthering that kind of corruption and that kind of devastation of the economy. I believe honestly that lifting the embargo will be good for the economy of Haiti, be good for the ordinary people of Haiti and, ultimately, therefore, reduce the desire of the people of Haiti to physically get out because they will at least have some degree of economic hope where they are. The embargo is cutting down that economic hope.

So I say to my friend from Massachusetts, when I stand up here with the idea of supporting the lifting of the embargo, it is not out of all of the motives that he attributed to some on this issue.

Mr. KERRY. Will my friend yield for a question?

Mr. BENNETT. I will be happy to yield for a question.

Mr. KERRY. If my friend does not want to award them victory and my friend does not believe that they ought to be simply paid off and shipped out to the Riviera, then what is his leverage if you lift the embargo? What is it that says to them there is any reason to leave? What would compel them?

Mr. BENNETT. I respond to the Senator from Massachusetts in this fashion.

In order for a lever to work, it must have a fulcrum on which it is placed. The embargo has no fulcrum. The embargo is no leverage at all. That is my point.

Now, the question: How do we get them to leave? is a separate issue, in my view, from the embargo. It is unrelated to the embargo. The Senator

from Arizona has referred to one suggestion that has been made, to which I would subscribe, at least to the degree I understand it so far; that is, that America says to people in power in Haiti, all right, you are in power; we do not like your being in power; we will give up our insistence that Aristide be returned to power—recognizing the only way that can happen is with American military might behind him—if you will give up your control on the present government, both step down from that circumstance and we have internationally monitored elections.

Now, you say you want them in jail for war crimes. You want them punished in some fashion. I might like to see that happen, too. But I frankly do not see a lever anywhere short of invasion that can produce that, and I do not believe that invasion would indeed produce that.

If I might go to——

Mr. KERRY. Would my colleague be willing just to yield for a comment?

Mr. BENNETT. I will yield for a comment providing I do not lose the floor.

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

Mr. KERRY. I thank my friend for his courtesy.

I just say to the Senator from Utah, the plan he has offered might work, but it really ignores a larger sense in the history of Haiti and what is really at stake in this situation. It is pretty easy for any Senator or anybody in America to cavalierly, or however one phrases it, stand there and say abandon Aristide and have another election. But the fact is that this is the first free election the people of Haiti have had in 200 years. They did vote. They did have a free election. We invested in it, as did the rest of the world. The United Nations invested in it. And by 67 percent of their vote they elected this man.

Now, who are we to simply say abandon him? Who are we to turn around from the Haitian people and discard their own democracy? I cannot understand how it is that we have the arrogance to make a judgment about somebody else's free and fair election.

Mr. BENNETT. I thank the Senator for his comment. I respond in this fashion. If, indeed, Mr. Aristide still controls the hearts and support of 67 percent of the people in Haiti, he will have no problem whatsoever in gaining his position as President legitimately in an election of the kind I have described.

Mr. KERRY. Can I say to my friend, and I will not interrupt him further, but I just want to say to my friend that would be fine if you have the ability to write the constitution of Haiti. But the constitution of Haiti does not permit him to succeed himself. So if you think Aristide is a problem, the Aristide problem is gone as of a year from this December because they are going to have elections a year from this December and he cannot run to succeed himself.

Now, if you want to change the constitution somehow or have some declaration that he can go down there and run again, fine. But he cannot. I am not sure he wants to. But it still begs the question. The Haitian people would sense an extraordinary abandonment of their own investment in democracy if you just discard what they have already achieved.

Mr. BENNETT. I thank the Senator for informing me as to the details of the Haitian constitution. He made reference to Haitian history. As I understand Haitian history, it is not one that gives me a lot of confidence in any kind of democratic institution, including the elections, prospective elections, to which he refers.

The history of this island is wretched. The circumstances that have been going on there for over a century have been wretched from our point of view. And we do not have any good solutions facing us. We do not have any clear——

Mr. KERRY. Is the solution to render it more wretched? Is the solution to render it more wretched?

Mr. BENNETT. In response, Mr. President, as I have said before, in my opinion, this is a matter on which we can disagree, the embargo is making it more wretched. In my opinion, the position of this administration has contributed to the misery and difficulty of the people of Haiti.

Let me go on, Mr. President, with respect to what in my opinion would happen if, indeed, the United States were to invade Haiti. There appeared in the Washington Post within the last 2 weeks—I cannot put my hand on the exact date, but if it is important, we can find it—a report by an American journalist, Robert Novak, who went to Haiti and spent several days driving around the country, talking to people, observing circumstances for himself. He came back with a report that may or may not be accurate but which is, at least on its face, plausible.

He came back and reported to his readers that the present military and police establishment in Haiti are expecting an invasion, and they have prepared themselves as to how they will respond. This is his report.

(Mr. LEAHY assumed the chair.)

Mr. BENNETT. He quotes them as saying if the United States invades Haiti, we will take off our uniforms, hang them in the closet and go home, which means that there will be no police on the streets to prevent looting or enforce normal law, which means there will be no military presence of any kind to try to keep the peace, which means that if there is any degree of police activity or normal law enforcement activity on the island, it will have to be performed by the American military or the island will be reduced to absolute chaos with no form of law and order of any kind.

If Mr. Novak is correct in reporting that plan, and if the people who currently control Haiti have, indeed, adopted that plan, what are we looking at if there is an invasion? We are looking at an American protectorate that will require American troops in Haiti for months and years and decades to come in a society that is ruled by circumstances that are tremendously foreign to most Americans.

I know of these only by hearsay. I have friends who have lived in Haiti who have reported them to me. I admit the evidence is anecdotal. I do not pretend to have any kind of major study of this issue.

But voodoo and the secret societies that are woven throughout the Haitian culture, who go underground and who exert enormous amounts of control over what is done and what is not done, in ways that the American mind simply cannot comprehend, these things are reported to be very powerful in Haiti. They are reported to be a tremendous part of the power that was exercised by the former President for life, that he maintained his position not just by military power and terror but by a religious network of practices of the kind, as I say, with which Americans are completely unfamiliar.

This is not the kind of circumstance that leads me to believe a series of American police forces and American troops can in any logical or short-term fashion restore order to the island, to the society, and establish democratic procedures and institutions there.

What would I do if I were President of the United States faced with the Haitian thing? I guess my first reaction would be to ask myself, why I have run for the office to be faced with this? Because, as I say, there are no good options in my view. But I believe that we are responding to emotions that are very, very American, emotions that are admirable, but not necessarily connected with the facts.

If I were President of the United States, I would pick up the phone and call Colin Powell, and say, "Mr. Powell, could you come out of retirement long enough to go to Haiti on a factfinding mission, not as an envoy? You are not down there to negotiate. You are not down there to try to tell anybody to do anything. But you at least understand the military as well or better than anyone else on the planet. You understand what would be involved if we were to put military troops there. You have the sympathy for the people that comes out of your own experience. Will you form a factfinding commission and go to Haiti and find out exactly what is going to happen there, and come back and give us your advice?"

I would feel a lot more comfortable debating this thing if the facts we had before us came from that kind of an official factfinding group rather than

newspaper reports and reactions on the part of individual Senators, myself included, every one of whom is reacting out of his or her own experience.

That is why I think we would be very precipitous to consider invading Haiti under the present circumstances. That is ultimately why, as I said in the beginning, I find myself in support of the Gregg amendment.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

Mr. President, I rise in opposition to the amendment, and especially disagree with my friend and colleague from Utah with regard to this amendment.

I want to also to associate myself with the remarks of the previous speaker, the Senator from Arizona, when he talks to discuss constitutional issues. This amendment, in my opinion—and I agree with him—is a regrettable, unprecedented constitutional assault. Therefore, I think on those grounds alone it should be defeated.

Mr. President, I would like to make an inquiry and ask three questions—actually, a plea and three questions. The plea that I would make to my colleagues is, do not make up new rules for Haiti. Do not change the constitutional order. Do not hamstring the President. Do not do anything new for Haiti. Allow our policy to work. Allow us to stand for those values that we say undergird our foreign relations.

I will make three questions or observations in keeping with my plea that we not make up new rules for Haiti.

The first is whose side are we on? The contradiction in this amendment is that it simultaneously hamstrings the President, empowers the thugs that are now in power in Haiti—having taken it—and at the same time turns our back and is a rejection of the democratic values that were expressed by the people of Haiti in electing President Aristide.

So the question is, whose side are we on? Are we on the side of the thugs? I cannot imagine it. Are we on the side of the people who would throw out any attempts of a budding democracy there? I cannot imagine it.

So the first question then is whose side are we on here?

The second question that I would raise has to do with how we define what is in our national security interests. The amendment, after it says that no money shall be used, speaks to the issue of what our national security interests are in Haiti. I think those interests are pretty straightforward and pretty unavoidable.

In the first instance, this democracy or a budding democracy, is in our own backyard, if you will. These are our closest neighbors. How can we therefore stand for the protection and promotion of democracies in places halfway around the world when we cannot even protect it in our own backyard?

The second issue is human rights. We have all been appalled at the privations. But at the same time to give something to those who have caused that privation, who are exacerbating that privation, seems to me to fly directly in the face of our national interests.

The drug lords probably have been mentioned. Are we going to give some promotion and help out the people who have themselves been able to take power because of their involvement with funneling poison into our country? Are we going to support that?

The immigration issue: We have seen the boatloads of refugees, and all the frantic efforts to come up with ways to process and deal with and otherwise stem the avalanche of immigration from that land.

Are we going to say that it is OK; the people who have given rise to that will benefit from the action of this U.S. Senate? I do not think so. Not to mention cooperation with our allies in this part of the hemisphere. These are our most immediate neighbors. It seems to me that we are hard put to talk about affairs on the other side of the world and we cannot have clarity about what happens here at home.

My colleague, one of the speakers earlier, made the point about, well, we have to work out some way to work through this process, and would not General Powell be a good person? Well, I think General Powell is terrific. But I would point out that we already have Bill Gray, former Congressman, working on this issue. We are doing exactly that. We are trying to find ways to make the sanctions, to make the embargo, to make the approach the President has taken, work.

The question has been raised; well, do sanctions do any good or do they not just hurt the poorest and the weakest and the most helpless of the people in Haiti?

I want to make this point. It is not a digression because I have talked about affairs on the other side of the world and how relevant they are to what has happened in Haiti. When Nelson Mandela came out of prison, one of the first things that he said was to thank the people of the world community for supporting sanctions in South Africa. His view was that sanctions had given rise to the end of apartheid in South Africa.

I was not here in the Senate when the debate around sanctions happened with regard to South Africa. But I daresay if you pulled out the memoranda and the records of those debates, the same arguments were made; well, you are going to hurt the poor. I do not think the poor are helped by empowering these thugs that have reduced them to the worst level of poverty, privation and fear that they have suffered in this century. That is why sanctions will work.

My colleague, my friend, talked about having what is the fulcrum for this effort. You have to have a fulcrum to have some leverage. He is right. Let me suggest to you that the fulcrum here is the might and power of the greatest nation on this planet. If the United States cannot stand for democracy, if the United States does not have the wherewithal to clean up foreign affairs in its own backyard, how then can we expect anybody else to rise to that challenge?

We have the fulcrum, we have the power, we have the money, we have the capacity, we have the ability; all we have to have is the will. All we have to have is the will to stand up for democratic values that we say every day on this floor we believe in.

It seems to me that it is fair to have those values apply to Haiti. I go back to my original plea: Do not make up new rules for Haiti. Let us have the same rules apply for Haiti that we say we believe in in this country. Is there a different history? Yes, there are always differences; of course, there are. Democracy is new to Haiti. We have had democracy here for over 200 years. This is new for them. But I think if we have an opportunity to export the thing that made this country great, we ought to take that opportunity. And we ought to use every tool at our disposal.

In this instance, we have not yet given sanctions a chance. We have not given peace a chance. We have not given democracy a chance in Haiti, and that is why this amendment—and that is part of the problem, that it is an amendment—has to be rejected.

Finally, in closing, Mr. President, I ask one final question, and that is: If you do not like the policies of the President, then what are you for? What is the positive? Yes, this is being debated, but I daresay we do not make new constitutional law or foreign policy based on rumor, based on unsubstantiated reports, based on conversations over dinner tables, or cocktail parties, or clips that we get in the beltway circle of what is being said today. Our foreign policy has to have a firmer foundation than that, Mr. President. And this amendment undermines that foundation.

This amendment really sets our foreign policy—even in our "near abroad," to use that word in terms of the United States, and I know it is kind of a different concept, but that is really what it is; this is our "near abroad." If we are going to have a policy, the President has set out on a course. I have not always agreed with that course and, frankly, I was very critical at the beginning, that we were not more forceful and did not have a foreign embargo,

that we did not turn the screws on the sanctions and really mean it and put some "umph" behind our policy in Haiti. I was very critical, and vocally so, and I said as much. But I have to tell you that, at the present time, there are real signs of movement. There are real signs that this President has taken the decisive moves, has taken a decisive approach to begin to give us an opportunity to prevail in that part of the world.

So I say to those who say, "Well, we are going to make him come to us, and we are going to make him report to us, and we are not going to spend any money, and we are not going to do this or that," there was a former Vice President who used the term "nattering nabobs of negativism." Mr. President, I think if there is going to be a "nattering nabob" in this situation, they are obligated to say: Fine, here is our plan. This is how we are going to do it—not next year, not next month, but today. And, no, this is not a purely political exercise; this is based on what we believe to be the appropriate course in our foreign policy. This is not just a chance to embarrass Bill Clinton. This is not just a chance to throw some marbles in the road so the foreign policy looks more confused than it is. This is not partisan politics. This is policy, and we believe in this course of action.

Let us see that first before we say to the President that he cannot do this, that, or the other. I close by saying: Please, I implore my colleagues, let us not make up new rules for Haiti and change the rules in the middle of the game. Let us go forward with the President's course. I believe it can be a productive course, and it can work if given the chance. The people of Haiti deserve as much, and the people of the United States deserve as much.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN] is recognized.

Mr. NUNN. Mr. President, I rise and urge my colleagues to defeat the pending amendment. I do so not because I agree with everything the administration policy seems to represent on Haiti, because I do not. I really question the embargo as it is applying to the ordinary and particularly low-income Haitian people. I am afraid that the wrong people are being squeezed, and I think that has something to do with the exodus we are seeing in the last several days that may very well intensify.

I think embargoes have their place. But in certain circumstances they can be counterproductive. I think it is very important that the United States set clearly its goals on what we are trying to accomplish in Haiti. I am not sure I have seen that kind of expression—at least not in terms that I agree with—from the administration, or from anyone else. In my own view, the goals ought to be to first alleviate the very severe suffering of the Haitian people, which is very apparent. The second goal that is connected to the first should be to prevent a very large exodus of people from Haiti to the United States in a way that causes tremendous difficulties for us in absorbing it.

I think the third goal is a very important goal, but the one talked about as if it is the only goal, and that is to have some kind of democracy there that, in the long run, can serve the interests of the Haitian people. But where I suppose I differ with some of my colleagues and the administration is I do not think returning one man—even though an elected president—is the equivalent of restoring democracy. I believe restoring democracy in Haiti, where they have not had that kind of experience over the years, requires building a coalition. I think it requires having a foundation there that is enabling in terms of allowing President Aristide, or whoever is elected President in the next election, to govern.

I do not think that condition exists in Haiti today. It would be my view that that coalition needs to be built as a condition precedent to the return of Aristide. Otherwise, however he is returned, it will take a very substantial outside security force to protect him. I am not sure how you have a democracy when you have an outside security force, whether it is the U.S. military or whether it is a coalition of countries, that basically is having to protect the President of the country from his own people. I think that is the difficulty.

Having said that, Mr. President, I think it would be a fundamental mistake to pass this amendment. Let us just take a look at where we are now. I think some of the people sponsoring this amendment probably are very dubious about the embargo. But what kind of one-two punch are we going to be demonstrating toward Haiti if we have a combination of the embargo, which may very well be causing the kind of exodus we are now seeing, and then we passed an amendment in the Congress saying that we are not going to have any military option unless all of Congress agrees, or unless the President can meet certain conditions, which would be somewhat difficult—not impossible to meet, but somewhat difficult to meet—and might require some strained definitions.

So, Mr. President, when we find a policy that we do not agree with or that we have some reservations about—and I have reservations; some people fundamentally oppose it—I think we ought to always consider the possibility that we can make it worse. The one-two punch I see coming if we pass this kind of amendment is, No. 1, this does not do anything about the embargo or anything about the goals, does not do anything for the restoration of some kind of coalition there that can help President Aristide when he returns to govern that country successfully as a democracy, respecting human rights, without having to have outside military forces basically not only protect him but police the streets for months and perhaps even years to come. But what we will also be doing is saying that we are not going to put any pressure whatsoever on those in charge now who have basically abused democracy and who have abused human rights and who continue to abuse their positions of power; that we are going to say to them, breathe easy, General Cedras, breathe easy Police Chief Francois, because we are not going to let that option even be discovered.

What kind of one-two punch is that? To me, it is the worst of both worlds. We have an embargo that is basically causing an exodus, and we will then have the military option the table, at least psychologically and symbolically which is enormously important now.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. NUNN. So it is my view, Madam President, that as a very practical matter, passing this kind of an amendment would be the worst of all worlds.

Then we turn to the constitutional question. This amendment goes further than the War Powers Act, which we debated for a long, long time before we passed it. Then it was vetoed. Then the veto was overriden. And there are a lot of problems with the War Powers Act. But if you are going to change it, you have to do so in a very thoughtful way.

This amendment basically changes the War Powers Act as to one country. It says one country is different from all the others in the world.

The President tomorrow morning, if this passed and was law, or let us say it passes in a week and becomes law, the President of the United States could invade China and send us a notice within 30 days. He could invade Russia and basically start a major conflict. He could send forces to Bosnia. As far as this resolution is concerned, he could basically take military action against North Korea.

But there would be one country that he would have to jump through hoop after hoop after hoop, and that would be Haiti.

Madam President, no matter what anyone thinks of the present policy, and there are probably people all over the lot on that—I certainly do not represent my views are the majority here. I do not know. But no matter what anyone thinks of our present policy, can we conceive of anything more ridiculous than saying Haiti is in a box all by itself and that nowhere else in the world is going to be like Haiti? It is a separate place, and, by golly, the President has got to do A, B, C, D, E, and F by law or he cannot have any flexibility.

Madam President, this amendment needs defeating. The majority leader

will have a substitute. The substitute will convey some of the same concerns that the authors of this amendment have expressed, but it will be a sense of the Senate. It will not be a matter of law. It will not conflict with the War Powers Act. It will not be unconstitutional or even have the implication of being unconstitutional. And most importantly, it will not take a very difficult situation, where the President needs some flexibility, where he needs counsel but not binding restrictions, and make his situation even more difficult than it is now.

So, Madam President, I would urge the defeat of this amendment. It is in the second degree, and I understand that we will need to vote on it first. There will not be a substitute possible at this stage. But I can assure everyone, based on what the majority leader told me, and I am sure he told the same thing to the Senator from Vermont, there will be an opportunity for everyone who decides they want to vote against this amendment to express their own views through, I think, a more responsible vehicle that leaves the President of the United States, President Clinton, and his whole team of national security people a more broad range set of options than this one.

Mr. LEAHY. Madam President, will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. LEAHY. Madam President, just before the Senator from Georgia came on the floor, I had said that in my 20th year here in the Senate, having served here during the time when President Ford, President Carter, President Reagan, President Bush, and now President Clinton, I could not recall one instance where anybody, either Democrat Senator or Republican Senator, had ever proposed in this body a piece of legislation so country specific that would so tie the hands of a President before the fact as this piece of legislation.

The distinguished Senator from Georgia has been on the Armed Services Committee throughout his career here in the Senate. He has been here longer than I. Can the Senator from Georgia ever recall that we considered such an amendment with either Republican or Democratic Presidents—during the time the Senate majority was Democratic or during the time the majority of the Senate was Republican—such an amendment that would so specifically tie the hands of a President and be so country specific?

Mr. NUNN. I cannot think of an example. I would not pretend that I have gone back and researched the whole record.

We have passed a good many sense-of-the-Senate type resolutions giving the President the benefit of our thoughts on a particular situation.

Mr. LEAHY. I am speaking of binding.

Mr. NUNN. A binding one in law? The only thing I can think of, I say to my friend from Vermont, is the War Powers Act. That was generic and applied to everybody. It did not single out one country.

I cannot think of anything that would cause the leaders in Haiti, who have abused their people there and who caused tremendous hardship there, to rejoice more than passing this amendment tonight.

Mr. LEAHY. I might say to my friend from Georgia I think not only are the points he makes so accurate but he has spoken of the practical effect it will have in Haiti, certainly an effect that I do not think anybody here would want to see happen.

I agree with him. That is exactly what would happen if we passed it.

Mr. DODD. Madam President, will my colleague yield on that?

Mr. LEAHY. If I could finish on this one thought. Think of what we are doing, Madam President.

This is a matter of enormous constitutional impact, because we have disagreements in this body on a Haitian policy, just as apparently there are disagreements within the administration on the Haitian policy and there is disagreements among the public. Then let us debate Haitian policy. Let us set aside a day and everybody step up here and address the Senate. Give the President the value of our advice and the American public. But think of what we are doing.

On an appropriations bill that everyone knows we are going to have to pass at some point certainly before we leave this week, we want to take a step of enormous constitutional import to totally change the rules to do something that probably has never ever been attempted in the 200-year history of our country, and we are going to do it after 2 or 3 hours of debate and toss it on to an appropriations bill.

This is not a responsible way of setting policy. It is a back-door way almost of trying to change the Constitution, and it is certainly a precedent that I would guarantee, if we were to pass it every single one of us at some time in the future would see that as a precedent that we would rue when faced with a different set of circumstances later on.

We should not legislate in this nature for the passing moment. We should legislate for what is in the best interest of the country, what is in the best interest of our constitutional checks and balances. And each one of us should stop and think for a moment that we are the most powerful nation on Earth. We have enormous power residing in the Presidency and in the judiciary and in the Congress, and it works because we have this constitutional checks and balances.

And here we are attempting to eliminate part of that checks and balances and do it in a way with very little thought. It is a step that we should not leap forward on. We are going over a constitutional precipice that I guarantee you, if we were to pass this everyone of us would rue it, and I guarantee historians would write, why did the Senate lose its sense?

Mr. NUNN. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. Would the Senator from Vermont put a question mark after that erudite statement? That was a question I am attempting to answer.

Mr. LEAHY. I agree.

Mr. DODD. I agree there should be a question mark.

Mr. NUNN. I generally agree with the thrust of the Senator's remarks.

I am glad to yield to my friend from Connecticut, but first let me plead one thought.

I hope we do not have to use a military option. In my view the military option would be not very difficult militarily. You never want to put people at risk unless America has a vital stake involved and unless we have tried all other alternatives.

But the military scenario in Haiti would not be very difficult, to say the least, but what would be difficult, and the Senator from Utah mentioned this a little while ago, is we would basically become law enforcement officials. We would basically have to provide the police function, and we would be doing it with military forces.

As we have seen from difficulty in the Middle East and other places, that is a very difficult job for the military, who have a different mission. They are not taught to arrest and detect and prosecute. They are taught to basically search and destroy. That is a different mission.

So I hope that the military option is not required or necessary. But let us do not take it off the table. Let us do not take it away from the President as an option. Let us do not remove this psychological pressure that I hope will be successful in bringing about some resolution of the tragedy in Haiti.

I yield to my friend.

Mr. DODD. Madam President, I just want to subscribe to the thoughts being expressed by our colleague from Georgia. We held 4 hours of hearings yesterday on Haiti.

I want to come back to the underlying question here, putting aside the debate on Haiti for a minute, whether you agree or disagree with what is present policy.

There is a more fundamental issue that is being addressed as a result of our colleague from New Hampshire raising this binding amendment.

It goes far beyond the issue of this particular fact situation that I have been reading over the War Powers Resolution, and my colleague from Georgia is far better acquainted with this

than I. And I see the arrival of our colleague from Virginia who is well acquainted with it, as well.

There has been a 22-year debate on the War Powers Resolution and the debate has not focused on whether or not the Congress has the authority to restrain a President's decision to initiate hostilities prior to congressional approval. The debate has been, one, whether or not he should have to consult with Congress before he engages in those activities and, second, whether, within 48 hours after engaging in those hostilities, he needs to come to the Congress and get some permission. And Presidents going back to President Nixon, if I am not incorrect, have strongly objected to even that restriction on executive power.

Now, that is the question I guess I would ask. But that has been a significant debate.

This amendment goes far beyond that, in that it is a precondition and sets a standard with which no other President has ever been asked to comply in any case specific or even in the generic situation.

Is that the opinion of the Senator from Georgia, as well?

Mr. NUNN. I think that is correct.

I would have to add, on the Iraq situation I think that there was a very strong view in the Congress because of the time element involved, the fact that there were 6 or 7 months of buildup and consideration and sanctions before there was any kind of formal debate in the Congress in terms of Congress' responsibility under the war provisions of the Constitution, that in that case there were a number of people that urged the President of the United States—then President Bush—to come to the Congress before taking military action.

I would have to go back and research it, but I do not believe there was any law that was passed. I am not sure there was even any attempt.

Mr. DODD. If my colleague would yield, President Bush actually requested of us to raise that issue.

Mr. NUNN. Correct.

Mr. DODD. And it was a significant debate. But to the contrary, it was not Congress insisting, it was not a legislatively initiated activity.

Mr. NUNN. But there were a lot of people in Congress, I would say a majority of Congress, that felt pretty strongly that he should ask that permission, given the circumstances and given the Constitution's clear role of Congress in declaring war, because that indeed would be an action anyone would define as a war.

I am not sure what we would call an actual military incursion in Haiti, but it is certainly not comparable to that.

Yet, I think the President ought to maximize his consultations with Congress before taking military action, anyway. But that is a different thing altogether than binding him in law and basically demonstrating to whoever would be your possible adversaries in advance that it is a binding action in law. And that is what we have here before us.

Mr. DODD. I thank my colleague.

Mr. NUNN. I yield the floor.

Mr. DODD. Mr. President, I would like to take a minute or so, if I can, on a general proposition.

First of all, I thank our colleague from Georgia and our colleague from Arizona. Their observations were on the constitutionality of this proposal rather than engaging in debate specifically on Haiti.

But I think it is important to note, with regard to the debate on Haiti itself, that I think the present course of action that the administration is following is a good one. It is a difficult one. It is cumbersome and awkward, but there are several things present here that have not been present in other situations.

One, there is tremendous international cooperation. The United Nations has voted unanimously to impose sanctions. There is the Organization of American States. We are not going it alone in this particular case.

I point out that we have had now, for basically four decades, an imposition of sanctions on Cuba. We have even now put a secondary boycott on Cuba. And people have argued over the years whether or not sanctions, economically, politically, and diplomatically have any affect at all.

As I listened to some of the comments about these sanctions, I am left with the impression by some of my colleagues that somehow it is this administration's fault for the condition under which Haitians are living.

Madam President, I lived on the border of Haiti for 2½ years. It goes back 3 decades ago, but I know this country very, very well. I have been there numerous times.

I would say to my colleagues, sanctions are tough. But these are desperately poor people who live outside of the mainstream of the normal economy of a country.

I would like to think—I would wish in some cases—that the people of Haiti would be affected. But frankly, they are so desperately poor that the issue of commercial flights coming in and out of Haiti, visas, and the like have no impact whatsoever on the average Haitian; even the normal export-import. These are people who live hand-to-mouth. This is not a case where the poor are being adversely affected to the extent that some of our colleagues have suggested.

Now there is an impact. But, Madam President, if we cannot make sanctions work here, then I do not know where we can make them work. If we cannot use sanctions to have some impact on the decisionmakers of that country, the economic elite and the military, I do not know where they could ever possibly work.

Here we have everybody joining us. I gather that Air France, the only airline left, is going to make a decision in the next 24 or 48 hours that will exclude all commercial traffic. Rarely has this country had the kind of cooperation and unanimity of support on an action that we do in this particular case.

Now will it produce the desired results? I do not know that. I am not enthusiastic about a military option here at all, for the very reason the Senator from Georgia and others have outlined. But I do think we ought to give these sanctions an opportunity to try to do the job that we would all like to see done.

Let us remember what happened here. Seventy percent of the people of this country for the first time in their history chose a leader—whether we like him or not is irrelevant—in the freest and fairest election in the history of that country. Jean-Bertrand Aristide was elected by the people of that nation to be their President. And then a handful of colonels and generals threw him out in a coup.

Now there are only two nations left in this hemisphere that do not have democratic governments—Cuba and Haiti.

All we are saying here is, we believe the people of Haiti have a right to be able to have their democratic leader back and the restoration of democracy, and that we are not going to subsidize these colonels and generals as if nothing happened.

You are not going to fly into Florida on American Airlines; you are not going to get a visa to come to the United States.

Is that really that outrageous for us to say we believe in democracy; we think it is important; we think it is in our interest to have democratic countries in this hemisphere?

Now, I am not enthusiastic, as I say, about a military invasion. I would quickly point out that no one I know of is suggesting we have the military stay around and run the country. There is a discussion, if a military invasion occurred, to have an international force go in that would do exactly what the Senator from Georgia has talked about, and that is training to do a policing kind of job, not a search and destroy mission.

I would inform my colleague that has been discussed in the aftermath of a successful military operation.

Again, I emphasize I do not like the idea of us even suggesting at this juncture a military operation. I think we can be successful with sanctions. At least, I think we ought to give them a try, and not just a few hours. That is all we have had, some of the sanctions have not even been imposed yet.

Last, I would just say, and I think this is true everywhere. "You do not ever take off the military option." Again, the Senator from Georgia is absolutely correct in this. You never say what you are not absolutely ever going to do. That is a tremendously crippling disadvantage to place any chief executive of this country in.

Again, you ought to draw that arrow from your quiver very reluctantly, very cautiously, know how to draw it and know how to put it back. And you ought to do that with some thought. But do not ever say, I am never, ever going to do it or I am only going to do it under the following conditions, and let your potential adversary know what those conditions are.

So, again, I emphasize the point here: The condition of Haitians was not imposed by these sanctions. The political condition in that country was not imposed by this administration. These conditions have existed as a result of the political leadership of Haiti for too many years.

There is an opportunity here for some change. It is in our interest, I believe, as a Nation, in this hemisphere and elsewhere to promote democratic governments and to stand up for them where they exist, to try to defend them when they are in trouble, and not to subsidize those who destroy them.

The military leaders in that country destroyed it. And I do not think they ought to be able to send their kids to prep schools in New England and I do not think they ought to go school in Miami and I do not think they should have the rights that other citizens do in other nations that support democracy. That is basically what these sanctions are about.

So, Madam President, I hope, for the reasons more fundamental than the debate regarding Haiti, that this amendment will be defeated.

But, beyond that, I think the Senate ought to look and think carefully about how we are conducting our foreign policy here in Haiti; whether or not there is an intelligent way to go here, so we can try to achieve the desired results that President Bush articulated when President Aristide was ousted and that President Clinton has tried to pursue during his Presidency. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I have followed this debate, as have other Senators, I hope, with great interest. I share the concerns of the distinguished Senator from New Hampshire. I, too, have serious misgivings about the policy of this country with respect to Haiti. But I am of a very clear, unequivocal mind that this amendment transcends the constitutional balance between the executive and legislative branches. And for that reason I will oppose it.

Madam President, I went back and did some research. I would like to refer my colleagues to the CONGRESSIONAL RECORD of October 21, 1993, at which time this body had before it an amendment by the distinguished majority leader and the Republican leader. And the body approved that amendment with the exception, I think, of all but two votes. I urge Senators to take some time, if they so desire, to look at the debate which thoroughly aired many of the issues that are before us as a consequence of this amendment at this time.

I took the opportunity to include in the RECORD as a part of the debate, Madam President, two very detailed memoranda—one written by an Assistant Attorney General on February 12, 1980, during the administration of Ronald Reagan, and a second by the Office of Legal Counsel, dated October 26, 1983.

Both of these detailed memoranda describe this delicate balance between the executive and legislative branches and address the War Powers Act. It is very clear from a long series of well thought out and carefully constructed opinions by the executive branch as well as within our own discussions on this—and I suppose in my 16 years this is probably the 10th or 12th time that I and Senator COHEN and Senator NUNN and others have dealt with this war powers issue—there is a certain clear consistency that this body has followed throughout all of these debates. Regrettably, I say to my colleague from New Hampshire that he has crossed the line. It is for that reason I cannot support the amendment.

I find in these two opinions all the authority to oppose the amendment. If the Senators so desire, look at the memoranda. I wish to associate myself with the remarks of the distinguished Senator from Arizona, the Senator from Georgia, the Senator from Connecticut and, indeed, others who have spoken against the amendment.

I ask unanimous consent to have printed in the RECORD an article by James D. Hittle from the June 13, 1994, Navy Times, and I yield the floor.

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

[From the Navy Times, June 13, 1994]

INVADING HAITI IS A U.S. INVITATION TO DISASTER

(By James D. Hittle)

Of all the misguided proposals considered by the Clinton administration foreign policy, the idea of a U.S. invasion of Haiti tops the list.

What's the objective? So far only the wispy ideas about human rights and restoring the Rev. Jean-Bertrand Aristide to power have been the leading reasons to risk U.S. lives and pay for the huge dollar cost of such a wild try. Sooner or later, U.S. troops would get killed.

Over a long period of time the casualties could go into the hundreds, perhaps thousands, and the euphoria of our landing and takeover in Haiti would wear down quickly as the body bags pile up at the shipping points. The public demand would be to "bring the boys home". And body bags there would be, as Haitian regulars and irregulars wage a guerrilla war in the bush against the occupying troops.

I've been in Haiti several times. About the only changes I saw in the countryside over the cities were a slight increase in the number of autos, deterioration of the road system and a worsening of the already abject poverty. It's the poorest country in the Caribbean. U.S. money isn't going to change much of it for the better.

As we look back on our previous effort to bring law and order to Haiti, there isn't much in terms of long-range results to brag about. Then-President Woodrow Wilson sent the Marines into Haiti to straighten it out in 1915. They came out in 1934. While there, the Marines brought a semblance of law and order to the cities. The countryside was largely disputed territory as the guerrillas waged an almost incessant warfare against the occupying Marines.

The 19-year stay of the Marines in Haiti shows how a well-intentioned intervention can stretch into a decade and even longer. Because of the need for pacification of the rural areas, combined with opposing guerrilla warfare, the Marine job, as the years went by, was never quite done.

One of the leading figures early on during the guerrilla warfare was Charlemagne Peralte, a clever jungle fighter and a constant threat to the Marines. In October 1919, an informer said there would be a jungle meeting of the guerrillas, and that Charlemagne would be there. Then-Marine Corps Capt. Herman Hannekden (later a brigadier general), who had been after Charlemagne for months, decided he'd attend the meeting and kill his adversary.

For assistance, Hannekden chose Marine Cpl. William R. Button. Obviously, these two couldn't simply show up at the jungle meeting in U.S Marine Corps uniforms and place Charlemagne under arrest. So Hannekden used old-fashioned imagination. Both he and Button disguised themselves in long native dresses and shawls. This, together with the darkness, gave them the camouflage to gather with the irregulars and their women in the murky fire-lighted jungle clearing. With their weapons tucked out of sight, Hannekden and Button gradually worked their way near Charlemagne.

Without any warning, the two Marines pulled out their guns and Hannekden, with a cool aim, put two .45-caliber slugs into Charlemagne's chest at 15 feet, killing him. Button, meanwhile, dropped nine of Charlemagne's bodyguards. Then the two Marines disappeared into the darkness.

Killing Charlemagne deprived the guerillas of their most able leader and, as a result, saved Marine lives. But the Marines didn't leave Haiti for another 15 years. For their heroism both Hannekden and Button were awarded the U.S. Medal of Honor.

It's questionable if such a bold strike at any enemy leader could be duplicated these days. Even irregulars often have detection and illumination devices, as well as the training, to keep all but the proven faithful away from their leader. But improvisation will continue to be their specialty.

The 1915–34 Marine Corps occupation of Haiti required the commitment of a large portion of the Marine Corps, which in those days was much smaller than today's troop level. Peak strength of the Corps in Haiti in

the years 1925-26 was 2,750. Total Marine levels in 1925 were about 19,000.

During the occupation, 10 Marines were killed in action and 172 died of other causes including tropical diseases. It may not seem a big total, but multiply it by the much larger force the United States would need today to occupy the country. With land mines and deadly automatic weapons, the casualties could go much higher.

But with so much Latin American opposition to U.S. military intervention in Haiti, we could be stirring up more trouble for the United States than Aristide is worth. And with the United States and North Korea on the brink of a shooting war, this is certainly no time for a U.S. military misadventure in Haiti.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, when the amendment was initially offered as a sense of the Senate, I frankly was tempted to lend my support to it. My understanding now is it has been changed into a proposed statutory cutoff of any funds that could be used for a military operation in Haiti.

I would like to say just a couple of words by way of preface to these remarks, about why we are here. I recall many years ago reading a book Stewart Alsop wrote shortly before he died. I believe it was called "Stay of Execution." In it, he recounted an anecdote about Winston Churchill. A waiter set before Churchill a large and tasteless pudding. "Waiter," Churchill said, "pray remove this pudding. It has no theme."

I believe that is precisely why we are seeing the reaction to the present administration, as far as its foreign policy is concerned. It has no theme. There is a distinct perception in this Chamber, I believe on both sides of the aisle, whether one would admit that or not—if not in this Chamber then certainly in the country—there is great doubt about the present administration as far as its foreign policy is concerned.

We saw that, I think, with respect to Somalia. I heard the issue of Somalia raised earlier this evening, that we were fortunate to reject those on this side who wanted to "cut and run." I would like to take specific issue with the notion that we were in favor of cutting and running. What we were concerned about at that time was that we did not have a concrete theme. We did not have a consistent policy. We did not have, in fact, a well-reasoned, well-structured plan of operation. And when we suffered the 18 lives that were lost, there did not seem to be much of a plan as to how we were going to continue in that then hostile environment.

I, for one, am not prepared ever to put the lives of our sons and daughters on the line, in danger, in jeopardy, unless it is not only for a good cause but unless we have a good plan of operation. And we clearly did not have one at that time.

So it was not cut and run but rather we no longer had confidence in the policy that was being pursued. If the policy was right, then we no longer had the military force to accomplish that policy. And that was the reason why there was such concern over here and, I suspect, over there as well.

Madam President, I think you raised the issue, let us not have new rules for Haiti. I have not had time to refresh my memory on this, but I recall there was a Church or a Cooper amendment, back in 1973, that dealt with bombing in Indochina, cutting off the funds. I believe there was a Clark amendment back in 1974 prohibiting any military or paramilitary operations in Angola. Again, I have not had time to go back and thoroughly research that. So I think there has been some precedent in the use of this particular procedure. I do not think it was wise in the past, but there has been some precedent.

I would also like to address the issue of the Constitution. I disagree with my colleague from Virginia. I do not believe it is a constitutional issue. I do not believe the Senator from New Hampshire has walked across the threshold of constitutional powers here. I would like to repeat what I have said time and time again on this Senate floor. While the President may be the executor of foreign policy, he is not the sole architect of foreign policy. And if at times he has been, it has been a matter of practice and not a matter of law that he has exercised that power. Congress is a coequal partner in the formulation of foreign policy. He carries it out. He or she is a coequal partner. But no President can be said to be the sole architect of foreign policy.

I have heard my colleague from Maine, the majority leader, say on many, many occasions: We have had many Presidents in our history. We have never had a king, not once. And we do not have one now.

So it is Congress that has the power, at least a coequal power, in the field of formulating foreign policy.

The President is the Commander in Chief. And the Commander in Chief carries out the policy of the Government. Before he can ever carry out the policy wearing his military hat, a policy must be adopted and in formulating the policy, the President of the United States, as a civilian, acts in conjunction with the U.S. Congress. He then, as Commander in Chief, can carry out that policy. And it is important to recognize that distinction. The President cannot act alone unless it is on an emergency basis, unless he does so to protect the lives of Americans who might be in danger, are in danger, or unless there is an absolute emergency requiring him to act to protect the national security interests of this country. That is when the President can act alone, unilaterally. But he does not raise the armies and he does not support the armies. We do. For that notion to be set as a matter of policy or constitutional law—I think it is a mistake for us to articulate that. He is a coequal formulator of foreign policy and so are we.

I raised this issue in the past dealing with covert action when we had the Iran-Contra hearings. We found out that the President had initiated a covert action without properly notifying the Congress of the United States. When we found out what happened as a result of that covert action, we decided —we thought we were going to take some action right here on the Senate floor to force the President of the United States to notify Congress in advance. And that is what we thought the law was—notification in advance, unless that is not possible because of the exigencies of the moment, in which case notification is required within a reasonable timeframe.

Under the Reagan administration, the Justice Department issued an opinion that said a reasonable time period is whatever the President says is reasonable. It could be 2 days, it could be 2 weeks, it could be 2 months, it could be 6 months, it could be never. It is only when the President said it was time to notify Congress.

I mention that tonight because we have always believed in our society that we must have open debate about our foreign policy. That is why we have the Foreign Affairs Committee and the Foreign Relations Committee, to ventilate the conflicting and competing views of this Nation and then to help, by that debate, to set the policy, to send the signal to the administration, to tell the President this is what we believe is a right course of action. You cannot do that if you are acting covertly.

We recognize that sometimes the President has to act covertly. Sometimes it is imperative that he do so, but on very narrow, limited bases and then—and only then—provided he notifies the select intelligence committees of Congress, the leadership of these two committees, or at least the leadership of the Congress, to let us know what that covert action is designed to carry out, what foreign policy are we seeking to achieve with this covert action.

Absent Congress being notified, we have no participation, we have no role to play. All we can do is react. So many Members on both sides of this Chamber said that is not what we want to do; we want to have an active role in the formulation of policy, be it overt and certainly be it covert.

Presidents have resisted that. They say, no, we are the Commanders in Chief and we have to have the discretion to carry this out, as a matter of constitutional law. I disagree with that. Only under very narrow circumstances.

I think that is the case here. We are talking about debating foreign policy

openly on something that may or may not affect our national security interests.

So I think it is entirely proper that the issue be raised. I think the Senator from New Hampshire has done a great service because he has raised the fundamental fears on the part of this country that we do not know what we are doing, we have not thought out carefully what we intend to do and what the consequences are. If you took an overnight poll—I hope we do not do that—but if you took one, how many people would be willing to, say, send their son or daughter to fight in Haiti?

I remember sitting in my office with "mothers against the war in the Persian Gulf." We had all the reasons we could marshal about why it was important to take on Saddam Hussein. We went through the whole list of what he was doing in Kuwait: the raping, the pillaging, the destruction of the entire country of Kuwait, the threat to blow up the oil wells, chemical warfare, biological warfare, the fact that he could straddle the oil fields of the Middle East, and what a threat that would mean to the national security interests of this country and many of our allies, the potential that he would even go to nuclear weapons, and the intelligence community could not tell us when he might acquire nuclear weapons—it could be a year, it could be 10 years; the fact he was developing a long-range missile capability.

None of that individually was enough to persuade the American people, at least if you looked at the polls, to go to war, and I had mothers against the war sitting in my office saying the blood of our children are going to be on your hands if you vote to go to war tomorrow. That is how reluctant the people of this country are to commit their treasure to another country, be it a neighbor or across the Atlantic Ocean or Somalia or anywhere else.

So I think it is very, very important that this issue be raised and debated here and that we not fall into the argument that the President, as a Commander in Chief, has the sole authority to commit our sons and daughters to a military action. That is not the case, and we ought not to endorse that concept tonight.

I am reluctant to support the amendment the way in which it is structured because I believe that we ought to send messages to the President, we ought to tell him we think it would be a mistake to act militarily. As a matter of fact, I believe the Senator from Connecticut indicated last fall:

> We cannot support indefinitely, or in perpetuity, governments, no matter how much we want to. We cannot send troops into Haiti and expect to become the police force and army of Haiti.

I think he still agrees with that. Most in this Chamber would.

I do not know what the President intends to do. I have heard many rumors. I must say that I think he has to listen very carefully to what is going on in this Chamber this evening. Many of us are reluctant to impose restraints—prior restraints—upon his conduct. We want to give him some flexibility. But that flexibility should not be interpreted as a license.

I recall during our buildup prior to the Persian Gulf war, for almost 6 months I went to President Bush and I said, "Mr. President, I believe you have an obligation to come before the Congress and get our consent before you go to war in the Persian Gulf." That was resisted. There was great difference of opinion. The President reacted rather negatively at the time.

I said, "Forget about the War Powers Act. Let's not debate the War Powers Act."

I think the War Powers Act is constitutional. Every President since its adoption has indicated it is unconstitutional.

"As a matter of practical policy, whether you agree or disagree about its constitutionality, if you commit troops to the Persian Gulf without our consent, I can guarantee you, once we start suffering casualties, the public opinion which you desperately need to solidify the support to maintain a presence in the Persian Gulf will evaporate. Once the bodies start coming home, public opinion will go in precisely the opposite direction, and you know what? Congress will be right behind them, right behind them. What you have to do is you must get our consent up front, you must put us to a vote up front to say we support what you are doing and, absent that support, you will find yourself hanging out there completely alone. You will find yourself in the same situation we found in the loss of public support for what we were doing in Vietnam."

That was a tragedy of immense proportion. The President was involved in a conflict for which the public had long since given up its support. I think if we learned anything from that, it was that if you are going to commit the sons and daughters of this country, to ask them to die for somebody else, you better have public support on your side. You better have Members of Congress on your side. In the absence of that, you will find yourself beating a retreat and the people who will lose their lives will feel and their families will feel, as some of those feel now about what we did in Somalia, that their sons' and daughters' lives were wasted.

I do not believe that is the case, but, nonetheless, that is the deep-seated feeling on the part of some and that will be the feeling any time we take a military operation which is not something that has to be taken overnight but is planned in advance. If you do not have public support for that operation, you run the risk of being forced at some time to back out, to get the troops out. And nothing is more fatal to our foreign policy, to the respect that we need.

Frankly, we do not have it right now. One of the really sad commentaries of today is that many countries—our allies included—do not hold us with very much respect. They see a loss of credibility in our policy. They see a lack of expertise in the field. They see a lack of any kind of sustainable policy that is supported by Congress. So they are reluctant to follow our lead. And that is one of the reasons why we are having so much difficulty getting allies, and others, to listen to what we would like to do, to support our efforts. They simply do not have confidence that we know what we are about.

So, Madam President, I suggest respectfully that whether or not this amendment is adopted, and I do not intend to support it, but the message ought to be very clear: Do not commit our forces to a military operation in Haiti unless you have support, unless you are convinced that the Congress will back you up over the long term.

If anything is more fatal to what we are doing in foreign policy, it is for us to send our troops in and then be forced to pull them out. It signifies weakness, vacillation, inconsistency, a muddled policy and a lack of leadership—all of that—which will undermine our national security interests perhaps more than the reduction of our military capability. If we lose the sense, the perception that we are in command of our policy, we will lose the Nation's respect, we will lose respect internationally, and that will be more damaging to our national security than anything else.

So I commend the Senator from New Hampshire for raising the issue. I think there are legitimate concerns about whether or not this is hamstringing the President, whether or not we ought to take preemptive action to preclude him from taking any action.

I might say the debate on Bosnia is not without some relevance here. Many of us said under no circumstances put ground troops in Bosnia. So we have gone on record, with a sense of the Senate perhaps but we have gone on record, saying no ground troops in Bosnia certainly at this time and perhaps not even if any kind of peaceful accord has been reached.

So that is the function of the Senate, to debate the issues, to ventilate our views, to give the President at least some guidance, in this case not a positive recommendation but one that says we are not satisfied yet that you have persuaded the American people it is imperative under any circumstances to intervene militarily. That may come about at some time, but we have not been persuaded yet. And we would urge you not to take such action until such time as you make the case and you come to us and seek our consent. Without that, I am afraid the policy would

be doomed to failure if it were ever initiated.

Madam President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the only reason I sought the floor, and I will not hold it for more than a moment—I see the distinguished majority leader in the Chamber now—I would assume most Senators have expressed themselves. The Senators I have talked to know exactly how they are going to vote on this issue. I would urge Senators we may be able to try to find a time to vote relatively soon on this. There are other matters that will come up. I would hope that we could dispose of a number of amendments if, indeed, they need rollcall votes this evening.

I yield to the Senator from Maine.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. We have been trying for some time to get an agreement to get a vote on this amendment and have been unsuccessful so far. But I hope that we will be able to do so.

I therefore now ask unanimous consent that at 8:50 p.m. this evening the Senate vote on or in relation to Senator GREGG's amendment No. 2117, as modified; that upon the disposition of his amendment, I be recognized to offer an amendment on behalf of myself and others; that the Senate vote on or in relation to my amendment after it has been reported, and that the preceding all occur without any intervening action or debate, and the time between now and 8:50 p.m. be divided equally between Senator LEAHY and Senator GREGG or their designees.

Mr. McCONNELL. I object.

Mr. MITCHELL. Madam President, may I inquire of the Senator as to what he is objecting and the reasons therefore?

Mr. McCONNELL. All I can say to the leader is that there is an objection lodged on this side to having the back-to-back votes.

Mr. MITCHELL. The Senator does not agree to having a vote on this amendment at 8:50 or he just does not want a vote on the subsequent amendment immediately thereafter?

Mr. McCONNELL. Might I say, I assume the objection might go away with if we go ahead and have the vote on the Gregg amendment and the leader would lay down his amendment and discuss that. That is the only suggestion I have. All I can tell the leader is that I have to object to this particular request.

Mr. MITCHELL. Madam President, just so Senators can understand the situation, the amendment that I will offer is identical in form and substance to an amendment which the Senate previously approved a few months ago by a vote of 98 to 2. We have now debated this subject on several occasions including most recently this evening, and we are all trying hard to make progress on this bill and other matters so that we could complete action and meet our target for the recess.

I do not know what there is left to debate. We have debated this subject several times and the amendment we are going to offer is absolutely identical, word for word, in form and substance to that which was previously debated and voted on by the Senate 98 to 2.

Will our colleagues agree to a vote on that 30 minutes after the vote on this amendment?

Mr. McCONNELL. Madam President, at the risk of being redundant, let me just repeat to the leader, I am constrained to object to the UC request as it is currently constructed.

Mr. MITCHELL. Would the Senator be constrained to object if I asked for a vote on the second amendment, which everybody has already voted on and 98 out of 100 voted for, 30 minutes after the first vote or 40 minutes after?

Mr. McCONNELL. I would have to check with this side.

Mr. MITCHELL. I will just say, Madam President, that when we get to the point when Senators start saying why can we not go home, these are some of the reasons why we cannot go home.

If that is the case, then would the Senator agree to permit a vote on the pending amendment without a time for the vote on the subsequent amendment? The Senator from New Hampshire is here. This will permit him to have a vote on his amendment. We will offer the other one. Then if the Senators want to delay or keep debating on the same subject repeatedly, why, I suppose we could stay and do that.

Mr. GREGG. If the Senator from Maine will yield, I am perfectly happy to vote on both amendments. I have no problem with the sequential vote. Somebody obviously does on our side. But as a practical matter all the time we need—I need to reserve time; the leader wishes to speak on this, and I would like to have 10 minutes to speak on it and therefore the time of 8:40, or 8:50 I guess it was, is fine with me as long as we have 15 minutes on our side and the rest to the opposition.

Mr. MITCHELL. Madam President, in an effort to be accommodating, I will renew the request without a time or a vote on the subsequent amendment. But I will simply say to the Senators that we simply stay here until we vote on that amendment, no matter how long it takes, or if we are not able to vote on that we will just have to stay in until we do.

I just do not see any reason why we cannot vote on an amendment that is identical to that which Senators have already debated at great length. It seems to me that there does not appear, or at least no reason has been advanced or suggested for that.

So I will renew my request that at 8:50—I guess we better make it 8:55 now, if the Senator from New Hampshire wants that much time this evening, the Senate vote on or in relation to Senator GREGG's amendment No. 2117, as modified; that upon the disposition of his amendment, I be recognized to offer an amendment on behalf of myself and others; that the time between now and 8:55 p.m. be equally divided between Senators LEAHY and GREGG or their designees.

Mr. GREGG. 8:50 is fine with me.

Mr. DOMENICI. Reserving the right to object, does the Senator have 2 minutes in that for me or if not could I ask——

Mr. MITCHELL. I made it 8:55 because the Senator from New Hampshire said he wanted 15 minutes.

Mr. GREGG. I will yield the Senator 2 minutes.

Mr. MITCHELL. I renew my request, Madam President, with the vote at 8:55.

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, on my time, I would be very brief while the majority leader is here. I would assume, and I would hope people understand, the majority leader wishes to bring up his amendment, which he will be able to do after this. With or without unanimous consent, he will be able to bring it up. Obviously, some could stop us from having a vote on that. Would it be fair to say, I ask my good friend from Maine, that if action is taken to forestall the vote on the majority leader's resolution, we will have further votes this evening? I do not want people to assume we will have this one vote on the Gregg amendment and that is it.

Mr. MITCHELL. To the extent that it is within my power to do so, yes.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The minority leader.

Mr. GREGG. Is the Senator from Kentucky controlling the time or the Senator from New Hampshire?

Mr. McCONNELL. I believe the Senator from New Hampshire controls the time.

Mr. GREGG. I yield such time as he may need to the minority leader.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I thank the Senator from New Hampshire.

As I have looked at the amendment, it looks familiar. It is essentially the same amendment that was offered, as the majority leader has pointed out, a couple months ago—a restriction on funds to invade Haiti because concerns were raised over the diplomatic sensitivity and executive branch privilege.

At that time we modified the amendment to make it a sense-of-the-Senate amendment. I assume that is what will follow this amendment.

Since that time, the war drums have been beating for an invasion of Haiti. Many commentators who were not in the forefront of support for the liberation of Grenada now advocate invading Haiti. And many who did not support the invasion of Panama now want to invade Haiti.

But Haiti is not Grenada, and Haiti is not Panama. American citizens are not in immediate danger in Haiti—as they were in Panama and Grenada. In Grenada, a Communist revolution was underway with the clear goal of expansion. Grenada's neighbors asked for American intervention. In Haiti, Americans are not at risk. Haiti's regime does not threaten its neighbors.

In 1989 an indicted drug trafficker ran Panama, American service persons were beaten and even killed, and the safety of the Panama Canal was at risk. Decisive military action was undertaken to defend American interests.

In both Panama and Grenada, other options were not available. Grenada was an emergency which required immediate action. In Panama, all avenues for a political solution were exhausted, In Haiti, however, the administration has rejected political negotiations. I am informed the U.S. Ambassador in Haiti is not allowed to meet Haitian military leaders. I am informed that Congressman Bill Gray, the President's special representative has not traveled to Haiti, and has not met with democratically elected Haitian parliamentarians.

I do not know why he has not.

So it seems to me that the administration relies on the views of President-elect Aristide and his paid advisers—who get paid pretty well, if you look at the records—and who reject negotiations. Maybe we should send President Carter to explore negotiated options in Haiti. I agree with the assessment of Larry Pezzullo, the last special representative for Haiti:

> By abandoning the track of multilateral negotiations, we have taken on full responsibility for Haiti's future. This is no favor to Aristide, the Haitian people or the Americans who will be sacrificed in the attempt.

As many of us predicted, what the administration has done now is tighten sanctions, which has driven people into boats, driven them out to sea, and forced the people in this hemisphere. It is not going to work. It in no way is going to work, and in my view they are punishing the wrong people.

Yes, there are human rights violations in Haiti—as there are in many countries in the hemisphere. But the boats are clearly free to leave Haiti—and leaving they are at a record rate particularly in the last few days. Unlike Cuba, emigrants from Haiti are not shot by pursuing military forces. Haitians are leaving because the United States-led economic embargo leaves them with no options. And the constant changes in U.S. immigration policy leave the hope that the way to get into America is to set sail.

The United States cannot declare a new foreign policy doctrine: That we will invade if democracy is interrupted. We ignored antidemocratic events in Algeria and in Georgia. We cannot invade every country where human rights abuses occur. We must only use military force where American interests are threatened.

Madam President, I am going to support the amendment by the distinguished Senator from New Hamphire. It seems to me that we have spent a lot of time on this particular issue.

Future historians will question the time and energy spent on Haiti while North Korea's nuclear ambitions are receiving limited attention.

Some have argued that this is a partisan effort. There have been many nonpartisan proposals for Haiti. Some in the Congress have supported establishing a safe haven. I have repeatedly proposed naming an independent commission to look at the real facts in Haiti. The administration has rejected these options. That is not the way to forge a bipartisan policy.

Some have said that the Congress has not put these geographic restrictions on U.S. Armed Forces. Let me remind my colleagues we spent many hours in the 1960's and 1970's on this floor debating amendments on funding limits for United States forces in Cambodia, in Laos and in Vietnam. The Cooper-Church amendment of September 17, 1969, for example, was prior restraint on United States military forces operating in Laos and Thailand. The Clark amendment of the former Senator from Iowa, of the 1970's was prior restraint on United States options in Angola. The Congress has been more than willing to restrain Presidents on foreign policy actions with which it disagrees. So let us not muddy the waters with constitutional arguments or partisan allegations. Let us vote on the issue—do you think Congress should be put in the loop before United States forces are committed to Haiti. That is precisely what it is.

I do not think invading Haiti makes sense. I do not think giving President Aristide veto power over U.S. actions makes sense. And I do not think public opinion polls ought to drive our invasion policy. We all read the news article this morning about a slight increase of support for military action in Haiti. But there was far more support for military action to halt North Korea's nuclear programs. But foreign policy is about more than polls. It is about leadership and it is about tough choices. We should make our own choice tonight—should Congress be involved before we go to war in Haiti?

I urge my colleagues to support Senator GREGG'S amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I yield 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise first for the purpose of saying to my good friend from Maine, Senator COHEN, that I was privileged to be on the floor and to listen to his remarks. I compliment him for them. I think anybody that wants a history of what it really means for the U.S. Congress to be part of the foreign policy should either have listened or should read what he has to say.

Whether this proposal passes or not, it is quite obvious that there is kind of a pervasive, prevailing issue. And if the President does not see it, then he is blind. Clearly, that is, you do not commit American military without informing the Congress, at least—and probably history tells us—without getting their consent. We have been successful where Congress is a part because Congress speaks for the people and can take home to their States and their districts the concerns that a President has. If the President does this without Congress, then clearly the people will join on the opposite side almost automatically. It is not because we support something and that they will be with us. But it does indicate that it makes sense, that it is not something that a Chief Executive is doing without the concurrence of Congress and without asking Congress for advice.

So whether it passes or not, the Senator has made the point. If the point is not heard down at Pennsylvania Avenue by this President, then he is going to have another foreign policy failure. This is not a giant country. But for the United States, without Congress being informed or being part of this, to take on the idea of sending American men and women with military equipment in a military approach to that country, if Americans get killed, the President has to say, "I did not even ask Congress. I did not even inform Congress." Today we are saying that, if I read the Senator right. I think the Senator is absolutely consistent with good policy and consistent with what the Constitution really means.

I thank the Senator for his discussion today.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent that I be allowed to proceed for 1 minute on the time of the Senator from Vermont.

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

Mr. DODD. Madam President, just to address the last point, obviously the ideal situation is to have support of the American public and Congress. But we should be careful, though, in suggesting that the only time a President could exercise the option of military force ought to be when there is absolute congressional approval or popularity for the decision. That is always a convenient perspective. But in most cases, the people of this country have been reluctant about our foreign involvement. If Franklin Roosevelt had run in 1940 on the proposition that we were going to enter World War II, he might have been in serious political difficulty even though lend-lease and other things were involved.

We have been historically an isolationist country, because, by and large, our parents and great grandparents left the nations they were in because of the turmoil in the countries in which they resided. So there is a historic reluctance about foreign policy.

I have listened very carefully to the comments of my colleague from Maine, and I have great respect for him in this area. But as to this notion of always having congressional approval, I would remind him that we did not in Grenada. We did not in Panama. By the way, I supported both of those actions.

But had the President come and asked for permission in Panama and Grenada, you might have had a different perception for United States forces.

So I think you have to be selective in how you approach the issue of prior congressional approval or even consultation, in a broad sense.

Second, the notion of popular support on these issues, again, ideally you ought to have it. Hopefully, you will. But we cannot conduct our foreign policy on the basis of whether or not the American public from day to day are going to necessarily agree with the actions that are taken.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time do we have remaining?

The PRESIDING OFFICER. There are 5 minutes and 26 seconds remaining for the proponents of the amendment; 10 minutes and 13 seconds for the opponents of the amendment.

Mr. GREGG. I ask the Senator from Vermont, will he use all of the time?

Mr. LEAHY. The majority leader has requested 5 or 6 minutes of the time that I might have.

Mr. GREGG. To speak last?

Mr. LEAHY. Yes.

Mr. GREGG. Madam President, I yield myself the remainder of my time.

I think it is important to recognize what we are voting on here and what we are not voting on. There has been much representation that has been inaccurate. The contention that in the Grenada situation and the Panama situation just reflected, that prior approval would be required, is inaccurate under this amendment. The statement that the President must come to Congress and get approval is inaccurate. Under this amendment, he must just send a report to the Congress outlining what he intends to do, and then he is qualified. One of the elements of this amendment could require prior approval, but it is not the only manner in which he can proceed if there is an emergency, where citizens are at risk, or when there is a vital national interest. And where it requires immediate action, he can just submit a report telling us what he is up to and why he intends to do it. So there is a lot of flexibility here for the President.

Second, it is important to understand that much more restrictive actions have been taken relative to the power of the President by this body and by the House of Representatives, and the representation that that is not true is inaccurate. I refer this body to the Boland amendment and the Clark amendment.

I will read from the Clark amendment:

> Notwithstanding any other provision of law, no assistance of any kind shall be provided for the purposes or which would have the effect of promoting or augmenting directly or indirectly the capacity of any nation,—

Which I presume includes us—

> group, organization, movement, or individual to conduct military or paramilitary operations in Angola.

That was the Clark amendment. This amendment I have offered here, compared to that amendment, is a dam with innumerable holes in it with the water flooding through. The simple fact is that this amendment does not tie the hands of the President. What this amendment does do is require that the President tell the American people what he is up to in Haiti, what is his policy in Haiti, which is something we have not heard. If he intends to invade Haiti, why?

Why should he tell the American people that? Because it is American lives that are going to be at risk. When that son or daughter hits the beach in Haiti or finds himself or herself on a street in Port-au-Prince fighting for his or her life, that person needs to know why. It is the obligation of this President to tell us, to tell this Congress and, in that way, tell the people of the United States. That is all we ask for in this amendment. Give us a report and tell us why you are going in there. There is clear movement by the administration to move toward the avenue of invasion. Their policy of sanctions have failed; there has been discussion of that. It failed because it was inappropriately designed. But there is no justification, in my opinion, for invasion.

If refugees are the issue, we should be invading Mexico, because the Mexican refugees that come up here multiply by a factor of about 2,000 compared to the number coming from Haiti. If the issue is drugs, we should be invading the Bahamas, because their problem with drugs passing through them is dramatically more significant than Haiti.

The fact is that this administration has not come to the American people and told us what the national interest is, and that requires us putting at risk American lives. They have an obligation to do that before they risk American lives. That is all this amendment says.

As a final comment, I make this point: I guess I come from a region of the Nation where—and I suspect most regions of the Nation are like this—when you say something, they expect you to mean it. Well, this Senate passed this exact language, and we may pass it again tonight in an act of what would have to be called "ultimate inconsistency," but we passed this exact language as a sense-of-the-Senate in October. Now we are told that we cannot do it as a force of law. Well, I think the American people may have a jaundiced view of the Congress and what it stands for, and possibly that type of an exercise in obfuscation is an example of why. If we passed it as a sense-of-the-Senate, we ought to have the wherewithal and the desire and the willingness and the Constitution to back it up as an act of law.

So I think it has been misrepresented as more than it is, as some sort of constitutional impairment of the Presidency. It is not. In fact, it is significantly less than what Congress has done many times under the Boland amendment and Clark amendment. It has been represented that the President must come to us and get prior approval. That is not accurate. He must just tell us what he is up to. It is a chance for the President to tell the American people when he decides, if he should decide.

One Senator basically said he had decided for all intents and purposes—or that Senator felt he should decide—to invade. This amendment provides that if he decides to invade another nation, tell us why, so that when our American soldiers go into that nation, the American people will be behind him because they will understand the reasons why. That is the purpose of this amendment.

I yield whatever time I have remaining.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Madam President, I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Madam President, I will be necessarily brief. I am going to vote against this amendment, but not for some of the reasons stated. I think it is an axiomatic under the war clause of

the Constitution that the President cannot use forces abroad in hostilities, except in certain limited circumstances, without the consent of Congress.

This is an incredibly poorly drafted amendment that is essentially a case-specific attempt at rewriting the War Powers Resolution. We have never, to the best of my knowledge, in an anticipatory way, suggested that a President of the United States must go to the U.S. Congress in anticipation of the probability that he or she might invade a particular country. By implication, this says that the President only has to get approval with regard to Haiti. But if he wants to go into Ukraine or Jordan, or if he wants to go into wherever, he can do it without bothering to obtain the consent of Congress.

This is, quite frankly, the most confusing and, I believe, damaging debate that has taken place on the question of what are the constitutional limitations on Presidential power.

I end by saying that we have been trying now—some of us—for the better part of 4 years to rewrite the War Powers Resolution. I have a proposal, as do others, called the Use of Force Act. But to attempt to do this piecemeal, in anticipation of the possibility that the President may take an action, which under the Constitution, most constitutional scholars would tell you he does not have the right to take anyway, seems to me to be, by implication, suggesting that if we do not approve this amendment, the President has the inherent authority to do what you are worried about being done in Haiti.

I respectfully suggest that this is the wrong way to go about this, and I will not ascribe any political motivation, except an intellectual inconsistency. This is, in a fundamental sense, the wrong way to deal with a serious problem. We should revisit the War Powers Resolution and rewrite the War Powers Resolution. But this does not do it and does not do it well.

Therefore, I shall vote against this amendment.

Mr. LEAHY. How much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 7 minutes 35 seconds remaining.

Mr. LEAHY. Madam President, one, I concur with the words of the Senator from Delaware. Again, I say that we are raising an issue of great constitutional magnitude, tossing it on as though it is some little earmark on a foreign aid bill. It is not. It is an issue that should be debated. Let us debate the War Powers Act as a standing item, but not on this. It diminishes the Senate, diminishes our own sense of the Constitution. It is flatout wrong.

Madam President, I yield the remainder of my time to the distinguished Senator from Maine, the majority leader.

Mr. MITCHELL. Madam President, this is a subject which has been debated on many occasions in the Senate. The Senate has already voted on the same issue which is being presented here this evening.

It is not uncommon for the Senate to debate and vote on the same thing on many occasions.

But I think it is appropriate to understand that a few months ago the Senate voted 81 to 19 in opposition to an amendment which is similar, indeed I believe identical in effect, although similar language, to the amendment which is now being offered.

Thereafter, the Senate voted 98 to 2 in favor of an amendment in the form of a sense-of-the-Congress resolution that is identical both in effect and words to that which I will offer immediately after the vote on this amendment.

It is my hope that we can vote promptly thereafter. There will be no need for debate. And I will ask, as soon as I am recognized and offer my amendment, that we proceed to vote on that amendment then.

Everything has been said that need be said on this subject. In fact, I think it has been said several times over on both sides of the debate, and there really is not much more that I can add to shed any light on the subject.

Nothing has happened, in my judgment, that justifies a reversal of position by the Senate or by any Senator. Those 19 Senators who voted for this amendment a few months ago would be perfectly justified in voting for it again. Those 81 who voted against it should, in fact, vote against it again, because it is the same thing. Then, when the sense of the Congress is offered after, it, too, is the same thing, and the 98 Senators who voted for that should, if consistent, vote for it; and the 2 who voted against it are, of course, free to do so.

So, Madam President, just so there is no misunderstanding in this respect, so there will be spread upon the RECORD for every Senator to see what it is we are doing, I ask unanimous consent that there be printed in the RECORD, first, the amendment offered at that time by the distinguished Senator from North Carolina, which is identical in effect and intention, although not in word, to that now being offered, to be followed by a record of the vote on that amendment, and then a copy of the sense-of-the-Congress resolution which we voted on, and then a record of the vote on that resolution be printed in the RECORD.

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

HELMS (AND BROWN) AMENDMENT NO. 1072

Mr. HELMS (for himself and Mr. BROWN) proposed an amendment to the bill H.R. 3116, supra; as follows:

"At the end of the committee amendment on page 154, insert the following:

"SEC. 8142. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Armed Forces of the United States to conduct operations in Haiti unless (1) operations of the Armed Forces of the United States in Haiti are specifically authorized in a law enacted in advance of the operations, or (2) the President certifies in writing to Congress that United States citizens in Haiti are in imminent danger and that a temporary deployment of the Armed Forces of the United States into Haiti is necessary in order to protect and evacuate United States citizens in Haiti. In the event of a certification under clause (2) of the preceding sentence, funds referred to in that sentence may be obligated and expended for the Armed Forces of the United States to conduct operations in Haiti only to the extent necessary for the Armed Forces to provide the protection and complete the evacuation certified as necessary."

[Rollcall No. 321 Leg.]

YEAS—19

| | |
|---|---|
| Brown | Kempthorne |
| Craig | Lott |
| D'Amato | Murkowski |
| Dole | Nickles |
| Domenici | Pressler |
| Faircloth | Roth |
| Grassley | Smith |
| Hatfield | Stevens |
| Helms | Thurmond |
| | Wallop |

NAYS—81

| | |
|---|---|
| Akaka | Moseley-Braun |
| Baucus | Moynihan |
| Biden | Murray |
| Bingaman | Nunn |
| Boren | Pell |
| Boxer | Pryor |
| Bradley | Reid |
| Breaux | Riegle |
| Bryan | Robb |
| Bumpers | Rockefeller |
| Byrd | Sarbanes |
| Campbell | Sasser |
| Conrad | Shelby |
| Daschle | Simon |
| DeConcini | Wellstone |
| Dodd | Wofford |
| Dorgan | Bennett |
| Exon | Bond |
| Feingold | Burns |
| Feinstein | Chafee |
| Ford | Coats |
| Glenn | Cochran |
| Graham | Cohen |
| Harkin | Coverdell |
| Heflin | Danforth |
| Hollings | Durenberger |
| Inouye | Gorton |
| Johnston | Gramm |
| Kennedy | Gregg |
| Kerrey | Hatch |
| Kerry | Hutchison |
| Kohl | Jeffords |
| Lautenberg | Kassebaum |
| Leahy | Lugar |
| Levin | Mack |
| Lieberman | McCain |
| Mathews | McConnell |
| Metzenbaum | Packwood |
| Mikulski | Simpson |
| Mitchell | Specter |
| | Warner |

DOLE (AND OTHERS) AMENDMENT NO. 1074

Mr. MITCHELL (for Mr. DOLE for himself, Mr. MITCHELL, Mr. GRAHAM, Mr. SIMPSON, Mr. THURMOND, Mr. WARNER, Mrs. HUTCHISON, Mr. D'AMATO, Mr. MURKOWSKI,

Mr. DODD and Mr. DOMENICI) proposed an amendment to the bill H.R. 3116, supra; as follows:

"At the appropriate place in the bill, insert the following:

**"SEC. . SENSE OF CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI**

"(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

"(1) all parties should honor their obligations under the Governors Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

"(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

"(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

"(b) LIMITATION.—It is the sense of Congress that funds appropriated by this Act should not be obligated or expended for United States military operations in Haiti unless—

"(1) authorized in advance by the Congress; or

"(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than forty-eight hours after the initiation of the temporary deployment; or

"(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than forty-eight hours after the initiation of the deployment; or

"(4) the President transmits to the Congress a written report pursuant to subsection (c).

"(c) REPORT.—It is the sense of Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

"(1) is justified by United States national security interests;

"(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

"(3) will be undertaken only after an assessment that—

"(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

"(B) that the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

"(4) will be undertaken only after clear objectives for the deployment are established;

"(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

"(6) will be undertaken only after the financial costs of the deployment are established.

"(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti."

---

[Rollcall No. 322 Leg.]

YEAS—98

| | |
|---|---|
| Akaka | Sarbanes |
| Baucus | Sasser |
| Biden | Shelby |
| Bingaman | Simon |
| Boren | Wellstone |
| Boxer | Wofford |
| Bradley | Bennett |
| Breaux | Bond |
| Bryan | Brown |
| Bumpers | Burns |
| Campbell | Chafee |
| Conrad | Coats |
| Daschle | Cochran |
| DeConcini | Cohen |
| Dodd | Coverdell |
| Dorgan | Craig |
| Exon | D'Amato |
| Feingold | Danforth |
| Feinstein | Dole |
| Ford | Domenici |
| Glenn | Durenberger |
| Graham | Faircloth |
| Harkin | Gorton |
| Heflin | Gramm |
| Hollings | Grassley |
| Inouye | Gregg |
| Johnston | Hatch |
| Kennedy | Helms |
| Kerrey | Hutchison |
| Kerry | Jeffords |
| Kohl | Kassebaum |
| Lautenberg | Kempthorne |
| Leahy | Lott |
| Levin | Lugar |
| Lieberman | Mack |
| Mathews | McCain |
| Metzenbaum | McConnell |
| Mikulski | Murkowski |
| Mitchell | Nickles |
| Moseley-Braun | Packwood |
| Moynihan | Pressler |
| Murray | Roth |
| Nunn | Simpson |
| Pell | Smith |
| Pryor | Specter |
| Reid | Stevens |
| Riegle | Thurmond |
| Robb | Wallop |
| Rockefeller | Warner |

NAYS—2

| | |
|---|---|
| Byrd | Hatfield |

Mr. MITCHELL. Madam President, every Senator will be able to see exactly what it is he or she voted on just a few months ago. Then, of course, we will have the vote now on the same two issues, and we can have it all spread out on the RECORD so everyone can understand the identical nature of what it is we are doing.

I recognize that every Senator has a right to offer any amendment he or she wants and to say whatever he or she wants, and I guess it is fortunate for the Senate there is no rule of redundancy in the Senate.

But I repeat, in conclusion, as the vote will occur now in just a couple minutes, we are debating and voting on a subject that we have already debated and voted on. In fact, rarely do we have a debate that is almost verbatim of what was said in the previous debate. And rarely do we vote on amendments that are almost identical in one case here word for word what we voted on.

I do not know what is going to happen, but it would not surprise me if we go through this exercise yet another time in a few weeks. So I thought it would be useful for every Senator to have it all spread right out so they could see the past amendments, the past votes, the present amendments, the present votes. I hope there will be no further amendments and further votes.

Madam President, I urge my colleagues to be consistent with their previous position, reject this amendment, and then also being consistent with their previous position, vote for the resolution which I will, under the order, offer immediately following the vote on this amendment.

Madam President, I yield the floor and yield back the remainder of our time.

Mr. MOYNIHAN. Mr. President, I will oppose the Gregg amendment. This amendment is not a constructive means to address the complex issue of war powers. Moreover, the adoption of this amendment would be misinterpreted in Haiti and would weaken the President's hand in dealing with the situation and embolden Haiti's military rulers.

I believe that speakers have made it clear that this is not, in reality, a vote on the War Powers Act. We already have a War Powers Act. Adopting an amendment which singles out Haiti, would set an unfortunate precedent. Furthermore, it implies that absent the Gregg amendment the President is free to act as he pleases without the authorization of Congress.

VOTE ON AMENDMENT NO. 2117, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2117, as modified, offered by the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending funeral.

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

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—34

| | | |
|---|---|---|
| Bennett | Coats | Craig |
| Bond | Cochran | D'Amato |
| Brown | Coverdell | Danforth |

| | | |
|---|---|---|
| Dole | Hutchison | Roth |
| Domenici | Kempthorne | Simpson |
| Faircloth | Lott | Smith |
| Gorton | Lugar | Specter |
| Grassley | McConnell | Stevens |
| Gregg | Murkowski | Thurmond |
| Hatch | Nickles | Wallop |
| Hatfield | Packwood | |
| Helms | Pressler | |

NAYS—65

| | | |
|---|---|---|
| Akaka | Feinstein | McCain |
| Baucus | Ford | Metzenbaum |
| Biden | Glenn | Mikulski |
| Bingaman | Graham | Mitchell |
| Boren | Gramm | Moseley-Braun |
| Boxer | Harkin | Moynihan |
| Bradley | Heflin | Murray |
| Breaux | Hollings | Nunn |
| Bumpers | Inouye | Pell |
| Burns | Jeffords | Pryor |
| Byrd | Johnston | Reid |
| Campbell | Kassebaum | Riegle |
| Chafee | Kennedy | Robb |
| Cohen | Kerrey | Rockefeller |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Sasser |
| DeConcini | Lautenberg | Shelby |
| Dodd | Leahy | Simon |
| Dorgan | Levin | Warner |
| Durenberger | Lieberman | Wellstone |
| Exon | Mack | Wofford |
| Feingold | Mathews | |

NOT VOTING—1

Bryan

So the amendment (No. 2117), as modified, was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 2118

(Purpose: Expressing the sense of the Congress with respect to Haiti)

Mr. MITCHELL. Mr. President, on behalf of myself, Senator LEAHY, Senator WARNER, and Senator BIDEN, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. LEAHY, Mr. WARNER, and Mr. BIDEN, proposes an amendment numbered 2118.

Mr. MITCHELL. 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 amendment add the following:

**SEC. . SENSE OF THE CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI**

(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Congress that funds appropriated by this Act or any other Act should not be obligated or expended in Haiti unless—

(1) authorized in advanced by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than forty eight hours after the initiation of the deployment; or

(4) the president transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by U.S. national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of U.S. Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the U.S. Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the U.S. Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of U.S. diplomatic or other U.S. government facilities, or operations to counter emigration from Haiti.

Mr. MITCHELL. Mr. President, this amendment is identical in form and substance to an amendment adopted by the Senate by a vote of 98 to 2 a few months ago. We have debated the subject, in my judgment, far more than is necessary. I believe there is nothing more to add.

I, therefore, request the yeas and nays and am prepared to vote on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, I am told that there are some on this side who would like to speak briefly to the sense-of-the-Senate amendment. We had suggested to the leader—actually asked the leader if this was going to be the last vote of the evening. I was wondering what his plans were subsequent to the vote on this next amendment.

Mr. MITCHELL. Our plans are to proceed on the bill. A large number of Senators have said we want to be sure and get out of here by Friday evening. Of course, if we do not vote on Friday and we do not vote on Monday and we quit now, then we will be here Friday evening. So I think the best way to accomplish that is to proceed.

I hope we are not going to get into a situation where Senators are going to delay a vote on this simply because there are going to be other votes.

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

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

RESTORATION OF FUNDING FOR THE WORLD FOOD PROGRAMME

Mr. COCHRAN. Mr. President, it is my understanding that the State Department requested $5 million as the U.S. contribution to the administrative budget of the World Food Programme, the Food Aid Agency of the United Nations system. The Office of Management and Budget reduced this figure to $2 million in the President's budget. I would like to see this figure restored to $3 million, the amount in the current budget. I believe this addition is important to support the critical work the organization is undertaking throughout the world, often in very trying and dangerous situations.

Mr. LEAHY. I appreciate the distinguished Senator from Mississippi bringing this to the Senate's attention. The vital work of the World Food Programme requires a continuation of funding by the State Department at the current $3 million level. I assure the Senator we will make that clear in conference.

Mr. MCCONNELL. If the Senator will yield, I agree with the distinguished Senators from Vermont and Mississippi on the importance of the World Food Programme and the need to maintain the existing level of funding.

Mr. COCHRAN. I thank the managers.

NIS SECONDARY SCHOOL INITIATIVE

Mr. BRADLEY. Mr. President, I rise to express my enthusiastic support for the NIS Secondary School Initiative, which was created by the Freedom Support Act in 1992 and is administered by the U.S. Information Agency. I believe this exchange program is a valuable investment in people and one of the most successful components of our assistance to the former Soviet Union. Since January 1993, over 5,500 students have participated in the program, forming the foundation for relations between our nations in the coming years. The academic-year component of the program has given over 1,200 high school students from the former Soviet Union the opportunity to spend the past year living with host families and attending schools in communities across America. This past month I met with nearly 500 of these students, and I was struck by their spirit, energy, and openness. These young people—so dedicated to their own countries—return to the former Soviet Union with a first-hand understanding of America's democracy, pluralism, and free market economy, as well as with personal bonds with American friends and families that will last a lifetime. I want to applaud Senator LEAHY's leadership in developing this program and in ensuring that it continues to give thousands more of these young people from Russia, Ukraine, and the other former Republics the opportunity to visit America. Does the chairman agree that this program has demonstrated its importance and merits continuation?

Mr. LEAHY. I agree with the Senator from New Jersey that this program has been a great success. By giving these students the opportunity to experience firsthand the possibilities, challenges, and privileges of living in a democracy with a free market economy, these exchanges form the foundation for building democracy throughout the former Soviet Union. I strongly support the continuation and expansion of this program, and I look forward to welcoming the next group of participants to the United States next fall.

Mr. BRADLEY. And is it the intention of the chairman to work in conference to ensure that the conferees recommend that the NIS high school exchange program receives $25 million of the NIS assistance funds appropriated in the fiscal year 1995 Foreign Operations bill?

Mr. LEAHY. Yes, I will propose language in conference recommending that this program receives $25 million from the fiscal year 1995 NIS appropriation, to go toward its expansion in the 1995–96 school year. It is my hope that USIA will send upward of 8,500 students on NIS secondary school exchanges in 1995–96.

FOOD FOR PEACE

Mr. LAUTENBERG. Mr. President, the distinguished manager of the bill and I have worked together in past couple of years to see if foods that we ship overseas in the Public Law 480 Food for Peace Program, administered by AID, could be fortified with vitamin C. In my view, fortification of these grains would make the food we ship overseas more nutritious and would prevent illness.

However, despite our interest in this issue, AID has not yet determined whether or not fortified food remains intact during the shipment process and also has not told Congress how much it would cost to fortify grains to 100 mg per gram ration for the Public Law 480 Food and Peace Program.

Therefore, I would like to ask the distinguished floor manager, Senator LEAHY, if he would seek to include report language in conference that would direct the President to do the following:

First, provide an estimate on how much it would cost to fortify grains shipped in the Public Law 480 Program to 100 mg per 100 gram ration.

Second, report on whether or not the fortification of these grains is stable through the shipping process.

Third, submit a report to Congress before the next appropriations cycle on these issues so that the appropriations committees may make an informed decision on this issue.

I understand that the Senator from Vermont cannot guarantee anything in a conference with the House, thus I would simply ask if he would work with me to develop appropriate report language on this issue that would achieve our shared goals.

Mr. LEAHY. I would be happy to work with the Senator from New Jersey to resolve this issue in conference.

CDP/CDR

Mr. WOFFORD. Mr. President, I would like to enter into a colloquy with the distinguished manager of the bill, the chairman of the Senate Foreign Operations Subcommittee.

I am a strong supporter of a program funded in this bill—Cooperative Development Project and Cooperative Development Research. CDP/CDR promotes joint projects among the United States, Israel, Eastern Europe, and the Central Asian Republics—and among the United States, Israel and the developing world. CDP/CDR serve to boost these regions' science and technology infrastructure, and solve problems in the fields of agriculture, environment, energy, and health.

For the past 2 years, these programs have been earmarked. CDP/CDR is an excellent example of a creative foreign aid program that maximizes our foreign assistance efforts in key regions of the world. Israeli expertise in the fields of drip irrigation, malaria—combatting bacterium, environmental cleanup, and energy efficiency have all been brought to these countries through the CDP/CDR. What this program could bring the United States is increased stability and self-sufficiency in parts of the world where the United States has been asked to intervene in times of crisis.

Although CDP/CDR is not earmarked in the fiscal year 1995 Senate Foreign Operations bill, it is important to note that this program enjoys strong, bipartisan support in both Houses, and that the Congress does expect the administration to use funds appropriated by this act to fully fund the CDP/CDR program.

Mr. LEAHY. I share the Senator's support for this worthy program. CDP/CDR has made a valuable contribution to our development efforts in many parts of the world. I, too, expect the administration will fully fund CDP/CDR in fiscal year 1995, and that it will continue to play an important role in the former Soviet Union, Eastern and developing countries. Last year the administration clearly committed in writing at the time of the conference on this bill that they would fully fund this valuable program. I will seek the same commitment from them this year.

Mr. WOFFORD. I thank the chairman for his statement on CDP/CDR. I am pleased that we agree on this outstanding program, and would look forward to working with him to secure a commitment from the administration on the program.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, will the Senator withhold? Will the Senator yield for a question?

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

Mr. LEAHY. Mr. President, I will just tell the distinguished Senator from Louisiana that I had told the distinguished Senator from Kentucky that I would reinstate the call of the quorum when I finished those items.

Mr. JOHNSTON. I wonder if this would be an appropriate time to make a statement on another subject?

Are we ready to vote?

Mr. MITCHELL. I might inquire of the Senator from Kentucky, through the Chair, can we have any indication of how long the Senator intends to keep us in a quorum call, or knows when the vote may occur?

Mr. McCONNELL. I thought he had learned through his staff that I am checking with the Republican leader and I should be able to report back.

Mr. MITCHELL. Does the Senator have any objection during that time if the Senator from Louisiana proceeds?

Mr. LEAHY. I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I rise to voice serious objection to language in this bill on page 34 which, in effect, puts an embargo on foreign military sales to Indonesia.

I think this is a very serious mistake for the United States to be doing this. The House has language continuing a ban on what we call IMET funds; that is, the military training funds. And this is, in effect, a sanction against Indonesia for the policy in East Timor.

What the Senate has done is to substitute for the ban on IMET funds, in effect, a ban on foreign military sales if those foreign military sales would be used in East Timor.

The problem is that any of these sales can be used anywhere in Indonesia. For example, the C–130, which is made in, I think, over 40 States in the United States and sold in fairly large quantity to Indonesia, flies all over Indonesia. If you cannot fly to East Timor, then you probably will not be able to sell the C–130 or spare parts for the F–16. The F–16 lands all over Indonesia. There are all kinds of spare parts, there are all kinds of weapons which are sold to Indonesia. So that we have in this language the start of what is, in effect, an arms embargo on foreign military sales.

I can tell you, Mr. President, the Indonesians are outraged about this language. It is much worse than the House language.

We could debate all night about East Timor and about human rights in Indonesia, which I believe are greatly improving. It is an emerging country. We could debate for a long time, and I think we ought to debate the question of Indonesia, their record on human rights and the situation in East Timor.

I believe Indonesia deserves the support of the United States. They are the fourth largest country in the world. They are the largest Moslem country in the world, and we keep poking them in the eye. They are one of the world's leading emerging countries in terms of economy. They will be buying $130 billion in infrastructure imports over the next decade. They are a key player in ASEAN and in APEC. Indeed, the President is going to APEC this fall, and while he is doing that, we are putting, in effect, an embargo on foreign military sales.

Mr. President, what is the policy of the State Department on this? I will be frank to tell you, I do not know. They tell me they are opposed to it, but a letter from them is not forthcoming, so I do not know what the policy is.

I have a letter from the Deputy Secretary of Defense, John M. Deutch, who says:

I am writing to express the views of the Defense Department on a matter of some concern. A provision in the Foreign Operations Appropriations bill as reported by the Senate Appropriations Committee would place significant restrictions on the use of defense equipment that Indonesia purchases from the United States. Specifically, this provision would bar Indonesia from using defense items purchased through the Foreign Military Sales Program in East Timor.

We oppose this provision, and in coordination with the State Department, are working with concerned Senators such as yourself to see if it can be revised. We are concerned that passage of this provision would disrupt our modest yet important security relationship with this strategic country and would drive the Indonesian defense establishment away from U.S. sources of equipment.

As you certainly know, we have many important interests in Indonesia; improved human rights, as well as solid defense ties are among the many objectives we pursue. We strongly believe that active engagement with the Indonesian military through training and FMS programs and other defense cooperation better positions us to positively influence the development of improved human rights conditions. Through our interaction with the Indonesian military at all levels, we play a role in the candid dialog the administration conducts on human rights and the issue of East Timor.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this letter for the consideration of Congress.

Signed John M. Deutch, Deputy Secretary of Defense.

I ask unanimous consent that this letter be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,
*Washington, DC, June 29, 1994.*

Hon. BENNETT JOHNSTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: I am writing to express the views of the Defense Department on a matter of some concern. A provision in the Foreign Operations Appropriations Bill as reported by the Senate Appropriation Committee would place significant restrictions on the use of defense equipment that Indonesia purchases from the United States. Specifically, this provision would bar Indonesia from using defense items purchased through the Foreign Military Sales program in East Timor.

We oppose this provision, and in coordination with the State Department, are working with concerned Senators such as yourself to see if it can be revised. We are concerned that passage of this provision would disrupt our modest yet important security relationship with this strategy country and would drive the Indonesian defense establishment away from US sources of equipment.

As you certainly know, we have many important interests in Indonesia; improved human rights as well as solid defense ties are among the many objectives we pursue. We strongly believe that active engagement with the Indonesian military through training and FMS programs and other defense cooperation better positions us to positively influence the development of improved human rights conditions. Through our interaction with the Indonesian military at all levels, we play a role in the candid dialogue the Administration conducts on human rights and the issue of East Timor.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for the consideration of Congress.

Sincerely,

JOHN M. DEUTCH.

Mr. JOHNSTON. Mr. President, I would have had an amendment on this issue, but I was led to believe that the State Department would take a position and would give us a letter. They will not give us a letter. They say we are opposed to it, we want you to work it out.

What is our position from the State Department in East Timor and Indonesia, the fourth largest country in the world? We ought to have a position and we do not. Consequently, I do not have an amendment, but I think this is a huge mistake. I think it ought to be looked at in the conference committee. I hope they will look at it in the conference committee, and I hope the State Department will tell us one way or the other, do they want it, do they want to go back to the IMET ban, do they want to have foreign military sales bans? What do they want to do?

This is not beanbag, Mr. President. This is important foreign policy with the largest Moslem country in the world, and fourth largest country in the world, and one of the fastest emerging countries, and a traditional friend of the United States. They stood by us all the while in Vietnam and everyplace else. They are a demonstrated friend of the United States. If we are going to poke them in the eye, it ought to be intentionally, it ought to be the foreign policy of this country and not makeshift policy where nobody knows exactly what is the policy of the country.

I hope that we will look at this issue in the conference committee.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota, Mr. PRESSLER, is recognized.

Mr. PRESSLER. Mr. President, it is my strongest feeling in this debate on Haiti that we should not shed a single drop of American blood. I feel strongly that no troops should be sent there. I feel strongly that the problems in Haiti must be resolved by their people. The expectation is that we are going to solve their problems. America cannot do that. Even if we sent troops there, they could not restore democracy. That is a fallacious argument.

Some say we have an obligation to send troops to restore democracy. But that would not restore democracy in Haiti. United States troops cannot restore democracy in Haiti.

First, we should make clear there should be no United States troops sent to Haiti. Second, I feel strongly we should consider lifting the embargo. The embargo is hurting the poor people the most. I am very much in favor of an end to military rule. I am very much in favor of democracy in Haiti. Unfortunately, we are on the opposite course. We should implement a policy of not deploying United States troops to Haiti under the current circumstances, proceed with normal immigration procedures, and lift the embargo. That is just about the opposite of what the administration is doing.

That would lead to democracy and an end to military rule much faster. The course we are on leads the Haitian people to believe that the United States is somehow going to miraculously restore democracy in Haiti, a country that has never known democracy. Aristide has said he will not go back to Haiti as a result of a military invasion. Almost all who have followed these events say Haiti could not sustain democracy.

Almost all experts say the embargo is hurting the poor and the impoverished worst of all, and the people running the country, the military junta, are not going to give up or be hurt. We are pursuing the opposite policy we should with Haiti. We should reverse ourselves 180 degrees and we should do it now.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. MITCHELL. Mr. President, will the Senator withhold.

Is the Senator prepared to indicate whether we can vote on this matter at this time?

Mr. McCONNELL. I would say to the leader I am happy to indicate as soon as I have an opportunity to talk to the Republican leader, who is expected momentarily.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMON. Mr. President, I wonder if I could have the attention of the Senator from Louisiana [Mr. JOHNSTON].

I heard the Senator's remarks about Indonesia, and I am not an expert in this area. I know our colleague, Senator FEINGOLD, has paid a great deal of attention to that. There is concern about what Indonesia is doing in East Timor and their pressure on the Philippines and others and then the recent crackdown on freedom of the press in Indonesia.

I have to say the conduct of Indonesia just recently in this regard has not encouraged me—and again I am a nonexpert in this field, but has not encouraged me to go with the Senator from Louisiana on his position. I would be curious as to his response on that.

Mr. JOHNSTON. The Senator is correct, that not everything that takes place in Indonesia is encouraging. They do not have freedom of the press in Indonesia as we know it, and indeed there has been some arrests, a crackdown on some press who have been particularly critical of the government. No doubt about that.

A lot of our friends around the world have adopted policies that are not consistent, do not comport with our Bill of Rights Government, and I think we should not retreat from doing what we can to be effective in trying to propagate democracy and freedom of speech, freedom of religion, et cetera, around the world.

My problem is that to put a ban on foreign military sales and to do so without having it a considered judgment of foreign policy of the United States with one of our best traditional friends, with one of the largest countries in the world, just to do it haphazardly I think is an awful way to make foreign policy.

We had debate earlier about whether the Congress should make it or whatever. It seems to me that the President and the State Department ought to be the ones to at least initiate and should not be bi-players, should not be wringing their hands on the sidelines while we make foreign policy in the Senate.

A good indication of the kind of foreign policy we made was a couple of weeks ago when we adopted two sense-of-the-Senate amendments on Bosnia about lifting the embargo. One said by a 50-to-49 vote we should not lift the embargo unless the United Nations says so, and the other one said we ought to lift the embargo with or without the United States—both resolutions adopted 50 to 49.

I just do not think we ought to make foreign policy in this way. I would also say that if we are going to take sanctions against every country in the world that is criticized by Amnesty International or somebody else, the list of our friends will be short indeed—short indeed. In fact, the United States itself has been criticized by Amnesty International on the death penalty and other things.

Having said that, I would say I share the Senator's concern about some of the policies in Indonesia, although I think that Indonesia has made huge steps forward in human rights, in labor relations, and I think the State Department would tell us that if they would tell us something.

Mr. SIMON. I simply say to my colleague from Louisiana that I agree we cannot expect carbon copies of the United States around the world. I think we have to be careful in micromanaging foreign policy in this Chamber. I think that is one of the dangers; when people sense a little bit of a vacuum in the executive branch, that we move in and move in sometimes when we should not.

I hope before the Senator would maybe offer an amendment that he might discuss this with our colleague, Senator FEINGOLD, who has spent a considerable amount of time in this area, who knows much more about it, frankly, than I do.

Mr. JOHNSTON. It was offensive I think, or counterproductive to have a ban on the IMF funds, the military training funds because the military training funds keep the kind of incident in East Timor from occurring by having better trained people.

The House had the ban on the IMF funds but for that we substituted something worse, which is the FMS ban. And one of the things that is so offensive to the Indonesians is that in mentioning East Timor it suggests that we do not recognize East Timor as a part of Indonesia, that somehow we are tipping our hat or genuflecting in the direction of those who say East Timor ought to be an independent state. There are some people who legitimately and sincerely believe that.

To say that as part of a law adopted by this Senate is a very serious charge. It is as if the British Parliament adopted a resolution that said Puerto Rico should not be part of the United States. And we have been criticized by the United Nations for that.

So I just say that this is a bad way to make foreign policy. I think it is a big mistake, and I hope the conferees will look at this when they get in the conference committee.

Mr. President, I would like to take this opportunity to say a few words about two other issues which are funded by the Foreign Operations Appropriation bill. Earlier this year, I led a CODEL to the Far East. Several of my colleagues and I visited numerous Asian nations, including Thailand and China, and I would like to speak about some issues relating to those two nations at this time.

As many of you know, in 1988, the legitimately elected government of Burma was blocked from assuming office by the military and leaders having been illegally detained. Since that time, in accordance with United States policy, our Government has denied Burma all foreign assistance with the exception of basic humanitarian assistance; the United States has had no bilateral assistance program for nonhumanitarian aid with Burma since 1988.

Unfortunately, this well-intentioned policy of our Government resulted in the termination of a Drug Enforcement Administration bilateral counternarcotics assistance program with Burma, which sprayed pesticides on poppies in Burma. As you know, opium and heroin are derived from the poppy plant, which grows prolificly in Burma. The abundance of poppies has created a profitable underground drug processing industry in Burma, and when it comes to the world's supply of illegal drugs, it can be said that "all roads lead to Burma." The DEA reports that Burma is the source of more than 70 percent of all heroin in the United States. Think about that—almost three-quarters of all heroin traded on American streets can be traced back to the poppy fields in Burma.

The heroin trade is a lucrative one both in Burma and in America; and heroin, whose use had been declining in this country, is increasingly becoming the drug of choice for many drug abusers in the United States. The reemergence of a market for heroin can be linked to the fact that a single kilo, or 2.2 pounds, of heroin can net $1 million in revenue.

Production of heroin in Burma has only increased since termination of the DEA program there. It is estimated that about 2500 metric tons of opium were produced last year in Burma, yielding slightly less than 200 million tons of heroin.

Ending the DEA counternarcotics program in Burma harms the United States more than it does the Burmese. It is American children who are purchasing Burmese heroin and American drug dealers who are getting rich off this fatal export from Burma. While present United States policy harms us, it strengthens the power of drug lords and helps entrench their position in Burmese society.

The United States has received a great deal of cooperation in the area of drug interdiction from Burma's neighbor, Thailand, and for that we should be most appreciative. However, it is impossible to stem the flow of heroin from Burma into America's streets without reducing the source. The source of that heroin is Burmese poppies, and to reduce that source we need the DEA's counternarcotics assistance program. I have a letter from the Drug Enforcement Administration giving their evaluation of current U.S. antidrug policy in Burma and would like to ask that it be inserted into the appropriate place in the RECORD.

Mr. President, I am not offering an amendment on this issue, and I do not in any way support the reestablishment of relations with Burma until a legitimate democratic government is installed there. However, the bill now under consideration appropriates $100 million to antinarcotic initiatives, with not one dollar of that money going to the largest source of narcotics. This policy just does not make sense. I believe the State Department should reconsider its definition of nonhumanitarian aid to evaluate whether the DEA's counternarcotics program should perhaps be reinstated. I believe the present U.S. policy in this regard is foolish and that, to restate a common expression, we are only shooting ourselves up the arm by allowing the world's largest exporter of heroin to continue to grow poppies at will.

The second issue I wish to discuss is that of fossil fuel use in the world's most populous state, the People's Republic of China. The magnitude of this problem was discussed in a hearing I chaired for the Energy and Natural Resources Committee in March. Since 1989, several bilateral aid programs have been prohibited from operating in China, first by administrative action and later by statute (Public Law 101-246), in an attempt to place pressure on central authorities to respect internationally recognized human rights. Restricted programs include sanctions against bilateral aid for environmental programs in China.

In addition to being the world's most populated nation, China is also the world's largest source of fossil fuel emissions. Unfortunately, air pollution does not recognize international boundaries, and what China's factories spew into the atmosphere eventually affects the air that we all breathe. This problem will only get worse in the future, as China's rapid economic expansion is expected to result in a doubling or tripling of industrial emissions that contribute to global climate change. This dramatic increase more than offsets reductions in air pollution anticipated by the United States. The United States can never reach its worldwide environmental goals unless we assist China with an aggressive pollution control and prevention program.

I have a letter that I sent to President Clinton in February, after I returned from the CODEL to China, and would like to ask that it be included in the RECORD. It explains in great detail why the United States should encourage, rather than discourage, our companies to share their environmental technology with China. I would like to share with you just a few of the statistics from that letter. The World Bank reports that Asia's contribution of greenhouse gases to the environment will increase from approximately 20 percent in 1985 to almost 30 percent by the year 2000. Half of all sulfur dioxide emissions by the year 2000 will originate in China, which relies on fossil fuels for domestic cooking, heating, and power generation.

Current United States policy of linking the human rights issue in China to trade and environmental issues contributes to global economic problems, hurting America's economic interests and undermining the well being of Chinese citizens. American companies should be allowed to compete for trade opportunities and help China mitigate its environmental problems, but are frustrated by U.S. trade policies. Restrictions on programs such as the U.S. Agency for International Development [USAID], Overseas Private Investment Corporation [OPIC], the Trade and Development Association [TDA], and the Export-Import Bank prevent U.S. Companies from investing in China and helping to improve their environmental technology. By decreasing trade restrictions on American corporations in China, we can have a lasting impact on the global environment, reducing acid rain and protecting the ozone layer.

The Foreign Operations Appropriations bill recommends the allocation of $55 million to combat the effects of global warming; however, allowing United States companies to share their clean air technologies with China could augment this investment considerably.

Not only are United States companies hurting because of current administration policy, but the Chinese people are suffering as well. Lung cancer associated with industrial air pollutants is now the leading cause of death in China. We can prevent the pain and suffering of millions of Chinese afflicted with pollution-induced lung cancer by providing incentives for our corporations to share their knowledge and expertise with Chinese factories and allowing them to compete on a level playing field. The primary fuel in China is coal, and it is burned inefficiently and without pollution controls. The resulting damage affects crops, buildings, and human health.

I am not going to offer an amendment to change United States policy toward China in this regard; however, I would again urge the State Department to reconsider their position on this issue and to consider the environmental consequences of China's rapid growth as a separate focus from other aspects of United States-China relations. It is my hope that we can find a way to address this problem that has such a major global environmental impact by developing a coordinated international environmental policy. Restoring USAID, OPIC, and TDA programs and involving the private sector in this area would be a positive step in developing a constructive relationship with China on an issue of global importance, and an issue which must be addressed to improve the health and safety of the Chinese people.

Mr. SIMON. Mr. President, I note the majority leader standing. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I am advised that our colleagues now will permit a vote to occur, and therefore I ask that the Chair put the question.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2118 offered by the majority leader.

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 Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

Mr. SIMPSON. I announce the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

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

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Feinstein | McCain |
| Baucus | Ford | McConnell |
| Bennett | Glenn | Metzenbaum |
| Biden | Gorton | Mikulski |
| Bingaman | Graham | Mitchell |
| Bond | Gramm | Moseley-Braun |
| Boren | Grassley | Moynihan |
| Boxer | Gregg | Murkowski |
| Bradley | Harkin | Murray |
| Breaux | Hatch | Nickles |
| Brown | Heflin | Nunn |
| Bumpers | Helms | Packwood |
| Burns | Hollings | Pell |
| Campbell | Hutchison | Pressler |
| Chafee | Inouye | Pryor |
| Coats | Jeffords | Reid |
| Cohen | Johnston | Robb |
| Conrad | Kassebaum | Rockefeller |
| Coverdell | Kempthorne | Roth |
| Craig | Kennedy | Sarbanes |
| D'Amato | Kerrey | Sasser |
| Danforth | Kerry | Shelby |
| Daschle | Kohl | Simon |
| DeConcini | Lautenberg | Simpson |
| Dodd | Leahy | Smith |
| Dole | Levin | Specter |
| Domenici | Lieberman | Stevens |
| Dorgan | Lott | Thurmond |
| Durenberger | Lugar | Warner |
| Exon | Mack | Wellstone |
| Feingold | Mathews | Wofford |

NAYS—4

| | |
|---|---|
| Byrd | Hatfield |
| Faircloth | Wallop |

NOT VOTING—3

| | | |
|---|---|---|
| Bryan | Cochran | Riegle |

So the amendment (No. 2118) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

OVERHAUL THE FOREIGN AID JALOPY

Mr. BYRD. Mr. President, the time is long overdue for a major overhaul of the foreign aid jalopy. This bill, the annual foreign aid bill, is a bill similar to dozens which have come before this body in previous years, and is, once again, to a large extent a product of old thinking. It represents holdover philosophy from the cold war, and responds to political problems and priorities which are outdated and gathering mold.

In saying this, I certainly do not fault the chairman of the subcommittee, the able Senator from the State of Vermont, Mr. LEAHY, who has done his best given the budget request submitted by the President and the constraints of the budget. I commend him for his frugality, and note that the bill is below last year's appropriated amount by about $700 million and below the President's request for fiscal year 1995 by $340.3 million.

Nor do I fault the ranking manager of the bill, the able junior Senator from Kentucky [Mr. MCCONNELL]. This is a thankless task. Other than the appropriations subcommittee on the District of Columbia—which I chaired for 7 long years, just as Jacob worked for Rachel 7 years and then had Leah palmed off on him by Rachel's father—and perhaps the Legislative Appropriations Subcommittee, I do not know of any subcommittee that constitutes a more thankless job than the Foreign Relations Subcommittee. But somebody has to do the work. It is an important job. It is an important assignment and somebody has to do the work. It does not reward one with very good headlines back home.

The Administration has promised major foreign aid reform in light of the end of the cold war and in response to new priorities. While the Administration did submit a foreign aid reform bill, as is pointed out in the report accompanying this measure, it "falls far short of the reforms that are needed." Thus, foreign aid reform on a magnitude to reflect changed realities has not been executed and is, therefore, not reflected in this measure. I suggest that if further initiatives are not taken by the Administration in preparation for the fiscal year 1996 bill next year, that the subcommittee, working with the House Appropriations Subcommittee, and with the legislative committee—Foreign Relations Committee of the Senate, Foreign Affairs Committee of the House—take the bull by the horns themselves and put into place a far-reaching program of reform befitting the new era which our economy and the world reflect. In the absence of this, I cannot support the bill as it has been presented do the Senate, nor could I support similar legislation in the future.

Our major emphasis under a reformed foreign assistance measure should be to enhance American competitiveness abroad. Many of my colleagues and I have attempted to shift the direction of foreign aid to help our ability to export more American products abroad, to create new markets for our goods and services, and fashion our foreign aid programs so as to promote U.S. economic goals—much in the way our major international economic competitors, particularly Japan and the aggressive economies of the Far East, and the countries of the European Economic Community have done. In my view, a more tightly woven connection between our economic health and strength with our foreign assistance programs is still sorely needed.

Second, there is entirely too much arms giving and arms sales promotion in our foreign aid program. Much of this was in vogue during the Cold War, and no one has yet to seriously question whether we are fueling regional tensions and conflicts by selling American arms. The grant program alone this year consumes nearly 25 percent of the whole bill, over $3.1 billion.

An American arming the world in the guise of foreign assistance does an increasing disservice regarding the real and urgent needs of the emerging nations in the third world and the nations of the defunct Soviet bloc and its proxies. The committee report states that "regrettably, the evidence clearly indicates that the administration has sought to promote arms sales, rather than to reduce them. The committee deplores "the administration's apparent lack of interest in doing anything significant about the problem * * * of excessive levels of military spending by developing countries." So, Mr. President, we are concerned, on the one hand, about stopping the spread of weapons of mass destruction, including not only nuclear, but also chemical and biological weapons, and we have invented a new term to stop the spread and use of these weapons called "counterproliferation." On the other hand, we are still peddling weapons and components, a practice that speaks loudly of our inconsistency on the matter.

The distinguished Senator from New Jersey, Mr. LAUTENBERG, suggested on this floor earlier in the debate that foreign countries which do not cooperate with our efforts to reduce illegal immigration, and which will not agree to accept their nationals who are illegal aliens here in the United States, and are incarcerated felons, should not be recipients of foreign aid. That is a very worthwhile goal, and an idea that should be seriously explored. Other ties to foreign aid which reflect U.S. concerns and interests should be allowed a forum in coming years.

I do not intend to engage in an extensive dissection of the details of the Administration's foreign aid program on this floor today. But it is high time we get this antique car off the road and into either the overhaul shop or the junkyard. The point is that our foreign aid program should cease being mainly a one-way transfer of resources, but should be used as a lever to accomplish our Nation's priorities not only in the economic area, but in terms as well of promoting our goals in other priority areas such as immigration reform, and benefits to U.S. business. It should be a clear carrot for nations that play ball with us, and a stick for those that do not.

As I have said before, our foreign aid budget is not an entitlement program.

Mr. President, we have not been hard-headed nor tight-fisted enough in focusing our attention more directly on our Nation's best interest when it comes to foreign aid. Until we do a better job, I cannot vote for these examples of wrong-headed American generosity.

After all, it is our money, the taxpayers' money, that is being squandered if we fail to vigorously promote our own national interests. As with Timon of Athens:

When Fortune in her shift and change of mood
Spurns down her late beloved, all his dependents

Which labour'd after him to the mountain's top
Even on their knees and hands, let him slip down,
Not one accompanying his declining foot.

Mr. President, I yield the floor.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk on behalf of myself, Mr. MCCONNELL, Mr. NUNN, Mr. INOUYE, Mr. HOLLINGS and Mr. HEFLIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair advises the Senator that there are pending committee amendments.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to temporarily lay the amendments aside.

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

Mr. LEAHY. Mr. President, does that mean that the Johnston amendment is now the pending question?

The PRESIDING OFFICER. The Senator from Louisiana intends to lay the committee amendment aside?

Mr. JOHNSTON. Mr. President, if I may inquire of the floor manager, I would like to bring this up at a time convenient with both floor managers, and I understand the Dole amendment had been scheduled and I thought this was an appropriate time.

Mr. LEAHY. Mr. President, the Johnston amendment, which he has introduced, is now pending. I certainly do not want to cut him off or the Senator from Kentucky—if we could have order, Mr. President—because I think for some of those who may be planning to leave this may be of importance to them, because I suspect we are going to vote on this.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator is right. If we could have order in the Chamber. Please cease conversations.

Mr. LEAHY. Mr. President, so people will understand, I do not want to cut off any amount of time for the Senator from Louisiana or the Senator from Kentucky to speak on the amendment of the Senator from Louisiana, but at some appropriate time they will get a chance to say what they want. I will go to a few items, and I will then move to table, asking for the yeas and nays.

I mention that because it would then require a vote. I will either win or lose, either way. If I lose the motion to table, of course, I will not ask for a second rollcall on the amendment, naturally.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. LEAHY. Of course.

Mr. McCONNELL. I just would like to say to my friend from Louisiana that I am supporting the amendment along with him, but I myself understood that we were going to go with it right now. I was hoping we might be able to lay that aside and move to the Bosnia amendment. I wonder if there is any chance of that from the Senator from Louisiana.

UNANIMOUS CONSENT AGREEMENT

Mr. JOHNSTON. Of course, I would be willing to enter into a unanimous consent agreement to have a short time limit for anybody who would like a time limit tomorrow or tonight.

Mr. LEAHY. Later tonight.

Mr. JOHNSTON. Or when anybody would like. I certainly will go along with the floor managers, whatever they wish.

Mr. LEAHY. Mr. President, I do not want to delay. There is nobody more willing to enter into a short time agreement than I. I have demonstrated that time and time again. I am happy to enter into whatever time agreement the proponent of the amendment feels protects his interest. I would want 10 or 15 minutes on my own at the most to state my point, but I would want to vote on this tonight.

We spent a lot of time in quorum calls and a lot of time talking about issues that were voted on a lopsided vote. We have had four votes. We have been on this bill for about 12 hours now. None of these votes were close votes. A number of them were items that we have already debated at length at other times.

And I told my colleagues that I have canceled plans to fly anywhere on Saturday, but I do not want to cancel plans to fly on Sunday, too.

I would like to get this bill done. So I would be very reluctant to agree to anything that would not allow us to vote, and I know the Senator from Louisiana would want a rollcall on this to vote on his matter tonight.

If we want to set it aside and do other things and come back to it, if that kind of agreement were entered into and vote on it, I do not know, midnight, 1 o'clock, whatever, so we can keep this bill moving.

Mr. JOHNSTON. What is the desire? Would it be agreeable, Mr. President, if I may ask the managers, if we had a 30-minute time limit equally divided on our amendment?

Mr. McCONNELL. To be taken up subsequent to the Dole amendment?

Mr. DOLE. Right now.

Mr. McCONNELL. Now, fine.

Mr. JOHNSTON. All right.

Then, Mr. President, if there is no objection, I ask unanimous consent that on the Johnston-McConnell-Nunn amendment there be a 30-minute time agreement equally divided with no second-degree amendment in order, the time to be under my control and that of the distinguished floor manager.

Mr. LEAHY. I do not believe a second-degree amendment would be in order anyway because of the parliamentary situation, and the Senator does not preclude motions to table?

Mr. JOHNSTON. No.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am advised that the proper way to get to this amendment, since we have not reached this committee amendment in proper form now is by unanimous consent. I guess my unanimous consent might have covered the amendment in order to move to strike at this time in accordance with the amendment at the desk, and I ask the Chair if that is the correct parliamentary situation.

The PRESIDING OFFICER. The Senator has a right to make that request.

Mr. LEAHY. Mr. President, reserving the right to object, this gets a little bit confusing. I realize we can do anything by unanimous consent. But is the Senator saying he wishes to move to amend an amendment that is not before us because it has not yet been adopted? Would it not be better to adopt the amendment that he wishes to amend?

Mr. JOHNSTON. Mr. President, if the Senator will yield, I am advised that the proper motion would be a motion to table the committee amendment which is contained on page 34, line 15, beginning with the word "provided" and ending with the word "Timor" on line 25.

I ask unanimous consent that there be a 30-minute time agreement on the motion to table that amendment and that it be in order to consider it at this time.

Mr. LEAHY. Mr. President, reserving the right to object, that amendment has not been adopted. I make a parliamentary inquiry.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Can the Senator from Louisiana—and I want to help him find a way to do this—move to strike an amendment which has not yet been adopted?

Mr. JOHNSTON. The Chair just advised me that the proper motion is the motion to table since it has not been adopted, and I have asked unanimous consent so to do with a 30-minute time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I do not mean to be difficult. But would the Senator tell me which lines he is talking about?

Mr. JOHNSTON. It is on page 34, beginning with line 15 beginning with the word "provided" and ending on line 25, page 34 with the word "Timor."

Mr. LEAHY. So he would take out the money for the demining activities? That has nothing to do with Timor. It is talking about demining in Cambodia, Afghanistan, Africa, and everywhere else.

Might the Senator want to start down on line 19?

Mr. JOHNSTON. Let me correct that motion, Mr. President. It is page 34, line 19, beginning with the word "provided" and ending on line 25 with the word "East Timor." I think my written amendment so states.

Mr. LEAHY. Mr. President, I will not object provided I have the right to offer a perfecting amendment on line 21 between the words "any" and "equipment" to be able to offer the amendment to say "lethal."

Mr. JOHNSTON. Mr. President, the Senator can do so by unanimous consent, as far as I am concerned.

If the matter is tabled, then there will be nothing to put "lethal" between. If it is not tabled, then you can announce to Senators that it is your intention, and I would have no objection.

Mr. LEAHY. If the amendment of the Senator from Louisiana is tabled, the motion to strike, we are back to "provided further, that any agreement for the sale," and so on. We would be back to the legislation, is that not correct?

Mr. JOHNSTON. If my motion to table is granted, then that matter will be stricken and there will be no language in which to insert the word "lethal."

Mr. LEAHY. Parliamentary inquiry, Mr. President. Would it be in order at the appropriate time to move to table the motion to table of the Senator from Louisiana?

The PRESIDING OFFICER. It would be incorrect. A motion to table cannot follow a previous motion to table.

Mr. JOHNSTON. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The Senator from Louisiana has made a unanimous consent request. Is there objection?

Mr. LEAHY. Reserving the right to object.

Would the Senator from Louisiana permit me, by unanimous consent, to amend the provision on line 21 with the word "lethal" ahead of the word "equipment"?

Mr. JOHNSTON. Mr. President, I would restate my unanimous consent request.

I ask unanimous-consent that it be in order to move to table the language on page 34, line 19, beginning with the word "provided" and ending with line 25 with the words "East Timor"; and further request that the amendment to be stricken be modified by adding the word "lethal" in front of the word "equipment" on line 21.

Mr. LEAHY. And would you further modify that that at the expiration of 30 minutes we would vote on or in relation to your motion?

Mr. JOHNSTON. Yes; it is a motion to table.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The committee amendment is so modified.

The modification reads as follows:

The committee amendment on page 34, beginning with "Provided" on line 19, is modified by inserting "lethal" before the word "equipment" on line 21.

Mr. JOHNSTON. And we now have a time agreement of 30 minutes?

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

Mr. President, since I made my statement on this matter, I am advised that the State Department has, in fact, as of 7:35 p.m. tonight, taken a position on this provision and that they do find this provision unnecessary and inconsistent with our policy.

If I may now read the letter from Warren Christopher. It is a letter to Mr. LEAHY. It reads as follows:

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993–94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross [ICRC] is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in Bast Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

Mr. President, in fairness to the chairman, neither of these letters, either from the Deputy Secretary of Defense or from the Secretary of State, were available to any of us on the Foreign Operations subcommittee at the time this amendment was adopted.

I hope, therefore, that this language could be stricken, keeping in mind that the matter will be in conference as regards IMET.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield the Senator 5 minutes.

Mr. McCONNELL. Mr. President, I ask unanimous consent Senator DOLE be added as a cosponsor.

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

Mr. McCONNELL. Mr. President, I rise in support of the amendment by the Senator from Louisiana. Indonesia is a large, thriving market. In fact, it has been identified as one of the prime trade investment opportunities for U.S. companies. The language in the bill is sufficiently vague to cause both the United States and the Indonesian Government a considerable concern.

The language asks that we reach an agreement with Indonesia that equipment we sell may not be used in East Timor.

Frankly, I do not see how we could possibly monitor that. If we sell equipment to Indonesia to use with their armed forces, we do not sell it to a particular place in Indonesia. What happens, for example, if a unit is using United States equipment in one part of Indonesia and gets transferred to East

Timor? There is no practical way to endorse this particular provision.

In effect, our inability to monitor the terms of any understanding could turn it into an embargo of all sales. I repeat, it could turn it into an embargo of all sales, and that is certainly not in our best interests.

This would be a serious mistake. Indonesia has been a valuable ally in regional politics and has provided support to our naval forces in the region over the years. The effect of the amendment would be damaging to our trade, political and security relationship with a country of over 190 million people. I think we can press the human rights case in a constructive fashion without damaging this important relationship.

So I commend the Senator from Louisiana for this proposal. We have been working with him to try to minimize the restrictions on Indonesia in this bill. We obviously did not get quite far enough to satisfy the Senator from Louisiana. I think his concerns are valid. I support them, and I hope the Senate will approve the Johnston amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, basically my good friends from Louisiana and Kentucky are saying we should have no restrictions or no say at all on what the equipment we send to Indonesia is used for. I am not sure if there are other countries that we are willing to give that kind of carte blanche to. I know of none in this bill that we give that to. I know of no countries where we give them such an open-ended use of our equipment.

It is not a case where we have ignored Indonesia. We have given them $4 billion of taxpayer-paid-for economic and military aid over the past 30 years—$4 billion. We are going to give Indonesia another $60 million in aid next year. We have not turned our back on them.

In the committee amendments we have removed the prohibitions on IMET placed in by the other body. We have tried to do things to show Indonesia our continuing support. After all, $4 billion, and $60 million next year, is more than just a valentine card.

The Indonesian army occupied East Timor over 20 years ago. Since 1976 we passed half a dozen nonbinding resolutions in this Congress. Most of the Members of this body voted on them—asking them to stop abusing the rights of the people of East Timor.

Three years ago—one of the things that really brought this to a head—Indonesian soldiers fired on peaceful demonstrators in East Timor. They killed between 200 and 300 people. At first they said only 19 people died but then, when the truth came out, they said we have to do something about it. And what did they do? They arrested some of the demonstrators, sentenced some of them up to life imprisonment, and the soldiers went to jail for a few months. Even that would not have happened if the press had not become aware of what happened. Even the officers in charge were never charged with a crime. People are still not accounted for.

We cut off military assistance for 2 years and then we ended up selling it to the Indonesians anyway. We deleted the House language cutting off sale of military training. I moved to delete the ban on military training assistance. I believe the ban outlived its usefulness and I moved to make sure that could still go to Indonesia. But having given them $60 million in aid, having lifted the bans on training and assistance, let us not totally turn our backs on the people of East Timor and say the resolutions we passed time and time again in the Senate were merely that. We never meant it.

We have even amended this provision so it covers only lethal equipment.

Could we, insofar as we are using America's taxpayers' money, just have a little teensy-weensy bit of control? Even a little teensy-weensy bit of American taxpayers' say of where this money is going to be used? Even a little itsy-bitsy bit of say when we tap the pockets of Americans for $60 billion more to say what it is going to be used for?

There are 8,000 Indonesian troops in East Timor. We do not affect the $28 million sales of commercial equipment to Indonesia in 1995. That goes forward. But we can say when we are sending $60 million of your tax dollars, my tax dollars, everybody else's tax dollars to Indonesia, we also support people who were persecuted for peacefully expressing their human rights, even if they happen to live halfway around the world and we do not see them daily.

I agree Indonesia is an important country. I joined with the Senator from Louisiana in making that statement, as he knows, on a number of occasions. But that is why we provide this money. That is why I deleted the prohibition of IMET training. That is why I supported $60 million to them.

But I have to tell you, this is one Vermonter who does not like to give out a blank check of the taxpayers' money, and I say this action of the Senators from Louisiana and Kentucky would do that, as we put on no controls whatsoever.

Mr. President, I ask unanimous consent that an article by Philip Shenon in the New York Times on June 29, 1994, be printed in the RECORD.

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

INDONESIA MOVES TO STIFLE CRITICISM, BOTH AT HOME AND ABROAD

(By Philip Shenon)

SINGAPORE, June 27.—The Indonesian Government, which bans most public debate among its own people over the disputed territory of East Timor, is pressing its smaller Asian neighbors to keep quiet, too.

Last month the Philippines gave in to threats from Indonesia and barred foreign visitors, including Danielle Mitterrand, the wife of the French President, from attending a conference in Manila on human rights abuses in East Timor, a former Portuguese colony that was invaded and annexed by Indonesia in 1976.

Now the Indonesians have turned their diplomatic guns on Malaysia, warning that ties between the two countries could be damaged by a planned East Timor forum to be held this year in Kuala Lumpur, the Malaysian capital.

Brig. Gen. Syarwan Hamid, a spokesman for the Indonesian military, was quoted by the Indonesian press agency as saying the Malaysia conference "is clearly not an ordinary meeting" because some of the participants "wish to tarnish the image of the Indonesian Government and the military." A spokesman for President Suharto's Government said the conference could "upset the solidarity and good relations" between Indonesia and Malaysia.

So far the Malaysian Government has responded to the Indonesian protests by pleading ignorance. Government spokesmen in Kuala Lumpur say they have no information about the East Timor conference, which is being organized by Malaysian public interest and religious groups. The date of the conference has not been announced.

Diplomats in Kuala Lumpur say that if the Indonesian protests continue, Malaysia will almost certainly heed the warnings from its neighbor and cancel the conference. With more than 190 million people spread across the world's largest archipelago, Indonesia dwarfs surrounding nations.

International attention to human rights abuses in East Timor, where as many as 200,000 people have died since the Indonesian invasion, has hindered plans by the Suharto Government to secure a far greater role for Indonesia on the world stage.

In recent months the Government has ushered groups of foreign journalists and United Nations officials into East Timor in hopes of proving that the situation is better than is usually reported.

The decision last month by President Fidel V. Ramos of the Philippines to appease Indonesia by barring dozens of foreigners from taking part in the five-day Manila conference created a furor in the Philippines, which otherwise promotes itself as a bastion of democracy and free speech in Southeast Asia.

Mr. Ramos described the forum as "inimical to the national interest" and conceded that he had given in to the Suharto Government because of concerns that the conference could affect Indonesian investment in the Philippines. Despite the ban, many foreigners managed to attend on tourist visas. Mrs. Mitterrand, president of a French human rights group, stayed home, telling reporters in Paris that Indonesia had applied "tyrannical pressure on us and on the Philippine Government to keep me from going to that meeting."

As it tries to stifle foreign criticism about East Timor, the Indonesian Government continues to deal harshly with its critics at home, as was clear again on Monday as police officers in Jakarta, the Indonesian capital, used rattan sticks to break up a street

protest over a Government ban on three of the country's most influential magazines.

Witnesses said dozens of people had been detained as they joined a crowd of about 150 people marching on the offices of the Information Ministry, which issued the order last week to shut down the magazines, including Tempo, a national newsweekly.

Diplomats and human rights groups said the three magazines had been banned because of their reporting on corruption in President Suharto's Cabinet.

Mr. LEAHY. I see the Senator from Wisconsin on the floor. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes 40 seconds.

Mr. LEAHY. How much time would the Senator from Wisconsin like?

Mr. FEINGOLD. May I have 5 minutes?

Mr. LEAHY. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. I thank the Senator from Vermont.

Mr. President, this is a heck of a time to be giving a seal of approval to the conduct of the Indonesian Government with regard to human rights and, in particular, treatment of East Timor. The Congress suspended IMET to Indonesia in response to a brutal massacre by the Indonesia forces against peaceful demonstrators in 1991, and the Indonesians have shown really very little remorse since then. Last year the Senate Foreign Relations Committee adopted an amendment to the foreign assistance bill that would require the administration to consult with Congress on human rights before approving the sale or transfer of arms under the Arms Export Control Act.

Among those conditions the Indonesian Government has significantly failed to respond. There are six areas. To the first three, there has been no response. One of the conditions was whether the civilians convicted in connection with the November 1991 East Timor incident have been treated in accordance with international standards of fairness, including whether the Indonesian Government has reviewed the sentences of these individuals for the purpose of their commutation, reduction or remission. No response from the Indonesian Government on this item.

A second item, whether the Indonesian Government is taking steps to curb human rights violations by its security forces, including all military personnel who were responsible for ordering, authorizing or initiating the use of lethal force against demonstrators in East Timor in 1991 are being brought to justice. No response from the Indonesian Government.

Finally, whether there has been a full public accounting of the individuals missing after the November 1991 incident. No response.

That was the position which the administration agreed to, and the administration now certainly does not believe we should give a blank check to Indonesia.

The administration has adopted a ban on light arms sales to Indonesia after a thorough review of policy which concluded that Indonesia is an important ally but, at the same time, the administration wanted to send a strong message that Indonesia has not done enough.

So this is the worst possible approach we can take to simply strike the language in the bill. I cannot think of a worse time. In this very week, the Indonesians have cracked down on press freedoms by revoking the licenses of three major journals for "sowing discontent." This is the kind of conduct we are going to reward on this night after that conduct in Indonesia this week. I think that is very troubling.

Fifty people who were peacefully protesting the restriction were beaten by Indonesian security forces this past week, and this comes, Mr. President, on the heels of bullying tactics by the Indonesian Government against the Philippines just recently for holding a conference of foreigners who are going to simply talk about what was going on in East Timor. I understand that they are also now trying to keep the Malaysians from holding a similar conference as well.

Of course, the Indonesians are our allies, and I hope their country is trying to make progress in this regard and we want to have a strong friendship. But the conduct of just these past couple of weeks indicate just the opposite.

I think it would be a very serious mistake for us to remove a provision that says American arms should not be used to kill and torture the people of East Timor. And I ask the Senate to oppose this effort to table the committee language because it could not come at a more inappropriate time with regard to the human rights of the people of this world and, in particular, the human rights of the people of Indonesia and the people of East Timor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I promised to yield 2 minutes to the chairman of the Foreign Relations Committee.

Mr. WELLSTONE. I ask the distinguished chairman for 2 minutes.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes and 15 seconds available.

Mr. LEAHY. I yield 2 minutes to the Senator from Rhode Island, and then I will yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. PELL. Mr. President, I thank my friend and colleague from Vermont.

I wish to state general and specific reasons why the position regarding East Timor, in my view, of the Senator from Vermont is correct, and, thus, that the language in the bill, as reported by the committee, is correct.

I think we all agree that there should be some control of weapons, whether they are lethal or nonlethal, when they are turned over to other countries. We used this argument when the Turks took American weapons and misused them in the occupation of Cypress. The argument that the United States should exercise some control over its military assistance and sales to foreign countries is widely accepted.

In addition, there is the argument of human rights. It is generally recognized that Indonesia is a little slow in its march down the road toward human rights, although more and more countries throughout the world and particularly in the Far East are improving the human rights conditions of its citizens.

From a specific viewpoint, I cannot help but recall a couple of years ago when I was in Indonesia, I asked President Soeharto if I could go to East Timor. He told me emphatically, "No, that it might have an unsettling effect." He was afraid at that time that a visit by this U.S. Senator would draw too much attention to the plight of the East Timorese people.

As Senator LEAHY mentioned, I too was deeply distressed by the treatment accorded the shooters and the shootees at a riot in Dili, East Timor, in 1991 when the Indonesian military fired upon a group of peaceful demonstrators. The punishment meted out to the ones who murdered or shot the shooters was far less than the punishment handed out to the shootees, the people shot at. Clearly, Indonesian security forces continue to repress the East Timorese.

I urge my colleagues to support the committee language as written.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, one thing, this does not affect licenses of commercial sales, which is the overwhelming majority of our military sales, and having given billions of dollars to Indonesia, another $60 million, the language sought to be stricken is simply any agreement for the sale or provision of any lethal equipment on the United States munitions list to Indonesia that is entered into by the United States during fiscal year 1995 to expressly state the understanding the equipment may not be used in East Timor.

It does not affect commercial sales, which is the overwhelming majority of military sales. It is a tiny, itsy-bitsy restraint on the money we are going to give them.

I yield, first, 1 minute to Senator HARKIN and 1 minute to Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. Mr. President, I just learned of this amendment, and I noticed there was a time limit on it. I wish there was not. Had I been here, I would have objected to a time limit on this amendment.

I kept hearing all this talk on my monitor before I left to come over here that somehow because Indonesia is big and powerful and they are a market and that somehow we have to excuse their conduct in East Timor.

Look at the history. In 1975 with the use of United States arms, which we prohibited in a treaty with Indonesia in 1958, they invaded tiny East Timor, killed 200,000 people, one-third of their population and have kept them in severe repression ever since.

And now we are going to let them walk and say, "Oh, that's just fine."

It has been condemned by the United Nations and by about every human rights organization around the world. The East Timorese have pleaded with us year after year to help them out. Just last week, the Indonesian Government banned three of the top newspapers in East Timor. They will not let them publish. Three of their top newspapers they just shut down so they could not publish anymore.

Is this the kind of activity that we want to reward? They broke the treaty we had with them dating back to 1958 in using our arms to invade East Timor. I agree with the distinguished chairman we ought to have at least some control.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. Mr. President, I ask that my minute be given to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for the remaining minute.

Mr. HARKIN. Mr. President, the East Timorese over the years, the Catholic population there have pleaded with us to help them out, to take their cause to the world community. Just because they are small and because they are defenseless means that we have to put up with what the Indonesians have done to them? I do not think so.

We have not banned all aid to Indonesia. We have not stopped trade with them. But at least I think we ought to do what the chairman has said, to hold them to some small standard.

The implication I think given earlier that I heard on my monitor that somehow the State Department is against all forms of control on the military equipment that we give them is wrong. They may be opposed to this amendment, or they may be opposed to one provision in the bill, but the implication that they are opposed to any restrictions at all is wrong and the amendment offered by the Senator from Louisiana strips all controls—everything—strips everything off.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. HARKIN. I will if I have made a mistake.

The PRESIDING OFFICER. The Senator's time has expired. Six minutes remain for the proponents of the amendment.

Mr. JOHNSTON. Mr. President, I yield myself 30 seconds simply to say that my amendment strips only that part of the bill to which the State Department and the Department of Defense both object.

Mr. President, I yield 3 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I am aware of the time limitation. I just want the Senate to be very clear what we are voting on here. This is not a vote about whether or not we are concerned about human rights violations or transgression in the region of East Timor. We are rather voting about whether or not to place an explicit prohibition on the use by the Indonesian Government of any defense items which we send to them in East Timor.

The language in the underlying bill is very troubling. I appreciate that we have been able to successfully work at the committee level to remove the restrictions on IMET, that training which is in the House version. But there is a clear and disturbing indication that results from military sales language in the underlying bill. I think all of us would agree it would be inappropriate for us to restrict how other governments are able to use their defense weaponry to deal with insurgent activity within their borders. Arrogant intrusion.

I agree with Senator JOHNSTON that by drawing the line on East Timor, we are giving a kind of implicit endorsement to the principle that East Timor is not a part of Indonesia.

I fully recognize that many Members of this Senate believe in good conscience that East Timor is not and should not be a part of Indonesia. This is going much further than simply saying, as we should, that basic human rights ought to be respected there.

By including this language, we place the Senate on record on one side of a very fractious debate, and that is on a side in direct opposition to the Indonesian Government. Therefore, I urge my colleagues to be mindful of this while casting their votes.

I further echo the arguments of my colleague, Senator JOHNSTON, in noting that the language in the underlying bill contradicts the evolving administration policy toward Indonesia which is in the direction of more exchange, more involvement and more influence on human rights by the consequence of increased military and trade contacts.

I urge, if you can, go to Indonesia. See the changes made. Hear their leaders. Look at our own history, where in 1860 we had a civil war that makes that one, if it comes about, look like nothing. A country that has 300 languages—not dialects, but languages—and hundreds of ethnic groups. They know what will happen to their country when the breakup takes place. I think it is very important we not judge Indonesia by our own standards and try to let Indonesia judge itself and know that our best influence on their human rights is exchange and openness and trade and communication.

Mr. JOHNSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes 50 seconds remaining.

Mr. JOHNSTON. Mr. President, did the Senator from Kentucky want 1½ minutes?

Mr. McCONNELL. I will just take a minute, I say to my friend.

There is no doubt that there is a human rights problem in East Timor. We are not here arguing about that. But the control the chairman is insisting on will not necessarily achieve the goal of improving that situation, and it may punish American companies seeking contracts and business opportunities.

Like China, I think it is a mistake to try to use commercial levers to fulfill human rights goals. While strict commercial sales are excluded, American defense contractors would be penalized under this proposal.

So I hope that the amendment of the Senator from Louisiana will be approved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Wyoming stated it properly. There are human rights concerns in Indonesia. By adopting the language that is contained in the bill, we are not endorsing the human rights violations in Indonesia. What we are doing by adopting the Johnston motion to strike is recognizing that the Secretary of State believes there has been a lot of progress in Indonesia, by recognizing that the Department of Defense thinks this is a very unworkable amendment that may restrict the sales of spare parts to C-130's, of which we sell many, many to Indonesia, spare parts to F-16's, spare parts to other things, and thereby render ourselves to be unreliable as the supplier to Indonesia.

Mr. President, the President of the United States is going to Indonesia this fall. This would be a matter of severe embarrassment to him, a major blow in our relationship with Indonesia. I say follow the Secretary of

State, follow the Deputy Secretary of Defense, both of whom say this would be a big mistake and we ought to strike this language.

Mr. President, I ask unanimous consent that the following be added as cosponsors: The Senator from Virginia [Mr. WARNER]; the Senator from Kansas [Mr. DOLE]; the Senator from Virginia [Mr. ROBB]; the Senator from California [Mrs. FEINSTEIN]; the Senator from Wyoming [Mr. SIMPSON]; the Senator from Tennessee [Mr. MATHEWS]; the Senator from Alaska [Mr. STEVENS]; the Senator from South Carolina [Mr. THURMOND]; and the Senator from Florida [Mr. GRAHAM].

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

Mrs. FEINSTEIN. Mr. President, I rise to speak about the pending Johnston amendment to the foreign operations appropriations bill, which strikes language prohibiting the Indonesian Government from using United States military equipment in East Timor. This is a very complex issue that I have reviewed carefully.

On the one hand, there is no question that there are serious and continuing human rights abuses in Indonesia. While we now see the Indonesian Government opening up to visits by the International Committee of the Red Cross and withdrawing troops from East Timor, it has simultaneously moved to crack down on freedom of the press and labor activists.

On the other hand, Indonesia is an important ally of the United States in a strategic location. It is also a large and populous country that provides significant trade and investment opportunities for American companies. The entire Pacific rim is particularly important to California business and industry.

With regard to the Johnston amendment, the pertinent question to ask is whether keeping the language restricting military sales to Indonesia would accomplish the goal of improving human rights in that country and in particular in East Timor. I believe that the answer to that question has to be "no."

There are also logistical concerns about whether it is practical to try to condition military sales on where the equipment will be used.

Secretary of State Christopher has stated that the administration is concerned about human rights in East Timor and will continue to engage the Indonesian Government aggressively on this important issue. I support Secretary Christopher's and the administration's efforts in this regard. In addition, as Secretary Christopher has explained, it is the State Department's current policy to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. This decision was made on the basis of concerns over Indonesia's past record in human rights, especially in East Timor.

With this in mind, I will vote for the Johnston amendment. As a general rule, I believe that trade is a force for economic liberalization and that it leads to democratization. Trade is a tool, but it must not be used as a blunt instrument to cudgel those nations that we wish to influence.

I ask unanimous consent that the letter from Secretary Christopher be printed in the RECORD.

THE SECRETARY OF STATE,
*Washington, June 29, 1994.*

Hon. PATRICK J. LEAHY,
*Committee on Appropriations,*
*U.S. Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesia officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993–94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross [ICRC] is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in East Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table the committee amendment on page 34, line 19, beginning with the word "provided" through the words "East Timor" on line 25. 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 Alaska [Mr. PRYOR] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

I also announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—59

| | | |
|---|---|---|
| Akaka | Faircloth | Mack |
| Baucus | Feinstein | Mathews |
| Bennett | Glenn | McCain |
| Bond | Gorton | McConnell |
| Boren | Graham | Mikulski |
| Breaux | Gramm | Nickles |
| Brown | Gregg | Nunn |
| Bumpers | Hatch | Packwood |
| Burns | Heflin | Pressler |
| Byrd | Helms | Reid |
| Campbell | Hollings | Robb |
| Coats | Hutchison | Rockefeller |
| Cohen | Inouye | Roth |
| Conrad | Jeffords | Shelby |
| Coverdell | Johnston | Simpson |
| Craig | Kassebaum | Smith |
| Danforth | Kempthorne | Stevens |
| Dole | Kerrey | Thurmond |
| Domenici | Lott | Warner |
| Exon | Lugar | |

NAYS—35

| | | |
|---|---|---|
| Biden | Boxer | D'Amato |
| Bingaman | Bradley | Daschle |

| | | |
|---|---|---|
| DeConcini | Kerry | Murkowski |
| Dodd | Kohl | Murray |
| Dorgan | Lautenberg | Pell |
| Durenberger | Leahy | Sarbanes |
| Feingold | Levin | Sasser |
| Ford | Lieberman | Simon |
| Grassley | Metzenbaum | Specter |
| Harkin | Mitchell | Wellstone |
| Hatfield | Moseley-Braun | Wofford |
| Kennedy | Moynihan | |

NOT VOTING—6

| | | |
|---|---|---|
| Bryan | Cochran | Riegle |
| Chafee | Pryor | Wallop |

So the motion to table was agreed to.

AMENDMENT NOS. 2119 THROUGH 2126, EN BLOC

Mr. LEAHY. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER (Mr. LEVIN). Does the Senator request that the pending committee amendments be set aside?

Mr. LEAHY. Yes, I ask unanimous consent that they be laid aside so that these amendments may be considered.

I also ask unanimous consent that any statements relative to these amendments be placed appropriately in the RECORD.

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

The pending committee amendments will be laid aside.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments, en bloc, numbered 2119 through 2126.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 2119

(Purpose: To require a report on country development policies)

At the appropriate place, insert the following:

COUNTRY DEVELOPMENT POLICIES REPORT

SEC. . (a) REPORTING REQUIREMENT.—The Secretary of State shall, by March 31, 1995, submit to the Committees on Appropriations a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies, and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess of a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for East European Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

Mr. MACK. Mr. President, I rise to offer an amendment that requires the administration to send a report to the Congress on the policies of foreign aid recipients that most affect economic growth.

The reason for this amendment is simple. There is no way to address the tremendous poverty in much of this world without economic growth. That is the undeniable truth, and the World Bank and the IMF are saying it loudly and clearly.

There is a growing consensus in the developing world today that poverty cannot be addressed without economic growth, and that sound economic policies are the most important factor in achieving that growth.

I would cite just one fact to illustrate the dramatic need for growth, particular in Africa. The New York Times points out that the 1991 gross national product of all subSaharan nations combined, except for South Africa, is about the same as the GNP of Belgium. Those African nations have a population of 600 million people, compared to 10 million people in Belgium.

That is an astounding and tragic fact. If we do not address the need for economic growth in Africa, we are in effect saying we do not really care about poverty in Africa. Yes, we are willing to send billions and billions of dollars in aid to Africa, but that is not the same as caring. If we really cared about the people of Africa we would be doing everything we could to encourage progrowth economic policies. Without sound economic policies, no amount of foreign aid will address the poverty that exists in these nations.

As I said, both the World Bank and the IMF have come to this conclusion. A 1994 World Bank report on Africa states:

A broad-based pattern of rapid economic growth is vital to reducing poverty in Sub-Saharan Africa . . . The importance of reforms for Africa's economic future cannot be overstated. With today's poor policies, it will be 40 years before the region returns to its per capita income of the mid 1970s.

In a recent speech on the developing world, the Director of the International Monetary Fund said:

The aim must be economic growth, because that is the only means of obtaining rising living standards on a sustainable basis. Growth is the key to reducing poverty.

The purpose of this amendment is to require the administration to produce a comprehensive but concise report that assesses the economic policies of the countries we aid with an eye toward whether they contribute to or retard economic growth. The principle here is similar to the principle behind the existing State Department report on human rights. If we wish to encourage certain policies, we should have a clear idea about which countries are pursuing good policies and which are not.

The World Bank has found that good policies matter. Their African study found that countries with largely improved macroeconomic policies grew almost 2 percent faster than they did before policy reforms. And that the growth rate in countries with the worst policy records actually fell by 2.6 percent.

This is a modest amendment. It is not as comprehensive as I originally intended to offer, but it is a reasonable compromise. We worked closely with the staff of the chairman and ranking member who is a cosponsor in drafting it, and appreciate their assistance.

AMENDMENT NO. 2120

(Purpose: To allow for Department of Defense Expenditure for the transportation of Nonlethal Excess Defense Articles to Albania.)

On page 112, after line 12 of the Committee reported bill, insert:

NONLETHAL EXCESS DEFENSE ARTICLES

SEC. . Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1995, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to Albania.

Mr. LEVIN. Mr. President, as the poorest nation in Europe, Albania faces tremendous difficulties. Having been totally isolated behind the Iron Curtain, Albania spent nearly half a century in the grip of a paranoid tyranny. Last year the United Nations classified Albania as a least-developed nation, the first time ever a European nation was thus classified.

I traveled to Albania last year, and met with the President and many of the officials of the Albanian armed services. I have also met with the Defense Minister here in Washington, as have many of my colleagues. I understand and admire the great distance Albania has come in a short time, but I also understand what an even greater distance it still has to go.

Albania is striving to establish a free market and democratic society. The path will be long, and the journey difficult. For example, there have been recent problems with civil liberties and press freedoms. It is proper that the United States help the Albanian people establish a firm and solid foundation for free institutions in Albania, especially since the Balkans is in such turmoil.

Mr. President, one way to enhance stability is to assist the Albanians in establishing strong civilian control over its own military. The United States has been advising them on this,

and they are open and receptive. The amendment I have offered will authorize the granting of a waiver for Albania, if desired, of the statutory requirement that any nation receiving nonlethal excess defense articles pay for the handling and transportation of those items.

In the case of Albania, a little help will go a long way. They have signed the Partnership for Peace agreement with NATO, and they are looking to the United States for assistance and guidance. This amendment will enable Albania to receive relatively small amounts of non-lethal Department of Defense items even though they do not now have the resources to pay for the handling and transportation of those stocks.

Albania is a struggling nation in a crucial part of the world that is in crisis. They want to be our friend and ally, and this is one small way for us to assist them in this.

I express my appreciation to Representative ELIOT ENGEL for his work on this issue, and I thank the managers of the bill for accepting this amendment. It will help solidify the foundation for the emerging democracy in Albania, and that may be an important step to help stabilize the region.

AMENDMENT NO. 2121

(Purpose: To express the sense of the Senate regarding a volunteer United Tech Corps to provide technical assistance to the new independent states of the former Soviet Union)

On page 23, after line 25, insert the following new subsection:

(n) Of the program funded under this heading, it is the sense of the Senate that a volunteer United States Tech Corps should be funded for the purpose of providing technical assistance to the new independent states of the former Soviet Union, particularly in the refrigeration of perishable commodities.

AMENDMENT NO. 2122

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

AMENDMENT NO. 2123

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union, add the following new section:

Not less than $50,000,000 of the funds appropriated under this heading shall be made available for programs and activities which match U.S. private sector resources with federal funds.

AMENDMENT NO. 2124

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add the following:

Within sixty days of enactment of this Act, the Administrator of the Agency for International Development shall report to the Committees on Appropriations concerning the feasibility of developing an outreach program which would make grants to partnerships between American communities and organizations with cultural and ethnic ties to the new independent states and their counterparts in the new independent states.

AMENDMENT NO. 2125

(Purpose: To prohibit the availability of military education and training funds and foreign military financing funds for alcoholic beverages and certain food and entertainment expenses)

On page 112, between lines 9 and 10, insert the following new section:

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

SEC. . None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation); or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees and food at sporting events and amusement parks.

Mr. PRYOR. Mr. President, I wish to discuss two programs that I believe deserve our close scrutiny. The International Military Education and Training Program, or IMET, and the Foreign Military Financing Program, or FMF, provide funds to foreign countries to enable foreign soldiers to come to the United States to attend military schools. These programs further these soldier's professional knowledge as well as expose them to American culture and traditions. In the last year we have had approximately 4,000 officers and enlisted men from a variety of countries from Botswana to Venezuela.

These foreign military students attend many of the same courses that American soldiers and officers attend, such as the Command and General Staff course. In addition, many of the students also learn valuable skills tailored to their region. For example, students from Latin American countries learn about U.S. antidrug operations. However this program provides certain benefits to these foreign military students that our American students can only hope for.

The Informational Program, which is part of IMET, provides funding to all the military departments to acquaint foreign military personnel with our Nation's society, institutions, ideals, and priorities. This is the official DOD definition. However, while these goals are admirable, I am forced to question many of the expenditures.

I recently asked the Department of the Army to provide a list of all Informational Program expenditures at the U.S. Army School of the Americas. While this request focused only on the School of the Americas, I am also reviewing spending throughout the Department of Defense on Informational Program items. I received some appalling results.

Mr. President, the U.S. Army routinely buys cases of Chivas Regal scotch and Miller Lite beer with program funds. The Army also routinely paid for hot dogs and other refreshments for the students at events such as the Six Flags over Georgia amusement park and Atlanta Braves baseball games. The Army also paid for countless trips to a local steakhouse. These are only a few examples. The list goes on.

Let me read some other examples: over 2,600 dollars worth of baseball hats, 1,140 dollars worth of lapel pins, 700 dollars worth of coffee mugs, $2,500 for a picnic, and over $1,000 at the Kick-N-Chicken liquor store. In fact, in fiscal year 1992, the School of the Americas spent $7,000 on such questionable expenses. One year later, they spent $23,000. Finally, in fiscal year 1994, the school spent $19,000. It should be noted that the school's Informational Program budget for fiscal year 1994 was $62,000. Mr. President, what is the Department of Defense guidance on these matters? Army Regulation 12–15 clearly states that:

> The entertainment and social aspects of activities should not be a predominant element of the Informational Program . . . Activities that could be interpreted as being lavish are to be avoided.

While I realize these are not staggering sums of money, when in the Senate we often talk about millions of dollars without batting an eye, I do not believe this is an appropriate use of taxpayer dollars. This type of spending is not consistent without our own military traditions and most importantly, we certainly do not give our own soldiers these kinds of perks.

Mr. President, there appears to be a culture of spending in IMET that must be addressed and remedied. Again, although we are not talking about huge sums of money, we must send a message that our soldiers come first. Mr. President, the U.S. Government does not purchase hot dogs and other items for soldiers in the U.S. Army. How can we ask our own soldiers to do more with less, when we are treating foreign officers like kings? The amendment which I am offering will eliminate these types of expenditures. Very simply, the amendment states that no IMET or FMF funds will be spent on alcohol or recreational trips. In addition, the amendment also states that the primary focus of IMET must be cultural or educational in nature. These extravagant types of expenditures are not consistent with the intent of the Informational Program and are an insult to the uniformed members of the U.S. Armed Forces.

Mr. LAUTENBERG. Mr. President, I am pleased to offer this amendment along with Senator PRYOR.

We have heard a lot about waste fraud and abuse in government spending. Well, Senator PRYOR and I have found some. And we intend to eliminate it.

Under the auspices of the Information Program budgets of the International Military Education and Training IMET and Foreign Military Financing [FMF] programs, American taxpayers spend millions of dollars to give foreign soldiers military training and an education about American society. That may well be a good thing to do. But it turns out that we actually give them a lot more than training.

We give these foreign soldiers free hot dogs, free popcorn, and probably free peanuts and crackerjacks when they attend baseball games and go to amusement parks. We pay the bill for dinners at fancy steak houses. We pick up the tab for entrance fees at parks and maybe even greens fees at golf courses. And we pay for extravagant parties where the liquor flows freely.

Now, Mr. President, none of this is supposed to happen. Under guidelines developed by the Department of Defense, Information Programs like IMET and FMF are designed "to introduce foreign military personnel to and acquaint them with this nation's society, institutions, ideals, and priorities." DOD regulations explicitly say that, when it comes to the Information Program "Entertainment and social events should not be a major element of the program."

That is the theory.

But here is the reality.

Over the past 5 years, the United States has spent $24.3 million on visiting foreign soldiers through the various Information Programs within the Department of Defense. Too much of that money is spent on food, fun, and entertainment.

Let me give some examples drawn from the expense accounts we examined at the School of the Americas—an institution which, like all IMET and FMF programs, has an Information Program.

Over a 3-year period from 1991 through 1993, the school spent nearly eight times as much on food and entertainment for foreign students as it did to take them to see American historical and cultural sites.

In 1991, the School spent less than $3,000 on entrance fees and admission to historical and cultural sites such as Historic Columbus, the Little White House, and CNN. In that same year, however, the school spent nearly five times that amount wining and dining foreign soldiers with U.S. taxpayers' money in local restaurants. Foreign soldiers were regularly treated to lunch and dinner 48 times, including multiple visits to such favorite restaurants as Ryan's Steak House.

That same year, visiting foreign soldiers were taken to Atlanta Stadium to watch the Braves play. Although the foreign soldiers apparently bought their own tickets, we bought the food they ate there—all $280.50 worth. The next year, students were taken to 6 Flags Over Georgia, and again, we bought the food they ate at the amusement park. On another trip to 6 Flags, our guests were still hungry when they left the amusement park—which may explain the nearly $700 worth of steak dinners at Western Sizzlin restaurant, presumably bought for foreign soldiers on their way home.

It is not only food and entertainment that are given a higher priority than historical and educational activities. The American people are being asked to spend tens of thousands of dollars on gifts and trinkets for foreign soldiers. In fact, in 1991, the School spent almost three times as much on gifts and trinkets for foreign soldiers as it did taking them to museums and historical sites.

What kind of gifts and trinkets? Well, there were $2,640 worth of baseball hats with a special insignia. There were $2,250 worth of pewter boxes with stars and stripes, $737 dollars worth of School of the Americas pins, $1,512 worth of School of the Americas ties, and $700 worth of School mugs.

Let us look at 1992.

That year, the School spent nearly 7 times as much on food, entertainment, and alcohol for visiting foreign soldiers as it did taking those soldiers to American historical sites. The school spent nearly $2,500 on just one picnic. Now that's a lot of potato salad!

And, in just a few stops to the Kick-N-Chicken Liquor store, the school spent thousands of dollars on expensive alcohol. Maybe American soldiers drink alcohol—which they pay for themselves—but we spent thousands of dollars to buy our foreign guests Chivas Regal, Johnnie Walker, Jack Daniels, Tangueray, Bacardi, Stolichnaya Vodka, Courvasier Cognac, and Gallo wine.

Nineteen hundred and ninety-three expenditures look very similar. There were trips to the Steak & Ale Restaurant, Shogun Japanese Steak House, Ryan's Steak House, the Bonanza Family Restaurant, Tortilla Flats, the Sundial Room, the Westin Peachtree, Shoney's the Sizzler, Sonny's BBQ, and LePetit Bistro. Tens of thousands of dollars were spent on food. Because the priority was food and fun, only a few historical outings were thrown in for good measure. In fact, that year, the School spent 18 times as much on food and fun as it did taking students to cultural and historical sites.

And that, Mr. President, is just the obvious misuse of taxpayer dollars. There are some less obvious examples as well. For example, when we reviewed the expenses at the School, we found several trips to, and entrance fees paid for, Callaway Gardens. That, I thought, might be some historic site that I hadn't heard about; some cultural center that I had never visited; some Civil War battlefield I did not know about. So I got a copy of a brochure about Callaway Gardens. And guess what? Callaway Gardens isn't a museum or a battle ground at all. It's a resort.

Callaway Gardens, according to its own literature, offers visitors "63 Holes of Golf—magnificently designed". The resort's advertising boasts that its "18 hole and executive 9-hole golf courses are rated among the Nation's best," and that its "Mountain View course is the site for the PGA Tour's Buick Southern Open held each fall." But wait! That is not all. Callaway Gardens Resort has a 7½ mile bike trail. It has a beach where there is "swimming, sunbathing, paddleboating, miniature golf"—and a circus.

It has a tennis center with "clay and hard surface tennis courts, racquetball courts, and a complete pro shop." Also, "sailboats, canoes, and motorized suncats are available for boating enthusiasts."

I would like to take a vacation there. But the American taxpayers ought not be asked to pay for it. But they are paying for foreign soldiers to go to Callaway Gardens. Now, Mr. President, I am sure it is a nice resort—but going there is probably not going to improve anyone's understanding of American society.

I tell you, Mr. President, I have been through these expense accounts fairly carefully. I uncovered the real nature of Callaway Gardens but there were some items I could not figure out. There was the $719 for "double elephant ears" which I still am puzzled by. And a "custom vinyl link mat" for $654.72 which confuses me. I have asked the Department of Defense to clarify these expenditures for me.

There are plenty of examples of unnecessary spending in these Information Program accounts. But beneath the temptation to make fun of these examples, there are at least three serious points that need to be made.

First, picking up these bills is inconsistent with the mission of schools that train foreign soldiers. Those programs are designed to instill in foreign soldiers an appreciation of the appropriate role of military leaders in a democratic society. Giving them special treatment is not consistent with at least my vision of how the military should operate in a democracy.

When foreign soldiers receive free alcohol, they are being taught that they are different than other people. When the U.S. Government gives them free lunches and steak dinners, it teaches them that they deserve privileges merely because they are in the military. And when foreign soldiers receive free tickets, it teaches them to expect free access to activities that other people must pay for.

We should be training the foreign soldiers who attend such programs something about the nature of leadership and the role of the military in a democratic society. Picking up the bill for

food and entertainment is not the way to do that. Which may explain why the School of the Americas boasts such graduates as Manuel Noriega.

Second, we do not need to pay for these special favors. Foreign soldiers are paid by their own governments. They receive a basic allowance. They are not poor. They came here to learn something. In that process, we should expose them to American culture. But steak dinners and resort outings are not the essence of American culture. Maybe we should make sure they are exposed to those experiences; but they can and should pay for them rather than asking the American taxpayer to pick up the bill.

Third, it is unjust to pay for entertainment for foreign soldiers when we do not pay our own soldiers enough to meet their basic needs. A lot of American soldiers might want to go to Ryan's Steak House or Callaway Gardens or a ballgame or an amusement park. But if they go, they pay their own way. And that often is not very easy.

An article in the New York Times from June 12, discusses the growing financial worries of American soldiers, and it quotes the wife of a soldier whose family recently began drawing $228 each month in food stamps to get by. In an attempt to explain just how tight the family budget is, the soldier's wife said, "We haven't bought any steaks since we've been here, and whenever I want to cook something with ham, I substitute Spam for it."

While American soldiers struggle to make ends meet, they see foreign soldiers getting free meals at fancy restaurants paid by U.S. taxpayers. They hear stories about foreign soldiers getting free alcohol paid by U.S. taxpayers. And they know that foreign soldiers get special treatment at ball games and amusement parks at taxpayer expense.

For all those reasons, Mr. President, we need to correct this problem. And our amendment does that.

Mr. President, our amendment will take excessive and wasteful spending out of the Information Program for foreign soldiers throughout the IMET and FMF programs. It will prohibit tax dollars from being spent on food, other than that provided at a military installation. It will prohibit entertainment expenses for activities that are largely recreational, including entrance fees and food at sporting events and amusement parks. It will prohibit tax dollars from being spent on alcohol. Importantly, it makes the point that wining and dining foreign soldiers and officers does not serve the public interest and should be cut out of the budget.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2126

The Senate finds that:

A) The Burmese people overwhelmingly voted in 1990 to begin a process of political and economic reform based on a fundamental respect to human rights and freedom of political expression by resoundingly rejecting the military-led government of the State Law and Order Restoration Council (SLORC), and electing a coalition government headed by the National League for Democracy;

B) SLORC refused to recognize the will of the Burmese people and in the wake of the election launched a bloody crackdown against the prodemocracy movement killing some activists through torture; others were imprisoned or forced to flee Burma;

C) Since that time, all political dissent has been banned with violators arrested, jailed often beaten and sometimes executed for attempting to express political beliefs. The United States and United Nations have repeatedly identified SLORC as one of the worst offenders of human rights in the world;

D) SLORC and military officials have a long history of complicity in drug trafficking and production;

E) The forced conscription of rural villagers including the elderly, pregnant women, and children as slave labor to carry arms and ammunition for the military, and build roads and bridges for government projects continues. Slave porters are routinely malnourished, beaten, often raped and sometimes executed if they fail to perform work ordered by military officials;

F) The massive infusion of new arms into Burma poses a direct threat to regional stability; and

G) The actions of the government of Thailand in harassing an forcibly repatriating Burmese refugees is of deep concern to the United States.

The Senate of the United States of America calls for:

A) SLORC to immediately and unconditionally release the leader of the National League for Democracy, Aung San Suu Kyi, from house arrest and install the legitimate government of Burma;

B) Immediate access to political detainees or convicted prisoners of any kind by representatives of the International Committee of the Red Cross.

C) The regime in Rangoon to take real and meaningful action against drug smugglers and corrupt government officials to combat the flood of opium and heroin coming from Burma;

D) International corporations investing or seeking business opportunities in Burma to recognize SLORC's policy of political repression, abuse of human rights, use of slave labor, and complicity in drug trafficking and refrain from investing in Burma;

E) The international community to ban selling weapons to SLORC;

F) The international community to recognize the plight of Burmese refugees and take whatever steps may be necessary to guarantee their safety and human rights.

Mr. McCONNELL. Mr. President, in 1990, the military-run junta in Burma, known as the State Law and Order Restoration Council [SLORC] held parliamentary elections with the notion that they could manipulate the electoral process, win the elections, and legitimize their brutal rule with the international community. Well, the people had different ideas.

When the votes were counted after the election, the people handed the military dictators a crushing blow. The Burmese overwhelmingly rejected SLORC, and clearly signaled their intention to build a new Burma based on respect for human rights and political freedoms. The opposition, prodemocracy movement led by Aung San Suu Kyi and her National League for Democracy [NLD] party swept the vast majority of parliamentary seats, but before the new government could be seated, the military dictators led by General Ne Win struck. They arrested the new parliamentarians, cracked down on the opposition parties, and denied the Burmese people their right to self-determination.

Today, the situation in Burma continues to deteriorate. The human rights record of SLORC has the odious distinction of being one of the worst in the world. All political dissent is banned, in fact, anyone caught reading The New Era, an underground, prodemocracy newspaper, is automatically sentenced to 3 years in jail where beatings and torture are common occurrences.

SLORC is rapidly expanding its military and has purchased more than a billion dollars' worth of new weapons and hardware from China. This buildup is a direct threat to regional stability. In addition, the arms are being used to coerce ethnic groups living in the mountainous border areas into signing cease-fire or peace accords with SLORC. The military has an especially brutal record of human-rights abuses with rural villagers subject to executions, rape, and forced slave labor. For example, it is standard operating procedure for SLORC forces to use villagers—including women and children—as human minesweepers marching them at gunpoint down unsecured roads. Villages are also forced to "donate" people who work as slaves carrying arms and ammunition as well as in road construction. Anyone who resists is beaten or shot.

Mr. President, SLORC is not the legitimate government of Burma. In fact, they are nothing more than drug-dealing thugs. My amendment is designed to convey a strong message to SLORC: there is nothing they can do to legitimize themselves to the United States, and hopefully to the rest of the international community. SLORC has been hard at work trying to write a new constitution and they have scheduled a September session to try and finish this document. Despite their best efforts, we will not be duped by this carefully choreographed sham portrayal of peace and national reconciliation.

This amendment calls for the restoration of the democratically elected government of Burma, the immediate, unconditional release of Aung San Suu Kyi, a heroine of democracy, and for this government and the international community to provide assistance to the Burmese refugees living on the border areas.

I hope my colleagues will join me in approving this amendment denouncing

SLORC, and at the same time reminding the Burmese people who hold out the hope that they can once again play a part in bringing democracy to Burma that they have not been forgotten by the United States.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 2119 through 2126), en bloc, were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. KOHL. Mr. President, I would like to take this opportunity to draw attention to two important Wisconsin-based programs which play a vital role in promoting democracy and understanding. Both of these programs are funded through the Agency for International Development [AID].

The Milwaukee International Health Training Center [MIHTC] is a consortium of schools, community-based clinics, private industries, universities, and social service agencies whose mission is to help developing countries improve the skills of their health care personnel, the use of their resources, and their service delivery systems.

This year, the House included report language urging AID to make every effort to provide $150,000 in fiscal year 1995 for an institutional development grant. While the Senate Committee on Appropriations did not include a recommendation for a specific funding level, it did include language stating that health training "can be effectively delivered by an alliance of schools and universities, community-based clinics, private industry, and social service agencies." The committee "encourages AID to support initiatives which incorporate this integrated approach to providing health care systems training." I want to clarify that the Senate committee's decision not to include the House language is in no way indicative of its level of support for the program. AID should know that the Milwaukee training program is supported by both congressional committees.

I would also like to make clear that there is strong support within Congress for the Milwaukee County Training Center for Local Democracy. This center, which is administered by Milwaukee County, trains Polish public administrators in economic development, urban planning, and communal services. During the 6-week program, participants live with Milwaukee area families, and work under the mentorship of Milwaukee metro area public administrators. The participants also work with faculty members of the University of Wisconsin—Milwaukee developing case studies, which may be used to train colleagues in Poland.

The House included report language recognizing the "impressive accomplishments" of the Milwaukee County project and recommending that "a best effort be made to fund the Milwaukee County Training Center for Local Democracy in the amount of $300,000 for fiscal year 1995." While the Senate Committee on Appropriations did not recommend a specific funding level for the project, the committee "is aware of existing exchange programs which have successfully provided training in local governance and public administration under the mentorship of public administrators in U.S. cities" and "encourages AID to continue supporting exchanges which bring central and Eastern European public officials to the United States for training." Once again, AID should understand that the Senate committee's decision not to include the House's language in no way indicates a lack of support for the project.

Mr. President, I strongly support both of these programs and hope AID will carefully consider the House and Senate report language in evaluating funding requests for these two training programs.

SUPPORT FOR ANTIABORTION AMENDMENT

Mr. PRESSLER. Mr. President, the Clinton administration has announced that it wishes to withhold foreign aid to countries that do not provide State-funded abortions. I always have opposed the use of Federal funds for any type of abortion-related activity, either domestically or through assistance to other countries. By granting or withholding assistance based upon this Clinton criterion, we would be imposing the Clinton administration's will on many cultures in which abortion is considered reprehensible.

I support the Helms amendment, which would not allow Federal funds to support indirectly proabortion policies in various countries. For instance, the majority of nations in Latin America and Africa view proabortion policies with great disfavor, as such policies are inconsistent with their mainstream cultural and religious values.

Many countries have strong sentiments against abortion. The final Preparatory Committee meeting prior to the Third U.N. International Conference on Population and Development to be held in Cairo, ended in dissension over reproductive rights. Roman Catholic and other antiabortion proponents from various countries signaled their strong disagreement with proabortion proposals.

I urge my colleagues to join me in support of the Helms amendment.

AID TO TURKEY—AMENDMENT NO. 2113

Mr. Leahy. Mr. President, the amendment I offered with the support of the Senator from Mississippi regarding Turkey requires that in any agreement to sell or provide military equipment to Turkey by the United States, there must be an express statement that the equipment will not be used in violation of international law. This requirement is intended to ensure that U.S. military equipment is not used against noncombatants, or otherwise in violation of the Geneva Conventions or any other international law. It is intended to ensure that, at the very least, any military equipment that we provide to Turkey is not used in violation of human rights.

Year after year in hearings and in the committee report, we have raised concerns about human rights violations in Turkey. We have asked for a strategy from the administration on how they are going to pursue these human rights problems. We never received one.

During the past few years when the administration said it was urging the Turkish Government to deal with the human rights problems, the situation got worse, not better.

Let me describe what is going on today in Turkey, according to the State Department and human rights monitors.

Torture is used routinely on people in custody. I will spare you the gory details of the practices that are used.

There are repeated reports that the Turkish armed forces have fired on the homes of Kurdish villagers in southeastern Turkey. Whole villages have been burned and forcibly evacuated.

More than 800 villages are said to have been evacuated under government pressure since 1990—70 since March of this year. Scorched-earth tactics are reportedly being used, resulting in some areas in a landscape of burnt villages.

The security forces continue to be charged with using deadly force against unarmed Kurdish civilians.

Nobody questions the Turkish Government's right to fight the PKK guerrillas, who themselves are guilty of atrocities. But that is no excuse for tactics that target civilian populations.

We cannot permit our helicopters and our military aid to be used in the strafing and bombing and burning of Kurdish villages.

This provision does not deny one dime of aid to Turkey. It simply says that before we sell or give them military aid, the Turkish Government must agree that it will only be used in accordance with international law.

If the Turkish Government wants to use our aid to fight their war against the Kurds inside Turkey, they are going to have to show that they can tell the difference between noncombatant women and children who happen to be Kurdish, and terrorists.

Mr. MITCHELL. Mr. President, I have consulted with the distinguished manager, Senator LEAHY, and I have also engaged in negotiations with our colleagues on the best way to proceed

with respect to this bill and the remaining measures which must be completed prior to the Senate's departure this weekend for the Independence Day recess.

It is apparent that we will not be permitted to complete action on this bill prior to that time. I regret that, but that is a reality, and it is within the power of Senators to prevent legislation from passing by a stated time.

Therefore, I have decided, following the consultations and discussions which I mentioned earlier, to enter into an agreement on which we have reached an understanding, although it has not yet been placed into a formal agreement, that will be done tomorrow, but the understanding will be entered as an agreement tomorrow that we will get a finite list of the remaining amendments to this bill, and we will put the bill over until after the recess, with the further understanding that there will be a specific date and time certain by which those amendments will have to be offered.

Therefore, we will be able to complete action on the measure within what I hope will be a reasonable period of time when we return from the recess.

The two remaining measures on which we must complete action this week are the energy and water appropriations bill and the Department of Defense authorization bill. We had, of course, spent some considerable time on the Department of Defense authorization bill last week.

There now exists a finite list of amendments to that bill. Although it is very long, the managers have been working diligently to pare down the list and obtain agreements on those amendments which will require votes.

So, Mr. President, we will proceed to the energy and water appropriations bill at 9 a.m. tomorrow with the expectation that we will be able to complete action on that bill within a relatively short period of time and then be able to get to the Department of Defense authorization bill by early tomorrow afternoon.

We will then remain in session for as long as it takes to complete action on the Department of Defense authorization bill. When we complete action on that, the Senate will then conclude for this legislative period and will begin the Independence Day recess.

I will also either on tomorrow or on Friday set forth for the Senate in as much detail as is possible the schedule for the first week of the Senate session following the Independence Day recess.

So for now we have made some progress on this bill, but it is obvious that we are not going to be able to complete it, and, therefore, we will enter the agreement which will permit its completion shortly after returning from recess by a time is certain and within a reasonable period of time, and we will take up and complete action on the energy and water appropriations bill tomorrow, then begin the DOD authorization bill, and then once we get on that we will simply stay in session until such time as the DOD bill is completed.

I hope that can be done by the close of business on Friday, but I want to make clear that we will stay in session for however long it takes to complete action on the DOD authorization bill.

Mr. President, I thank my colleagues for their patience, and I thank the Senator from Vermont for his diligence and perseverance on this matter.

Mr. LEAHY. Mr. President, if the Senator will yield, I will just note I know the frustration he must feel in trying to move matters forward. On this bill I think we have had only a couple votes that really pertained directly to the appropriations items in the bill. They were disposed of in about an hour or less of debate. We spent 13 hours on this discussing items that have either been discussed at great length in the Senate before and voted on or really bear no relationship to an appropriations bill. I note, therefore, those who are concerned about what happens in the foreign operations bill, those who have countries that they are particularly concerned about and will be made new items, I point out that, one, we have not even been allowed to do as we normally do and that is adopt the committee amendments en bloc, and 95 percent of the time the debate so far has been on issues that have been covered before. They are non-appropriations issues, and we have yet to be able to consider those items that traditionally been part of the foreign operations bill. We have yet to adopt the provisions related to the Camp David countries, yet to debate provisions related to NIS even though these are all provisions voted unanimously by both the subcommittee and full Committee on Appropriations. So I share the frustration of the Senator from Maine, and I must say that he has the patience of the mountains of Maine to be able to put up with this. I thank him for his help.

Mr. MITCHELL. Mr. President, we all know that the Senate's rulings permit delay for those who wish to engage in delay. Unfortunately, it is a common practice here. Ultimately, we will get this bill done and the others done. We will just proceed.

I want to repeat so there is no misunderstanding we will go to the energy and water appropriations bill at 9 a.m. tomorrow. Our efforts will be to complete action on that bill in a relatively short period of time and then immediately thereafter return to the DOD authorization bill and then remain in session until such time as that bill is completed.

If we can finish action on it tomorrow night, then we will break for recess tomorrow night. If we cannot and take until Friday, then we proceed on Friday and finish it. If we do not finish on Friday, we come back on Saturday. We will simply stay as long as it takes to act on the DOD authorization bill.

Mr. President, I thank my colleagues.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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

Mr. LEAHY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 2 minutes each.

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

## REPEAL TAX HIKE ON SOCIAL SECURITY

Mr. GORTON. Mr. President, thousands of seniors in my home State of Washington are suffering from last year's massive tax hike on Social Security benefits. As many seniors are painfully aware, the 1993 tax bill included a whopping tax hike of up to 70 percent on some Social Security benefits.

Recently, I asked constituents all across Washington about this tax increase to get their feelings on the matter. Overwhelmingly, they responded that the tax increase was unjust, unfair, and unwarranted. They tell me that it needs to be repealed—now. I agree wholeheartedly and am working hard to see that happen.

I have frankly been outraged by the willingness of this Congress to heap more and more taxes on the backs of seniors. Seniors are not greedy. They are not selfish. They are trying to make ends meet on a fixed income, after having spent years and years building up the economy of this country. They deserve our heartfelt thanks, not a grab at their pocketbooks. They are justifiably angry.

Let me just read what a few of my constituents have to say on this topic. A senior in Olympia says it is "wrong to put a high tax on seniors' Social Security. Our government made a contract with all citizens and we were forced to pay into the plan all our working lives. It is unconscionable that we could now be forced to give up those Social Security benefits to high taxes."

A man in Vancouver, in discussing Congress' tax increase, asks "They think this is fair?" A woman characterizes the Social Security tax hike as

"putting the squeeze on taxpayers for expanded programs." A man in Issaquah says "this is just a back-door method of raiding Social Security to finance who knows what." And a man in Auburn says "New taxes on Social Security should be repealed now!"

Mr. President, I agree. That is why I cosponsored S. 1408, to completely repeal the tax hike imposed by last year's tax bill. It is critical legislation for this country's senior citizens. And I will, with the help of the people of Washington State, continue fighting to pass it.

## S. 687—PRODUCTS LIABILITY

Mr. DOLE. Mr. President, my remarks will be brief, as everything that can be said about this bill has been said—if not during this debate, then certainly sometime over the last 13 years.

And while the Senate has talked and talked about this issue, American manufacturers, wholesalers, distributors, and retailers have lost jobs and opportunities, innovation has been stifled, and consumers have suffered.

I find it ironic, Mr. President, that many of my colleagues who so strongly support overhauling our health care system—which is the best in the world—continue to try and block reform of our products liability laws—which are among the most confusing and inefficient in the world.

In my book, Mr. President, obtaining cloture and eventually passing S. 687 is a "win-win" situation.

American businesses would win, because their expenses would be reduced, and their products would receive a boost here at home and in the world market. Foreign competitors do not face skyrocketing liability costs, and in some industries have captured market share from U.S. companies that are burdened with such costs.

American consumers would win because better products would enter the market, and prices would be lower.

Those afflicted with a number of diseases would win, because pharmaceutical and medical research companies would have more money to spend on research and development rather than on litigation.

Indeed, the Commerce Committee heard testimony from two firms that concern over products liability litigation and costs caused them to drop research into drugs which might be important to AIDS patients.

Those who have legitimate products liability claims would win because the bill creates incentives for resolution of disputes before going to trial—a system that often creates waits of longer than 2 years between filing a case and receiving the jury verdicts—and longer if there is an appeal.

Severely injured victims cannot afford to wait years before being compensated. Often, these long delays force settlement for amounts far less than adequate.

Mr. President, 13 years of being tied up by the American Trial Lawyers Association is long enough. Let's invoke cloture, pass this bill, and then take another much needed step, and move on to reforming the liability laws relating to aviation.

## S. 687—PRODUCT LIABILITY BILL

Mr. BRADLEY. Mr. President, I rise in opposition, to S. 687, the Product Liability Fairness Act. The debate on this bill has been spirited and informative. I have reviewed the present bill and compared it to S. 640, the prior product liability bill that this body considered in 1992. While I think that this bill is better than the prior bill, I do not think that it goes far enough in striking a balance between the desires of manufacturers and product sellers to streamline the product liability process and the ability of ordinary Americans to bring lawsuits seeking relief from injuries resulting from defective and dangerous products.

My initial concern with the bill is that I think the provision concerning expedited settlement puts an undue burden on plaintiffs by placing a cap on attorneys' fees of $50,000 when the defendant rejects a settlement offer and the plaintiff receives a judgment that is greater than the amount of the offer. As an initial matter, I think that the cap will affect the quality of legal talent that will be available to plaintiffs who wish to pursue litigation. In our market-driven society, as in any profession, attorneys in the legal profession with superior skills will gravitate toward those cases that yield the greatest compensation. No such cap is placed on fees that attorneys for defendant can receive. While I share the concerns of some that a few attorneys may be receiving a windfall with respect to fees in these cases, I think that the present cap will place too much of a burden on plaintiffs by limiting their options in choosing and retaining skilled attorneys when the defendants make the determination that plaintiffs adjudicate their claims in court.

Also, I believe that such a cap will force plaintiffs to play Russian Roulette with the decision of whether to go to trial based on advice from an attorney that would inject the issue of attorney's fees into the decision-making process. A decision to proceed to trial should be made solely on the basic of a consideration of the merits of the underlying claim. This bill, however, would dilute that decision by placing the issue of attorney's fees into the equation. Plaintiffs are frequently persons of modest means who perceive a lawsuit as a unique event. Their attorneys usually take these cases on a contingency fee basis and thus accept part of the risk of losing the case. On the other hand, defendants perceive these lawsuits as a regular and calculable part of business. Thus, plaintiffs and their attorneys are likely to be more risk averse than defendants and will accept a smaller sum to avoid the risk of losing in court. Such a scheme does not place plaintiffs and defendants on equal ground in the legal arena.

Mr. President, with respect to the provisions of the bill that provide an exemption from punitive damages for drug companies and aircraft companies, I think that this provision places too much of a burden on a weak and ill-equipped Federal regulatory system to protect the safety and well-being of American citizens. There is no question that over the last decade, the budgets and personnel of regulatory agencies have been severely cut. For example, between 1979 and 1989, the FDA's staff was reduced by over 1,000 employees. Thus, I think that it is incongruous to pass a bill that strips the judiciary of the ability to protect consumers from defective and dangerous products without strengthening the first line of defense against unsafe products, the regulatory agencies.

Mr. President, I have some broad concerns regarding the impact of this bill on the American public. While the bill places restrictions on the ability of individual citizens to seek redress from defective products, it places no restrictions on corporations to seek such redress. For example, this bill contains a provision that bars civil actions if a capital good that is 25 years or older is alleged to have caused harm. Thus, if a capital product explodes and severs the leg of an individual worker while causing extensive damage to a plant, an individual claimant entitled to worker's compensation has no claim, while the corporation can sue for damage to the plant even though the corporation has insurance.

Mr. President, I have heard that these lawsuits are eroding American corporate competitiveness. However, Mr. President, any bill that attempts to improve U.S. competitiveness by reducing the amount of litigation in our society should be comprehensive. It should not focus solely on cases brought by individuals who claim to be injured by certain products, but should also focus on litigation between other actors in the system on a variety of legal theories. Nothing hampers U.S. competitiveness more than a system which encourages our businesses to sue each other over matters that could be resolved outside the courts. In our search for legal reform, let's try to rid the courts of some of these cases as well.

Mr. President, we have been told that there is a litigation explosion with respect to product liability and that corporations and the business community

are suffering under the weight of this explosion. We have been told that this bill will place plaintiffs and defendants on more equal ground in the litigation process. However, Mr. President, the New York Times just last week reported the results of a study which concludes that in 1992, juries awarded judgments to plaintiffs in personal injury cases 52 percent of the time. This figure is down from 63 percent in 1989. With respect to product liability cases, the study found that in 1993, the plaintiffs chances of winning at trial are 41 percent. Thus, statistics show that at the present time, defendants, not plaintiffs, are victorious in a majority of the product liability cases that are adjudicated. While one could conclude that plaintiffs may be losing these lawsuits because they are frivolous, the fact is that State and Federal courts have procedures in place to sanction plaintiffs who bring frivolous lawsuits, and no evidence has been presented to this legislative body that plaintiffs are engaging in the practice of bringing frivolous actions.

Mr. President, although there have been relatively few punitive damage awards in product liability cases over the last 25 years, we have been told that the threat of punitive damages encourages many product manufacturers to settle cases that they would have no problem winning in an effort to avoid having claims for punitive damages go to juries unfamiliar with the precautions that are now taken to ensure that products are safe. However, Mr. President, the numbers simply do not add up to the conclusion that the business community is being treated unfairly by juries. Indeed, in almost 60 percent of the product liability cases brought in 1993, plaintiffs were the losing parties.

Mr. President, it has additionally been argued that these lawsuits increase the costs of producing products in this country and thus hurts American competitiveness. However, a 1987 conference board survey of risk managers of 232 corporations shows that product liability costs for most businesses are 1 percent or less of the final price of a product, and have very little impact on larger economic issues such as market share or jobs. In addition, the American Insurance Association, the largest trade association representing the insurance industry, has testified that this legislation will have virtually no effect on insurance costs.

Mr. President, to put it succinctly, I do not think that the bill will really do what its proponents say it will do. As mentioned earlier, the proponents of this bill argue that the business community is suffering under the weight of a litigation explosion. They contend that this bill will decrease both the incidence and cost of litigation. Mr. President, no one disagrees that we are an overly litigious society. However, I am not convinced that this bill can correct the problem of litigiousness by focusing on just one aspect of the system. A recent University of Wisconsin study shows that when you take out asbestos cases, the number of product liability cases has actually decreased since 1985, and according to a survey of several State court systems by the National Center for State Courts, "the most dramatic increase in the civil caseloads tended to be for real property rights cases or contract cases, not torts." Nothing in the current bill addresses the other types of cases.

In conclusion, Mr. President, because of the above stated concerns, I must oppose S. 687, the Product Liability Fairness Act.

## S. 687, THE PRODUCT LIABILITY FAIRNESS ACT

Mr. KERREY. Mr. President, I voted against cloture on S. 687, the Product Liability Fairness Act for three reasons. The first is that the proponents of the bill have not shown that the uncertainty of product liability lawsuits has put U.S. manufacturers in crisis, a claim that has been made repeatedly. Second, the bill, in attempting to address this perceived crisis, unfairly makes some rules uniform without providing uniformity in other rules. Third, recent trends indicate that the product liability system is regulating itself.

Support of S. 687 requires a firm belief in the premise that U.S. manufacturing is at a disadvantage compared with other countries and in need of Federal relief because of product liability laws. Some industries, like the small aircraft industry, have been able to document a trend of losing ground to foreign manufacturers over a number of years. However, in the vast majority of industries, the facts and trends indicate otherwise. U.S. workers produce $49,000 in output each year, more than any other country. Our rate of unemployment is lower than any other country. In addition, the General Accounting Office, in a 1988 report, found that insurance costs represented a relatively small proportion of businesses' annual gross receipts—.06 percent for large businesses and about 1 percent for small businesses. U.S. business and manufacturing is alive and thriving.

Another frequently cited need for reform is the notion that the amount of litigation in this country is dragging down the United States. I think the reality is quite the contrary. Our system of justice is based upon the right to trial by jury. Yes, it is true that we are a litigious society. However, litigation is the price we pay to remain a free and self-governing people. Juries do not work for trial attorneys. Juries are made up of our neighbors and colleagues who work for a living, know the value of a dollar, and determine the proper amount that an injured party should receive. In reality, the number of product liability cases in Federal courts, other than asbestos cases, has been steadily declining.

Senator ROCKEFELLER and the manufacturers who support this bill seek to instill balance in the jury system which is often unpredictable. I think this is a reasonable goal. Unfortunately, S. 687 does not achieve the balance I believe is necessary.

In Nebraska, like most other States, our manufacturers export over 80 percent of their goods for sale in other States exposing them to varying State laws. I understand their desire for uniformity. But many believe that S. 687 will actually result in less uniformity in the law of product liability for the simple reason that the bill preempts some State laws while leaving others intact. In addition, the bill places the responsibility of interpreting and applying a mix of State and Federal law in the State courts. The result is that we will disrupt established State law and be left with different interpretations of the new law, an outcome which does not help manufacturers or consumers.

In addition, S. 687, while providing some uniformity for manufacturers, does not provide the same measure of uniformity for injured parties.

In an effort to provide better balance in the bill, I made several suggestions to the bill sponsor, Senator ROCKEFELLER. One suggestion I made was adopted by Senator ROCKEFELLER. The change addresses the unfairness of penalties applied to parties under section 101 which governs expedited product liability judgments. Under that section a defendant's penalty for rejection of a settlement offer is capped at $50,000, but the claimant's penalty is not capped. I am pleased that Senator ROCKEFELLER agreed to include a $50,000 cap on the claimant's penalty to mirror that of the defendant. This change provides fairness and uniformity for both parties. However, the fact remains that many other sections of the bill override State laws where those laws protect consumers, but leave intact the different State laws where those laws benefit manufacturers.

Uniformity for both manufacturers and consumers is especially important in Nebraska whose citizens would be in a worse position under the bill because strict Nebraska laws would remain in place in addition to the new Federal rules legislated in the bill. For example, Nebraska citizens would be harmed by the section of the bill on punitive damages. Punitive damages are meant to act as a punishment for companies whose wrongdoing goes beyond mere negligence to the level of outrageous misconduct. S. 687 establishes the burden of proof an injured party must meet to qualify for punitive damages

and provides a defense to punitive damages for drugs or aircraft that have been approved by Federal agencies. However, the bill specifically exempts States, like Nebraska, which do not currently offer punitive damages. Thus, a Nebraskan injured by a defective product could not get punitive damages, whereas an Iowan, for example, could. I think this is an unconscionable result for the citizens of Nebraska. When the Federal Government takes over an area of law and does so with the justification that uniformity must be achieved, then uniformity ought to be achieved for Nebraska consumers as well as manufacturers.

I want to make one thing clear. I do not oppose intervening to assist manufactures where a clear case has been made to do so. In fact, I cosponsored and voted in support of S. 1458, the General Aviation Revitalization Act which passed the Senate in March. What distinguishes these two bills is that with regard to general aviation, the industry was able to show trends measured over a period of time which indicated that the small plane industry was being usurped by foreign competition. In addition, the bill was very tailored in its intervention. Rather than the more scattershot approach outlined in S. 687, the general aviation bill only imposed a 15 year statute of limitation within which a person may bring suit.

A third reason why I chose not to support S. 687 at this time is that the product liability system has begun to moderate in recent years. Intervention is less compelling now than it was 4 or 5 years ago. As I mentioned before, the number of product liability cases in Federal courts, other than asbestos cases, has been decreasing in recent years, falling 40 percent between 1985 and 1990. According to the Commerce Committee's report on S. 687, the filing of tort lawsuits, which include product liability lawsuits, make up less than one percent of all cases filed in State courts, and less than 10 percent of most States' civil caseload. In addition, last Friday's New York Times contained a front page story with the headline "U.S. Juries Grow Tougher on Plaintiffs in Lawsuits." The story reported on studies that show a plaintiff's chances of winning at a product liability trial dropped to 41 percent last year from 43 percent in 1992 and 59 percent in 1989.

In short, the proponents of the bill did not make the case that such a drastic usurpation of State control is necessary. The truth is that it is very difficult, if not impossible, to predict the ramifications of this legislation, especially its potential consequences for people injured by defective products. Without a clear need to intervene I cannot support Federal intrusion into the well-established area of State law.

## CLOTURE VOTE ON PRODUCT LIABILITY

Mrs. FEINSTEIN. For the record, Mr. President, I would like to provide some detail on my vote today on the second motion for cloture on S. 687, the Product Liability Fairness Act.

Last night, after the Senate first voted to deny cloture on S. 687, the bill's managers, along with Senators DORGAN, MOSELEY-BRAUN, MIKULSKI, RIEGLE and I struck what I considered the best compromise, to strike altogether provisions of S. 687 which offered a defense against punitive damages for drug and medical manufacturers dubbed the "FDA defense", and save the bill for a constructive floor debate including amendments on the other substantive issues. I also submitted an amendment that would have imposed criminal penalties on corporations that concealed serious dangers in their products from regulatory agencies. The goal of the compromise was to show willingness to improve the bill and gain enough support to permit the Senate to continue working on product liability. Opponents left no alternative but to vote for cloture to attain a chance to work on the bill.

Because the opposition was adamant about preventing any vote on amendments prior to a cloture vote, I joined several of my colleagues and voted for cloture in an effort to move forward so that amendments could be considered and approved. I hoped by invoking cloture we could ultimately strike some unfortunate provisions of the bill.

Trial lawyers and consumer advocates have raised legitimate concerns that some of the most high-profile product liability cases have been those involving drugs and medical devices, such as DES, Dalkon Shield IUDs and silicone gel breast implants, and that the FDA defense in S. 687 worked to the disadvantage of women. I believed that the best way to address that issue was to clarify the FDA defense in the ways that the Feinstein/Lieberman amendment proposed to do or to, preferably, strike the provisions from the bill altogether, if there were enough votes to do so.

Business leaders from throughout my State of California, however, impressed upon me that a level litigation playing field is important to their competitiveness and could be accomplished, in part, by uniformity and predictability in some aspects of the product liability system nationwide.

As I said yesterday on the Senate floor, this bill had provisions which were both fair and reasonable, notwithstanding the FDA defense. The 2-year statute of limitations, for example, would have allowed an injured person to bring a lawsuit 2-years after they discovered both the harm such as cancer, and its cause, such as asbestos. S. 687 would have preserved a persons' claim for a year more than currently provided in my own State of California, and would have been a big improvement over several States' statutes of limitations begin to run before a party even knows that they have been injured.

It was my fundamental belief that the competing positions on this bill could have been reconciled to create good public policy. No compromise could be reached, however, in a hostile environment where sides have staked out their position, decided to filibuster, and refused to allow a vote on every constructive amendment. Cloture under those circumstances appeared to be the only way to allow the business of the Senate to continue.

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

Mr. HELMS. Mr. President, as of the close of business on Tuesday, June 28, the Federal debt stood at $4,603,689,750,246.51. This means that on a per capita basis, every man, woman and child in America owes $17,658.21 as his or her share of that debt.

## TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. HEFLIN. Mr. President, America and the world lost an icon and living legend on May 19 when former First Lady Jacqueline Kennedy Onassis died after a battle with cancer. Even now, over a month after her sudden passing, people everywhere are still trying to articulate what she meant to them personally and to assess her place in history. The most striking aspect of her death to me has been the tremendous outpouring of love and affection from all over the world, accompanied by descriptive terms like style, grace, elegance, dignity, and class. This remarkable woman was indeed all of these things and more, and she embodied the very best things that we like to think characterize America itself.

Of course, we don't have royalty in this country, and Jacqueline Kennedy Onassis never wanted to be our Queen. She just wanted to raise her children and live her life in her own way, pursuing the things she enjoyed and devoting herself to causes about which she felt strongly. Even decades after she left the White House, she marveled at the exalted place she occupied in the eyes of the public, once remarking to a friend that she couldn't understand why anyone would care what she did or said.

Perhaps Jackie herself didn't understand her fame, but to millions of people, she was the closest thing America has ever had to royalty, and they were intensely interested in her and everything she did. Ironically, while her celebrity was unparalleled, she could be spotted in Central Park spending quiet time with her grandchildren or strolling along the streets of Manhattan

alone. Her public, for the most part, respected her privacy, admiring her from afar.

Maybe it was her mystery that made her so appealing to so many. After leaving the White House, she gave no public interviews, wrote no memoirs, and did no talk shows. Many wished she had. But somehow it was appropriate that she remained private to the end, because that mysterious and private image is, to a large degree what made her who she was. She felt no need to involve herself in politics other than to lend her support to her family whenever they needed it. Jackie just wanted to live her life in quiet dignity, surrounded by her close friends and family.

Her children, Caroline and John, Jr., were Jackie's greatest passion, and are certainly her greatest legacy. A large part of her life over the last three and a half decades was devoted to the task of making sure her children were raised the right way. She deserves a great deal or credit for the job she did, especially since she succeeded so well in spite of the unique challenges faced by single parents. The glare of the media spotlight certainly didn't make her job any easier.

Cultural pursuits were Jackie's other great passion. She was always fascinated by the arts and literature, and for the last decade and a half of her life as a book editor in New York, she was responsible for the publication of some remarkable works. I had the privilege of working with her while she was editing former Alabama Congressman Carl Elliott's book "The Cost of Courage: The Journey of an American Congressman" a few years ago. Congressman Elliott was the first recipient of the JFK Profiles in Courage award, and she took an abiding and personal interest in his life and the sacrifices he made in the name of principle. Last December, she sent him a bouquet of flowers for his 80th birthday. Her accompanying note read, "Pretend that I'm there holding your hand because I wish I could be." In January, he received another letter from her saying how much she had enjoyed seeing a televised documentary about his life. Stories abound about such selfless and simple acts of kindness on her part. These were among her trademarks.

Jackie was an international figure, loved around the world, yet she was quintessentially American. It made us proud when she charmed DeGaulle and Khrushev. She proved to an often skeptical world that refinement and culture were not strangers to us. She spoke several languages fluently, and was treated as royalty wherever she went.

As First Lady, Jacqueline Kennedy has a unique position in a changing world. She and John Kennedy were partners in the reinvigoration of America. She brought youth, vitality, intelligence, and, of course, a new style to the White House. We owe her a great deal of thanks for restoring the White House to its place as a showplace of American design and architecture, and for working to make the Federal Government a source of support for the arts in our country. The national endowments for the arts and humanities are direct results of her efforts to enhance the place of culture and literature in our society.

It is an understatement to say that America has never known—and will probably never know again—anyone else like Jacqueline Kennedy Onassis. When she died, people who had never met her spontaneously broke into tears, unable to explain exactly why. Perhaps it was because she was our last link to "Camelot" and all that it symbolized, a living symbol of all-too-brief slice of the past during which anything seemed possible. Or perhaps it was because of the way she held the Nation together that dark weekend after her husband's tragic death. Or maybe it was that she was such an integral part of us—an American original—despite her intensely private nature.

Jackie's final resting place next to John Kennedy and the eternal flame she lit over 30 years ago is both fitting and poignant. Even though she lived over three decades after the assassination, we still feel cheated because she died so suddenly and untimely. She was active and vibrant until the very end. There was so much more that we looked forward to from this extraordinary woman, just as was the case with her husband. And yet as sad as her death was, it is somewhat fitting that she is finally reunited with him, because visitors to that special sight will now come to focus more on them as a team and what together they meant to our Nation.

They will remain symbols of hope for generations to come, and will continue to remind us of the very best things about ourselves and our country. Through her style, grace, elegance, dignity, and class in the aftermath of one of the greatest tragedies to ever befall the Nation and world, Jackie secured her rightful place in history. Her strength and determination comforted us, and taught us a great deal about ourselves. We will miss her, and will be forever grateful to her.

## THE RETIREMENT OF HORACE CROUCH

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who is not only my good friend, but also my brother-in-law, Col. Horace J. Crouch.

Horace is an individual of many admirable qualities and someone who I truly hold in high esteem. His optimistic and positive outlook on life, coupled with his generous and outgoing personality, have forever endeared him to the countless number of people he has befriended over the years.

A hard-working and dedicated man, Horace has accomplished many impressive things in a life dedicated to public service. Horace's career in government began after his graduation from Clemson University, when he was commissioned into the U.S. Army as an infantry officer. He eventually earned the rank of Colonel, led troops in combat, and served as a commander in our Nation's most illustrious military unit, the 82d Airborne Division. Additionally, he became an engineer officer; learned to pilot helicopters and airplanes as his additional duty and logged more than 5,000 hours of air time; and served as a staff officer with the Office of Chief of Research and Development, Department of the Army.

After a distinguished military career of 30 years, most people would be happy to quietly enjoy their retirement; however, such a lifestyle simply did not suit a man with Horace's energy and drive and he began working at the Small Business Administration. From there, he found himself back at the Pentagon, this time serving as the Deputy Director, and later, the Director of the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense for Acquisition.

I have had the pleasure of knowing Horace and his family for almost 50 years. I married his sister, Jean Crouch, in the first year of my term as Governor of South Carolina. Jean was a beautiful and caring young woman who made an outstanding First Lady of our State. Horace also has two other siblings; a brother, residing in Frederick, MD, who is a respected and skilled Urologist; and a sister, Mrs. David Kennedy, of Williston, SC. Additionally, he and his lovely wife, the former Bernice Brown, are the proud parents of one son, J. Crouch, who is on the staff of the University of South Carolina.

Mr. President, Horace Crouch has selflessly given to this Nation throughout his whole life and never asked for anything in return. His dedication and love for the United States is above question and I only wish that there were more citizens as committed to the welfare, protection, and prosperity of this Nation as he. I know that we are all grateful for his many contributions and wish he and his family health and happiness in all their future endeavors.

## TRIBUTE TO DR. MAX LENNON, PRESIDENT OF CLEMSON UNIVERSITY

Mr. THURMOND. Mr. President, for more than the past 100 years, Clemson University has played a vital role in South Carolina's higher education system. Originally chartered as an agricultural college, Clemson has grown into one of the Nation's leading academic and research institutions and is

known throughout the world for its excellent professors and programs. One man who has played an important role in Clemson's emergence as an academic leader has been Dr. Max Lennon, the university's president for the past 8 years.

During his tenure, Dr. Lennon has accomplished many great things for Clemson and has led the university into new and exciting fields. Under his direction, grant and research funding have risen considerably and the student population has reached a strong and constant level. Dr. Lennon has entered Clemson into interesting and promising partnerships with private corporations that are exploring new technologies in engineering, textiles, agriculture, and many other fields. He has also established a small business incubator designed to foster new commerce and industry in South Carolina, ensuring that our State will remain economically strong into the 21st century. Dr. Lennon has accomplished all these things without losing site of the university's primary mission, which is to provide a quality and affordable education to students from South Carolina and throughout the United States.

I also want to take a moment to recognize Dr. Lennon's very lovely and personable wife, Ruth. She assisted Dr. Lennon greatly during his years as president and was a tremendous asset to Clemson and the State.

Mr. President, regrettably, Dr. Lennon has decided to resign from the presidency of Clemson University. I know that I speak for many people, from students to other members of government, when I say that while he will be greatly missed, we will never forget the many important and worthy contributions he made to make South Carolina a better place. I wish him and his family health and happiness in all their future endeavors.

## TRIBUTE TO PARKER CITY, IN

Mr. COATS. Mr. President, I rise today in honor of the 100th anniversary of the incorporation of the town of Parker City, IN. Situated in central Indiana, Parker City enjoys a rich history. Formerly known as Morristown, Parker City was laid out in November 1851. The first passenger train came through the town in 1852, and in 1872 the community's Methodist Church was built. The first gas well was drilled in 1892, and since then natural gas has played a major role in the town's development. In 1891, the name of the town was changed from Morristown to Parker. Parker was incorporated in 1894, and the name was officially changed from Parker to Parker City in 1975.

Parker City is home to a friendly community that is proud of its churches, factory, fire department, businesses, and civic organizations. Although the town limits have expanded, Parker City continues to offer a high quality of life that meets the needs of its residents and welcomes newcomers to this quaint town. Parker City represents the character and smalltown values on which our Nation was built. I congratulate the people of Parker City on their 100th anniversary.

## COMMENDING OU SOONERS BASEBALL TEAM ON COLLEGE WORLD SERIES VICTORY

Mr. NICKLES. Mr. President, two weeks ago the Oklahoma Sooners did what no one believed they could do by winning the NCAA College World Series. This was accomplished with the same determination that enabled them to come from behind 25 times during the regular season, and culminating with the national title. In so doing, they became the first Big Eight team to win the College World Series since Oklahoma State in 1959. In fact, they did so convincingly. They won every game. They trailed in only one of 72 innings of the tournament. They led the series in hitting with .327; in pitching with 2.37 ERA and in defense with only five errors.

And in the final game of this relentless charge through the top teams in college baseball, the Sooners chocked up a record number of runs to beat Georgia Tech 13–5 and capture OU's first baseball championship in more than 40 years.

This is an exceptional group of athletes—an exceptional team. It is a great honor for the University and the State to be represented by these students, who truly are team players. You can't accomplish something of this magnitude without working as a team.

Chip Glass, who is a senior center fielder and was named the tournament's Most Outstanding Player, made the statement that "This was a team in the truest sense of the word. We all pulled together and did what it took to win." I admire this sort of spirit.

I understand the championship shirts the team wore following the victory were printed with the phrase "25 guys pulling on the same rope." That is essential for any victory—teamwork; pulling together. Imagine if we could apply the same principle in the U.S. States Senate, 100 Senators pulling together.

I couldn't be happier for these athletes and their coach, Larry Cochell, who has worked so hard this season, as well as the seniors, and the entire team. Five players were named to the all-tournament team and I would like to recognize them as well for their efforts: first baseman Ryan Minor, second baseman Rick Gutierrez, right fielder Darvin Traylor, pitcher Mark Redman and, again, center fielder Chip Glass.

It is not often in life when you can call yourself the very best there is. These young men have accomplished that, and I hope this taste of success creates in them a passion for excellence they will carry with them throughout their lives. Mr. Chairman, my congratulations to the team members, Coach Cochell, the OU athletic program, and the University of Oklahoma on this accomplishment.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

SECURITIES AND EXCHANGE COMMISSION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the executive session to consider Calendar No. 940, Steven Mark Harte Wallman, of Virginia, to be a member of the Securities and Exchange Commission; and I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination was considered and confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

## MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on June 29, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. FAZIO, Mr. MORAN, Mr. OBEY, Mr. MURTHA, Mr. CARR, Mr. CHAPMAN, Mr. SABO, Mr. YOUNG of Florida, Mr. PACKARD, Mr. TAYLOR of North Carolina, and Mr. MCDADE as managers of the conference on the part of the House.

## MESSAGES FROM THE HOUSE

At 12:20 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 bills, in which it requests the concurrence of the Senate:

H.R. 4400. An act to amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes.

H.R. 4577. An act to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, as the "William H. Natcher Federal Building and United States Courthouse."

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

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.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2559. An act to designate the Federal building located at 601 East 12th Street in Kansas City, Missouri, as the "Richard Bolling Federal Building" and the United States Courthouse located at Ninth and Locust Streets, in Kansas City, Missouri, as the "Charles Evans Whittaker United States Courthouse".

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 4400. An act to amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes; to the Committee on Governmental Affairs.

H.R. 4577. An act to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, as the "William H. Natcher Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office"; to the Committee on Governmental Affairs.

## 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-568. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 71

"Whereas, the plight of California's missing children has become a societal dilemma that each of us shares; and

"Whereas, more than 80,000 California children disappear each year; and

"Whereas, by the end of 1993, there remained 10,455 active missing children files with the California Attorney General's office; and

"Whereas, while missing children include those who are abducted by estranged family members and strangers, they also include lost children, throwaways, and runaways; and

"Whereas, each year more families are forced to live their lives while a beloved child is lost or missing; and

"Whereas, in the names of Amanda Campbell, Kevin Collins, Jaycee Lee Dugard, Rasheeyda Wilson, and countless other California children whose names and faces are remembered each night by their families; and

"Whereas, we must work toward heightened awareness because one person may hold the key to finding a missing child; and

"Whereas, the sharing of information on missing children may help enhance the possibility of recovering California's missing children; and

"Whereas, if there is to be an end to the plight of missing children, then it must start with us in government: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to commit to the pursuit of policies that will protect children and punish those who harm them; and be it further

"*Resolved*, That the Legislature condemns any crimes against children causing emotional or physical abuse or death; and be it further

"*Resolved*, That the Legislature, sharing a common concern for children, establish April 17, 1994, through April 23, 1994, and the third week in April each year thereafter, as California Missing Children's Week; 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, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

---

POM-569. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL 94-2

"Whereas, an amendment to the United States Constitution previously introduced in Congress seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

"Whereas, the amendment states that: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes": Now, therefore, be it

"*Resolved by the Senate of the Fifty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein*, That the General Assembly strongly urges the Congress of the United States to pass, prepare, and submit to the several states this amendment to the Constitution of the United States, and be it further

"*Resolved*, That the General Assembly also proposes that the legislatures of each of the several states, which have not yet made similar applications, apply to the Congress requesting enactment of an appropriate amendment to the United States Constitution, and be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States, Speaker of the House of Representatives Thomas S. Foley, Senate Majority Leader George Mitchell, House Majority Leader Richard Gephardt, Senate Minority Leader Robert Dole, House Minority Leader Robert H. Michel, each member of the Colorado congressional delegation, and the presiding officers of each house of the legislatures of the several states."

---

POM-570. A resolution adopted by the House of the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE RESOLUTION 94-1008

"Whereas, on April 16, 1994, the state of Colorado was honored by a visit from a distinguished and decorated Vietnamese war hero, Major Nguyen Quy An, sho saved the lives of four American airmen; and

"Whereas, Major Nguyen Quy An was a flight leader and aircraft commander in the 219th squadron, 41st wing, of the Vietnamese Air Force in January of 1969; and

"Whereas, on the 17th day of January of that year Major An was called upon to infiltrate deep into enemy-held territory to insert a platoon of special forces personnel into a bomb crater landing zone; and

"Whereas, on approach, Major An's helicopter and his cargo of troops were ambushed by heavy enemy artillery fire but he courageously continued his mission; and

"Whereas, during the increasingly dangerous maneuver, a nearby United States Army helicopter was severely hit in the fuel cell by a heavy caliber round of fire while climbing from a jungle clearing; and

"Whereas, Major An, in high orbit, sighted the burning American helicopter and immediately made a risky, high-speed dive toward the stricken craft; and

"Whereas, Major An, with complete disregard for his own safety, closed in on the craft, radioed the crew, and guided them to a safe landing in a jungle clearing a short distance from the Ho Chi Minh Trail, heavily infiltrated with North Vietnamese soldiers; and

"Whereas, Major An landed his own craft in the same clearing and waited for the four U.S. airmen to find their way through the jungle to his craft and flew the four men to safety; and

"Whereas, Major Nguyen Quy An's quick thinking and brave action while surrounded by danger on behalf of the four American airmen represent a courageous demonstration of selfless heroism; and

"Whereas, Major Nguyen Quy An was decorated with the award of the distinguished flying cross by the United States for his outstanding heroism; and

"Whereas, in another demonstration of courage and heroism, Major An lost both arms when his helicopter was shot down during a subsequent combat mission; and

"Whereas, Major An has sought refugee status in the United States but has been refused because he did not serve a sufficient

length of time in a forced-labor camp to qualify for the program designed to assist Vietnamese who were severely punished for siding with the United States during the Vietnam War; and

"Whereas, it is fitting to honor Major Nguyen Quy An, to recognize his courageous and valuable contribution to the United States, and to come to the aid of Major An in his efforts to become a citizen of the United States: Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado:*

"(1) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, commend Major Nguyen Quy An for his great skill, courage, and valor in saving the lives of four American pilots during the Vietnam War; and

"(2) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, hereby petition the Congress of the United States to enact legislation which would grant United States citizenship to Major Nguyen Quy An; and

"(3) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, hereby petition the immigration and naturalization service of the United States department of justice to grant United States citizenship to Major Nguyen Quy An, and be it further

"*Resolved*, That copies of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of Congress from the State of Colorado, and to the Immigration and Naturalization Service of the United States Department of Justice."

---

POM-571. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 94-1007

"Whereas, a bill has been introduced in the Congress of the United States to admit the city of Washington, D.C., as the nation's fifty-first state; and

"Whereas, paragraph 17 of Section 8 of Article I of the United States Constitution provides that the nation's capital shall be formed from territory voluntarily ceded by particular states to the federal government for that specific purpose; and

"Whereas, the city of Washington, D.C., is composed of territory ceded by the state of Maryland for the specific purpose of forming the nation's capital; and

"Whereas, section 3 of Article IV of the United States Constitution forbids the formation of a new state erected within the jurisdiction of any other state, out of the territory of any single state, or the junction of two or more states without the consent of the legislatures of the state concerned; and

"Whereas, the state of Maryland has never consented to the use of its former territory for the formation of the proposed state of New Columbia; and

"Whereas, the ninety-fifth Congress, in proposing a constitutional amendment granting Washington, D.C., congressional representation on par with the several states, recognized the unconstitutionality of statehood absent a constitutional amendment; and

"Whereas, the several states rejected the proposed amendment granting the city of Washington, D.C., statehood; Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That the General Assembly respectfully urges the President and Congress of the United States to recognize the constitutional amendment process as the only legal method of admitting the city of Washington, D.C., to the union as a state and to reject any other form of legislation that purports to achieve that goal, and be it further

"*Resolved*, That copies of this resolution be sent to the President and Vice 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 Senator and Representative from Colorado in the Congress of the United States."

---

POM-572. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 94-1026

"Whereas, there is continuing controversy concerning the presence of American servicemen who were listed as prisoners of war or missing in action being held against their will in the southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly known as Cambodia); and

"Whereas, the United States government has stated that all of our prisoners of war have been returned from Vietnam; and

"Whereas, Vietnamese reports by General Tran Von Kwong, deputy chief of staff for the North Vietnamese army, reported that in September of 1972, Hanoi held one thousand five American prisoners; and

"Whereas, only five hundred ninety-one American prisoners of war have been released under the 1973 peace settlement; and

"Whereas, Vietnamese nationals who have moved to the United States have reported the appearance of American prisoners of war still being held against their will in southeast Asia; and

"Whereas, the President of Russia let it be known that the Soviet Union took American servicemen during the Vietnamese war into Russia and there is no adequate explanation concerning the whereabouts of these servicemen; and

"Whereas, there are still hundreds of documents in the possession of the United States department of defense that have not been released to the public regarding the fate of American servicemen classified as prisoners of war or missing in action; and

"Whereas, there are forty missing and unaccounted for servicemen from Colorado in southeast Asia; and

"Whereas, the United States government has not entered into formal negotiations with the governments of Laos and Kampuchea concerning the release of American prisoners of war who were taken by the Communist forces during the Vietnam war; and

"Whereas, the Paris Peace Accord is now twenty years old and any national security secrets regarding the technology that was used during the war would now be outdated; and

"Whereas, the constitutional rights of any Americans who are still held against their will in southeast Asia as a result of the Vietnam war are being violated by virtue of their captivity; and

"Whereas, Americans highly prize and value their constitutional rights; and

"Whereas, the United States supreme court is the last bastion that an American has for redress of grievances and protection of constitutional rights against the government; and

"Whereas, the United States constitution, in article III, section 2(2), states that:

"(2) Jurisdiction of supreme court. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. . . .": Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That the general assembly hereby urges the attorney general, jointly with all other states that have declared their support for this cause, to file an action on behalf of the people of the state of Colorado in the United States supreme court against the government of the United States, including the United States Department of Defense and the Central Intelligence Agency, and against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violations of the constitutional rights of the following named servicemen from Colorado:

| Name | Service branch | Home town |
|---|---|---|
| Anselmo, William F | Air Force | Denver. |
| Apodaca, Victor J. Jr | Air Force | Englewood. |
| Barber, Thomas D | Navy | Aurora. |
| Berry, John A | Army | Naturita. |
| Boston, Leo S | Air Force | Cañon City. |
| Brownlee, Charles R | Air Force | Alamosa. |
| Corbitt, Gilland W | Air Force | Denver. |
| Danielson, Mark G | Air Force | Rangely. |
| DeHerrera, Benjamin D | Army | Colorado Springs. |
| Donovan, Leroy M | Army | Cedaredge. |
| Gilchrist, Robert M | Air Force | Littleton. |
| Green, Gerald | Navy | Fort Morgan. |
| Hamm, James E | Air Force | Longmont. |
| Hanratty, Thomas M | Marine Corps | Beulah. |
| Hansen, Lester A | Army | Pueblo. |
| Helwig, Roger D | Air Force | Colorado Springs. |
| Hrdlicka, David L | Army | Littleton. |
| Jacques, James J | Marine Corps | Denver. |
| Jefferson, Perry H | Air Force | Denver. |
| Kemp, Clayton C III | Navy | Wheat Ridge. |
| Kohler, Delvin L | Navy | Kersey. |
| Lavoo, John A | Marine Corps | Pueblo. |
| Ladewig, Melvin E | Air Force | Englewood. |
| Leeper, Wallace M | Army | Wellington. |
| Martin, Duane W | Army | Denver. |
| McVey, LaVoy D | Marine Corps | Lamar. |
| Mitchell, Thomas B | Army | Littleton. |
| Morgan, Burke H | Air Force | Manitou Springs. |
| Mullins, Harold E | Air Force | Denver. |
| Packard, Ronald L | Air Force | Cañon City. |
| Pawlish, George F | Navy | Las Animas. |
| Ralston, Frank D III | Air Force | Denver. |
| Shafer, Philip R | Navy | Grand Junction. |
| Silva, Claude A | Army | Monte Vista. |
| Simpson, Joseph L | Army | Denver. |
| Steadman, James E | Air Force | Fort Collins. |
| Stearns, Roger H | Air Force | Boulder. |
| Swanson, Jon E | Army | Denver. |
| Tucker, Timothy M | Air Force | Las Animas. |
| Walker, Bruce C | Air Force | Pueblo. |

"*Be it further resolved*, That the attorney general, in filing the lawsuit, should demand that the United States Department of Defense, the United States Central Intelligence Agency, and the governments of Vietnam, Laos, Kampuchea, Russia, and China deliver all documents concerning prisoners of war and persons missing in action in Vietnam, Laos, and Kampuchea to the attorney general, and be it further

"*Resolved*, That the government of every state in the United States of America is encouraged to join in the cause of action on behalf of each state and on behalf of the citizens of each state who are being held in captivity in southeast Asia, and be it further

"*Resolved*, That a copy of this resolution be transmitted to the Attorney General of the state of Colorado, the Clerk of the United States Supreme Court, the President and Vice-president of the United States, the Speaker of the United States House of Representatives, the members of the Colorado congressional delegation, and the clerk of each chamber of every state legislature."

POM-573. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION

"Whereas, on September 25, 1789, the First Congress of the United States convened in New York, New York, and proposed an amendment to the Constitution of the United States stipulating that any change in the compensation of members of the Congress of the United States be delayed in taking effect until an election of the United States House of Representatives has intervened; and

"Whereas, this particular constitutional amendment was, pursuant to Article V of the United States Constitution, submitted by the First Congress to the state legislatures for ratification with no deadline on its consideration; and

"Whereas, the United States Supreme Court, in the landmark case of *Coleman* vs. *Miller*, held that Congress itself is the final arbiter of whether too great a time has elapsed between Congress' submission of a specific constitutional amendment and the ratification of that amendment by the legislatures of at least three-fourths of the states; and

"Whereas, on May 7, 1992, the Legislature of the State of Michigan became the thirty-eighth state to approve this two-hundred-and-four-year-old constitutional amendment meeting the requirement that it be ratified by three-fourths of the fifty states; and

"Whereas, on May 18, 1992, the Archivist of the United States did cause to be published in the *Federal Register* of the following day the conclusion that, having been duly ratified by the legislatures of at least three-fourths of the several states, the two-hundred-and-four-year-old constitutional amendment had officially become a part of the United States Constitution as its Twenty-seventh Amendment; and

"Whereas, on May 20, 1992, both the United States Senate and the United States House of Representatives, by roll-call votes, adopted resolutions concurring with the conclusion of the Archivist of the United States; and

"Whereas, the people of the State of Hawaii are in agreement with their fellow Americans in the forty-two other sovereign states that this two-hundred-and-four-year-old constitutional amendment is a proper addition to the United States Constitution and it is important that Hawaii's unique imprint be placed upon it; Now, therefore, be it.

"*Resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, the Senate concurring*, That the Twenty-seventh Amendment to the United States Constitution which reads as follows:

"Twenty-seventh Amendment—No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." is hereby ratified by the Legislature of the State of Hawaii; and be it further

"*Resolved*, That certified copies of this Concurrent Resolution be transmitted to each member of Hawaii's congressional delegation; to the Archivist of the United States; to the Vice-President of the United States, as presiding officer of the United States Senate; and to the Speaker of the United States House of Representatives' and be it further

"*Resolved*, That the Vice-President and the Speaker of the U.S. House of Representatives be respectfully requested to officially enter this Concurrent Resolution in the CONGRESSIONAL RECORD."

POM-574. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION 5031

"Whereas, there is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War (POWS) or Missing in Action (MIAS), being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

"Whereas, the United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

"Whereas, a recent top secret Vietnamese report, dating from 1972 reported that in September of 1972, Hanoi held 1,205 American prisoners; and

"Whereas, only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

"Whereas, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

"Whereas, there are still many unreleased documents in the United States Defense Department concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

"Whereas, there are thirty-four missing and unaccounted for servicemen in Southeast Asia from Kansas: John Quincy Adam, (Bethel); Frankie Eugene Allgood, (Fort Scott); Denis Leon Anderson, (Hope); Steven Henry Bennefeld, (Girard); Michael Hugh Breeding, (Blue Rapids); David Marion Christian, (Lane); Richard Ames Claflin, (Kansas City); Michael L. Donovan, (Norton); Thomas Eldon Gillen, (Kingman); Dennis L. Graham, (Greensburg); Patrick K. Harrold, (Fort Leavenworth); Jerry Wayne Hendrix, (Wichita); Charles L. Hoskins, (Roeland Park); Eugene M. Jewell, (Topeka); Dean Albert Klenda, (Manhattan); Kurt Elton LaPlant, (Lenexa); John Carl Lindahl, (Lindsborg); George Wendell Long, (Medicine Lodge); Glenn DeWayne McCubbin, (Almena); William D. McGonigle, (Wichita); Bobby Lyn McKain, (Garden City); William R. Moore, (Princeton); Richard Lynn Mowrey, (Prairie Village); Fred Albert Neth, (Fort Scott); Ward Karl Patton, (Fontana); Dennis Gerald Pugh, (Salina); Ronald James Schultz, (Hillsboro); Richard D. Smith, (Wichita); Robert L. Standerwick, (Mankato); Frederick John Sutter, (Leawood); William Joseph Thompson, (Kansas City); John Mark Tiderman, (Kansas City); Larry Don Welsh, (Kansas City); and Joseph A. Zutterman, Jr., (Marysville); and

"Whereas, the inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

"Whereas, the United States Constitution, in Article III, section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction": Now, therefore, be it

"*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we hereby request the Kansas Attorney General to determine the merits of joining with attorneys general of other states in an action against the United States government, and also against the Ambassadors or other Public Ministers and Consuls of the governments of Vietnam, Laos, Kampuchea, Russia and China, to obtain information about Kansas POWS/MIAS in Southeast Asia and to recommend to the legislature whether to join in such action; and be it further

"*Resolved:* That the Secretary of State be directed to send copies of this resolution to the Kansas Attorney General; the United States Supreme Court; the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; the members of the Kansas congressional delegation and the clerks of the respective Houses and Senates of our 49 sister states."

---

POM-575. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 21

"Whereas, the states of the United States are separate sovereignties united in a federal system; and

"Whereas, unfunded mandates imposed by the federal government upon the states and their subdivisions require state and local governments to spend money, which, in effect, taxes states and localities; and

"Whereas, the Congressional Budget Office has estimated that the cumulative cost of new mandates imposed on state and local governments between 1983 and 1990 is between $8.9 billion and $12.7 billion; and

"Whereas, President Clinton has recognized the magnitude of this growing problem for the states through the issuance of Executive Order 12875 *Enhancing the Intergovernmental Partnership*, which states that "the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of state, local, and tribal governments"; and

"Whereas, Executive Order 12875 calls on federal agencies to reduce federal mandates to the extent possible under federal law; and

"Whereas, Executive Order 12875 was much appreciated by state and local governments but does not address the primary cause of unfunded federal mandates contained in existing and new federal laws; and

"Whereas, unfunded federal mandates eliminate or reduce the ability of state and local governments to improve vital public safety services such as police and fire protection, jail and prison space, and efficient and swift criminal justice through properly funded courts and public defender systems; and

"Whereas, unfunded federal mandates eliminate or reduce the ability of state and local governments to improve funding and quality of education provided to our children, a primary state responsibility; and

"Whereas, in Missouri alone, unfunded federal mandates for just the medicaid program have consumed nearly $600 million in state funds since Fiscal Year 1991; and

"Whereas, unfunded federal mandates cost the state of Missouri between $75 million and $100 million in new state funds each year, an amount equal to half of the general revenue growth available to the state; and

"Whereas, unfunded mandates undercut the accountability that is fundamental in our democratic system by allowing federal decision makers to establish programs and set policies: Now, therefore, be it

"*Resolved by the Missouri Senate of the Eighty-seventh General Assembly, the House of Representatives concurring therein*, That the Missouri General Assembly hereby proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and further requests the Congress to prepare and submit to the several states before January 1, 1996, an amendment to the Constitution of the United States to

prohibit the federal government from requiring states to pay the cost of new or increased programs or activities, which are commonly referred to as "unfunded federal mandates"; and be it further

"*Resolved*, That if, by January 1, 1996, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to prohibit unfunded federal mandates; and be it further

"*Resolved* That effective January 1, 1996, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter, then this application for petition for the Constitutional convention shall no longer be of any force or effect; and be it further

"*Resolved*, That this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to the specific and exclusive purpose of providing for an amendment to the Constitution to prohibit unfunded federal mandates; and be it further

"*Resolved*, That this body also proposes that the legislatures of each of the several states comprising the United States, which have not yet made similar applications, apply to the Congress requesting enactment of an appropriate amendment to the federal Constitution, and make application to the Congress to call a Constitutional convention for the purpose of proposing such an amendment to the federal Constitution; and be it further

"*Resolved*, That upon signing by the Governor of this concurrent resolution, copies of this resolution be sent by the Secretary of the Senate to each member of the Missouri Congressional delegation, to the Secretary of State and Presiding Officers of both houses of the legislatures of each of the other states in the union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and the President of the United States."

---

POM-576. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 14

"Whereas, scientific and medical studies show marijuana to be of medical value in the treatment of glaucoma and in easing the debilitating side effects of anti-cancer treatments; and

"Whereas, courts have recognized marijuana's medical benefits in the treatment of these diseases; and

"Whereas, several states have enacted and Governors have signed, laws acknowledging these benefits. They have further sought to establish compassionate programs of medical access to marijuana; and

"Whereas, several states have through their various offices and agencies, made a good faith effort to allow individuals to obtain marijuana for medical applications; and

"Whereas, federal agencies have, through regulation and policies, made it difficult to obtain marijuana for medical purposes; and

"Whereas, glaucoma and cancer patients, promised medical access to marijuana under the laws of the United States, are being deprived of such access by federal agencies: Now, therefore, be it

"*Resolved by the Missouri Senate, the House of Representatives concurring therein* that the Missouri General Assembly hereby respectfully memorialize the United States Congress to become informed of these difficulties, and to investigate and hold public hearings into federal policies which prohibit marijuana's legitimate medical use; and be it further

"*Resolved*, That the Congress of the United States seeks to remedy federal policies which prevent the several states from acquiring, inhibit physicians from prescribing, and prevent patients from obtaining marijuana for legitimate medical applications, by ending federal prohibitions against the legitimate and appropriate use of marijuana in medical treatments; and be it further

"*Resolved*," That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Missouri Congressional Delegation."

---

POM-577. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION 22

"Whereas, members of Congress from every state have risen to obtain from public funds benefits, perquisites, salaries and security beyond the reach of the common citizen; and

"Whereas, the obtaining of these benefits has not been with the consent of the governed; and

"Whereas, the members of Congress have passed laws which are the law of the land for the common citizen, but which do not apply to Congress; and

"Whereas, the record of the proceedings of Congress may be altered by members of Congress to cast members in a less baleful light; and

"Whereas, the proceedings of Congress can be made so tortuous as to confound the common citizen and allow members of Congress to avoid responsibility for their actions; and

"Whereas, in matters of election campaign reform, ethics and regard for the common good of these United States, Congress as a body has shown itself to be beyond the control of the people of these United States: Now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring*, That we, the members of the general court of the state of New Hampshire, do hereby call upon Congress to amend the Constitution to allow the people of the United States to set meaningful limits on campaign spending, to approve congressional benefits, perquisites and salaries, and to require Congress to keep unalterable, true records of its proceedings;

"That we, the members of the general court of the state of New Hampshire, do hereby call upon our sister states to join us in this call; and

"That copies of this resolution be transmitted by the clerk of the house 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-578. A resolution adopted by the Senate of the Legislature of the State of New York; to the Committee on the Judiciary.

"LEGISLATIVE RESOLUTION

"Whereas, unfunded mandates by the United States Congress and the Executive Branch of the federal government increasingly strain already-tight state government budgets if the states are to comply; and

"Whereas, to further compound this assault on state revenues, federal District Courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

"Whereas, the Courts' actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

"Whereas, the Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

"Whereas, this usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

"Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which reads as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes.": Now, therefore, be it

"*Resolved*, That this Legislative Body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States or mandate any state or political subdivision thereof to levy or increase taxes; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, Senator Daniel P. Moynihan, Senator Alfonse M. D'Amato and the members of the New York State Congressional Delegation."

---

POM-579. A resolution adopted by the Senate of the General Assembly of the State of North Carolina; to the Committee on the Judiciary.

"SENATE RESOLUTION 1625

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

"Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate:*

"Section 1. The Senate respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Sec. 2. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

"Sec. 3. This resolution is effective upon adoption."

---

POM-580. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 372

"Whereas, in a five-to-four decision on April 18, 1990, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds; and

"Whereas, in *Missouri* v. *Jenkins* (110 Sup. Ct. 1651 (1990)), the U.S. Supreme Court held that a federal court had the power to order an increase in state and local taxes; and

"Whereas, this unprecedented decision violates the fundamental tenet of separation of powers: the federal judiciary, who serve for life and who are answerable to no one, should not have control over the power of the purse; and

"Whereas, in response to this decision, several members of Congress have introduced a constitutional amendment to re-establish a principle that has been well-settled: Judges do not have the power to tax; and

"Whereas, the passage of such constitutional amendment (first by a two-thirds (⅔) majority in both houses of Congress and then by three-fourths (¾) of the several states' legislatures or conventions) would serve not only to reverse an unfortunate decision, but also to reassert the legislature's constitutional role in maintaining a strong tripartite system of government, a system in which each of the branches is constrained by the others; and

"Whereas, such proposed constitutional amendment is a long overdue response to a federal judiciary that, in the pursuit of seemingly good ends, fails to recognize the constitutional limits on its power; and

"Whereas, in addition to being introduced in the U.S. Congress such constitutional amendment has also been proposed by several states; and

"Whereas, the test of such proposed constitutional amendment reads: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision, to levy or increase taxes"; and

"Whereas, such amendment seeks properly to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

"*Resolved by the Senate of the Ninety-Eighth General Assembly of the State of Tennessee, the House of Representatives Concurring*, That this General Assembly hereby memorializes the U.S. Congress to propose and submit to the several states for ratification no later than January 1, 1995, an amendment to the Constitution of the United States, the text of which amendment shall read:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes", and be it further

*Resolved*, That this Body calls upon each Tennessean serving in the U.S. Senate and the U.S. House of Representatives to utilize immediately the full measure of his or her resources and influence in order to ensure the passage of such amendment to the Constitution of the United States, which provides that no court shall have the power to levy or increase taxes, and be it further

*Resolved*, That this General Assembly also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar requests apply to the U.S. Congress requesting enactment of such amendment to the United States Constitution, and be it further

*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Secretary of State and to the presiding officer and minority party leader in each house of the legislature of the several states comprising the Union; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee delegation to the U.S. Congress."

---

POM-581. A resolution adopted by the Legislature of Clinton County, New York relative to base closures; to the Committee on Labor and Human Resources.

---

POM-582. A joint resolution adopted by the Legislature of the State of Colorado to the Committee on Labor and Human Resources:

"HOUSE JOINT RESOLUTION 94-1005

"Whereas, it is imperative that patients and consumers of health care services be brought back into the financial equation if the cost of providing such services is to be brought under control; and

"Whereas, patients and consumers will reduce health care costs if they are allowed to benefit from prudent individual spending decisions and if they use pre-tax dollars to establish individual medical accounts or individual medical savings accounts; and

"Whereas, it is important to preserve the excellent quality of American medicine by giving Americans the freedom to choose their own health care provider and not limiting their choice to employer- or government-designed health benefit packages: Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of the Colorado General Assembly, hereby urge the members of the United States Congress to consider programs to encourage and facilitate the use of individual medical savings accounts, which will enable Americans to plan for their future health needs, and be it further

"*Resolved*, That copies of this Resolution be sent to the President of the United States, the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, and each Member of Congress from the State of Colorado."

---

POM-583. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"SENATE CONCURRENT RESOLUTION 48

"Whereas, senior managers in the Office of Regulatory Affairs of the Food and Drug Administration have proposed restructuring field laboratories to close ten district laboratories, including the lab in New Orleans, in favor of five large general laboratories and four special purpose laboratories; and

"Whereas, while ostensibly this proposal is made to improve efficiency, lower cost, and upgrade service, analysis of the facts do not support such a result emanating from the closure of the New Orleans lab; and

"Whereas, the New Orleans lab is staffed by experienced and dedicated scientists whose expertise, particularly in the problems inherent in the Gulf Coast region, would be lost having an adverse impact on the level of consumer health and safety protection; and

"Whereas, over the years the FDA lab in New Orleans has played a vital role in investigating a broad range of health and consumer problems in the area such as fish kills, crises intervention during water disasters, contaminated farm animal feed, investigating grain elevator explosions, monitoring food, feed, and water during hurricanes, training seafood industry people in industry standards, and numerous other examples; and

"Whereas, New Orleans, as one of the nation's largest ports located on the nation's busiest river is extraordinarily well situated for the provision of the most efficient, effective, and useful service; and

"Whereas, the New Orleans FDA lab is not outmoded and an advisory committee of working analysts recommended against its closure; and

"Whereas, no demonstration has been made that throwing away the expertise, experience, and good work of a district lab such as New Orleans in order to undertake the construction, equipping and staffing of new facilities is necessary or even a good idea: Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to take whatever steps are necessary to prevent the closure of the federal Food and Drug Administration's New Orleans District Laboratory, and be it further

"*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

---

POM-584. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"SENATE CONCURRENT RESOLUTION 108

"Whereas, the office of elderly affairs in the office of the Governor is the single-point manager for the state in administering the Older Americans Act of 1965; and

"Whereas, the Louisiana Executive Board of Aging is the state board responsible for setting forth policies and procedures used by the office of elderly affairs to ensure compliance with the Older Americans Act of 1965; and

"Whereas, the Intrastate Funding Formula as proposed in Notice of Proposed Rulemaking (NPRM) 45 CFR Part 1321 represents

a policy action requiring Louisiana Executive Board of Aging approval as a condition precedent to soliciting formal approval from the Administration on Aging; and

"Whereas, the Louisiana Executive Board on Aging strongly believes that if the proposed notice is approved it will generate a statewide catastrophic impact on the current effective delivery system of services to the elderly; and

"Whereas, it is further believed that the capital outlay and professional workforce at many area agencies will become surplus due to a massive out-shifting of funds; other area agencies will be forced to make new investments in capital outlay and train new employees generated by a massive in-shifting of funds; therefore, the entire exercise triggered by the pending notice is non-cost effective; and

"Whereas, low-income minority elderly are entitled to the same level of services from each area agency on aging as required by the Older Americans Act of 1965 in lieu of a selected fifty-one percent; and

"Whereas, the guidelines in the pending notice exceed the requirements of the Older Americans Act of 1965: Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to give states more flexibility in the Intrastate Funding Formula process and to recognize the autonomy of each state and their unique problems in providing services to the elderly in accordance with the Older Americans Act of 1965, and be it further

"*Resolved*, That the Legislature of Louisiana requests states be permitted to apply the formula in a manner to address problems unique to each state at the state level; to continue using existing capital investments and trained personnel; to support the concept that all low-income elderly persons are entitled to equal levels of service from all area agencies; and to prevent the decimation of many parish entities with resultant catastrophic adverse effects on needy elderly, and be it further

"*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

---

POM-585. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"HOUSE CONCURRENT MEMORIAL 2006

"Whereas, the economy, health and general welfare of the people and the state of Arizona depend upon a secure and stable supply of water; and

"Whereas, efforts are currently under way in the state of Arizona to quantify and validate thousands of claims to the use of waters of the state; and

"Whereas, the Indian communities in the state of Arizona assert claims to the rights to large quantities of water; and

"Whereas, the settlement and quantification of the Indian communities' claims to water are of great importance to the economy, health and general welfare of the members of the Indian communities in Arizona; and

"Whereas, the United States, as trustee for the Indian communities of the state of Arizona, plays a vital role in the negotiations and settlements of the Indian communities' claims to water; and

"Whereas, water delivered by the Central Arizona Project has been a key component of water rights settlements already finalized for certain Indian communities in Arizona; and

"Whereas, under the Leavitt Act (47 Stat. 564, 25 United States Code section 386a), the collection of all construction costs against any Indian-owned lands within any federal irrigation project is deferred; and

"Whereas, current federal policy has facilitated these finalized settlements by allowing Central Arizona Project water allocated to Indian-owned lands, but leased for use by non-Indians, to be free of the capital costs normally associated with use of Central Arizona Project water by non-Indians; and

"Whereas, a change in federal policy requiring lessors of Central Arizona Project water allocated to Indian communities to pay capital costs normally associated with non-Indian use of Central Arizona Project water would hinder further settlement of claims to water rights by Arizona Indian communities.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President of the United States instruct the United States Attorney General and the Secretary of the Interior to make the settlement of outstanding water rights claims by the Indian communities of Arizona a priority of their respective departments.

"2. That the United States Congress take whatever actions are necessary, including the authorization of funds, to facilitate the passage and finalization of any negotiated settlements to the Indian communities' outstanding water rights claims.

"3. That the President and Congress of the United States facilitate settlement of outstanding water rights claims by the Indian communities of Arizona by maintaining the current policy of allowing Central Arizona Project water allocated to Indian-owned lands, but leased for use by non-Indians, to be free of the capital costs normally associated with use of Central Arizona Project water by non-Indians.

"4. That the Secretary of state of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Attorney General, the United States Secretary of the Interior and to each Member of the Arizona Congressional Delegation."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2956. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-4; to the Committee on Appropriations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 234: A resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

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.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Michael Nacht, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2000;

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1994;

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Michael Marek, of Illinois, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years;

Jeffrey Rush, Jr., of Virginia, to be Inspector General, Agency for International Development (New Position);

Ernest Gideon Green, of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1995;

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Lawrence Scheinman, of New York, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Amy Sands, of California, to be an Assistant Director of the United States Arms Control and Disarmament Agency; and

David M. Ransom, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: David M. Ransom.

Post: American Embassy, Bahrain.

Contributions, amount, date, donee:

1. Self, David M. Ransom, zero.

2. Spouse, Marjorie A. Ransom, zero.

3. Children and spouses names, Elizabeth, zero; Katherine, zero; Sarah, zero.

4. Parents names, Clifford F. Ransom II, deceased; Inez N. Ransom, deceased.

5. Grandparents name, Fredic and Anna Ransom, deceased; Lockridge and Mina Green, deceased.

6. Brothers and spouses names, Clifford F. Ransom II (no spouse), zero.

7. Sisters and spouses names, no sisters.

---

Joseph Edward Lake, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Joseph Edward Lake.

Post: Ambassador to Albania.

Contributions, amount, date, donee:

1. Self, Joseph E. Lake, none.

2. Spouse, Jo Ann K. Lake, none.

3. Children and spouses names, Joseph E. Lake, Jr., and Susan Fawcett Lake, none. Mary Elizabeth Lake, none; Michael Allen Lake, none.

4. Parents names, Dr. Lloyd E. Lake, Sr., deceased. Marion Marie Allen Lake, deceased.

5. Grandparents name, Joseph Marhal Lake, deceased. Pernita F. Bailey Lake, deceased.

6. Brothers and spouses names, Dr. Lloyd E. Lake, Jr., and Betty Jane Dudley Lake, $200, 1992, Hutchison for Senator.

7. Sisters and spouses names, none.

---

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ronald E. Neumann.

Post: Algiers.

Contributions, amount, date, donee:

1. Self, Ronald E. Neumann, none.

2. Spouse, Margaret Elaine Neumann, none.

3. Children and spouses names, Brian D. Neumann, none; Helen D. Neumann, none.

4. Parents names, Robert and Marlen Neumann, 1994 None.

1993:

$140, National Republican Congressional Committee.

$140, Republicans for Choice.

$100, Republican National Committee.

$25, Montgomery Republican Fund.

$25, Republican Party of Montgomery County.

1992:

$500, Republican Campaign Council.

$100, Bush-Quayle Primary Committee.

$100, Tom Campbell for U.S. Senate.

$125, National Republican Congressional Committee.

$100, Republicans for Choice State Fund.

$25, Conservative Republican Committee.

$25, Montgomery County Republican Fund.

$150, Spiro for Congress.

$40, Handgun Control (PAC).

1991:

$500, Republican National Committee.

$125, National Republican Congressional Committee.

$25, Reagan Appointee Alumni Association.

$100, Republican Campaign Council.

$80, California Republican Party.

$40, Republicans for Choice.

$50, Fund for a Conservative Majority.

$50, Handgun Control (PAC).

$25, Conservative Republican Committee.

1990:

$500, Republican National Committee.

$50, Citizens for Bush.

$50, Bush Presidential Dinner.

$65, California Republican Party.

$75, Committee to Re-elect Tom Campbell.

$225, National Republican Congressional Committee.

$100, Ronald Reagan Presidential Foundation.

$50, Handgun Control (PAC).

$80, Fund for a Conservative Majority.

5. Grandparents names, Mark and Helen Eldredge, deceased. Hugo and Stephanie Neumann, deceased.

6. Brothers and spouses names, Gregory and Leonica Neumann, none.

7. Sisters and spouses names, Marcia Neumann, deceased.

---

Mary Ann Casey, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Mary Ann (NMI) Casey.

Post: U.S. Ambassador to Tunisia.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, (I am single).

3. Children and spouses names, N/A.

4. Parents names, Frank J. Casey, deceased 1983; Anna V. Casey, none.

5. Grandparents names, my last surviving grandparent died in 1962.

6. Brothers and spouses names, Michael J. Casey, none; Frank J. Casey, none.

7. Sisters and spouses names, no sisters.

---

George Charles Bruno, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: George Bruno, Manchester, NH.

Post: Ambassador, Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self, see below.

2. Spouse, Rona Zlokower, None.

3. Children and spouses, Liza Bruno, none.

4. Parents names, Francine Dutcher, and Charles George Bruno, none.

5. Grandparents names, Alfred and Pauline Hofmann, deceased.

6. Brothers and spouses names, Valentine and Lewis Berryan, Victoria Dutcher, John and Cathy Bruno, Richard and Stephanie Dutcher, none.

7. Sisters and spouses names, Above, none.

GEORGE BRUNO

FEDERAL CAMPAIGN CONTRIBUTIONS

| | |
|---|---|
| **1989** | |
| 2/6—Scott Williams for Congress | $100 |
| 2/11—Dave Nagle for Congress | 100 |
| 4/15—Sharon Dixon for Mayor | 50 |
| **1990** | |
| 8/30—Keefe for Congress | 100 |
| 9/17—Cohen for Congress | 30 |
| 10/10—Sharon Dixon for Mayor | 50 |
| **1991** | |
| 1/11—Keefe for Congress | 30 |
| 11/11—Dick Swett for Congress | 50 |
| 12/10—Clinton for President | 100 |
| **1992** | |
| 1/11—Bart Cohen for Congress | 15 |
| 1/11—Dick Swett for Congress | 250 |
| 4/12—Clinton for President | 100 |
| 4/28—Clinton for President | 100 |
| 10/28—Rauh for Senate | 75 |
| 10/10—Bob Preston for Congress | 100 |
| **1993** | |
| 4/13—David Nagle for Congress | 100 |
| 4/29—Italina American Leadership Council for Clinton/Gore | 100 |
| 8/1—Dick Swett for Congress | 250 |

---

Elizabeth Frawley Bagley, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Nominee: Elizabeth F. Bagley.

Post: U.S. Ambassador to Portugal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

1. Self, Elizabeth F. Bagley, see appendix 1.

2. Spouse, Smith W. Bagley, see appendix 2.

3. Children, Vaughan Elizabeth, age 4, not applicable; Conor Reynolds, age 6 months, not applicable.

4. Parents, Hon. John D. Frawley and RoseMary Frawley, none.

5. Grandparents, Mr. and Mrs. Edward Frawley, deceased; Mr. and Mrs. Andrew Vaughn, deceased.

6. Brothers and spouses, Mr. Kevin B. Frawley, Ms. Joan M. Frawley, Rev. Brian E. Frawley, Mr. Terence A. Frawley, Ms. Tabitha Z. Frawley, none.

7. Sisters and spouses: Ms. RoseMary Frawley, Ms. Pegeen Frawley Doran, Hon. Stephen W. Dorn, Ms. Bernadette Frawley Butterfield, Mr. Michael Butterfield, Ms. Ellen M. Frawley, none.

APPENDIX 1

| | |
|---|---|
| 5/1/90—Fascell, Dante B. | 1,000 |
| 5/10/90—Atkins, Chester G. | 500 |
| 5/14/90—Harkin, Tom | 1,000 |
| 5/16/90—Gantt, Harvey B. | 1,000 |
| 5/18/90—Heath, Josephine | 1,000 |
| 6/20/90—Fund for a Democratic Majority | 1,000 |
| 6/29/90—Kerry, John | 1,000 |
| 6/30/90—Dodd, Christopher J. | 1,000 |
| 9/13/90—Democratic Senatorial Campaign Committee | 7,000 |
| 9/19/90—Heath, Josephine | 1,000 |
| 9/20/90—Baucus, Max | 1,000 |
| 10/22/90—Lonsdale, Harold K. | 1,000 |
| 10/24/90—Atkins, Chester G. | 500 |
| 10/24/90—Wellstone, Paul | 500 |
| 10/26/90—Wellstone, Paul | 500 |
| 11/2/90—Hill, Baron P. | 1,000 |
| 2/8/91—Ferraro, Geraldine | 1,000 |
| 4/19/91—Fowler, Wyche, Jr. | 1,000 |
| 4/19/91—Wirth, Timothy E. | 1,000 |
| 5/13/91—Boxer, Barbara | 1,000 |
| 5/17/91—Democratic National Committee Services Corporation/Democratic National Committee | 500 |
| 6/6/91—Wofford, Harris | 1,000 |
| 6/6/91—Wofford, Harris | 1,000 |
| 6/7/91—Mikulski, Barbara A. | 1,000 |
| 6/8/91—Massachusetts Democratic State Committee—Federal Funds Account | 1,000 |

| | |
|---|---|
| 6/14/91—Fund for a Democratic Majority | 1,000 |
| 6/18/91—Aucoin, Les | 1,000 |
| 8/13/91—Harkin, Tom | 1,000 |
| 8/13/91—Harkin, Tom | 1,500 |
| 9/16/91—Democratic National Committee Services Corporation/Democratic National Committee | 1,500 |
| 9/25/91—Democratic National Committee Services Corporation/Democratic National Committee | 3,000 |
| 10/22/91—Boxer, Barbara | 1,000 |
| 10/23/91—Kerrey, J. Robert | 1,000 |
| 10/28/91—Democratic Senatorial Campaign Committee | 12,000 |
| 11/29/91—Aucoin, Les | 1,000 |
| 12/19/91—Democratic National Committee Services Corporation/Democratic National Committee | 3,500 |
| 2/20/92—Harman, Jane | 1,000 |
| 4/10/92—Clinton, Bill | 1,000 |
| 7/8/92—Clinton, Bill | 1,000 |
| 8/1/92—Yeakel, Lynn Hardy | 1,000 |
| 9/16/92—Harman, Jane | 500 |
| 10/15/92—Moody, Jim | 1,000 |
| 10/23/92—Feinstein, Dianne | 1,000 |
| 10/28/92—Democratic Senatorial Campaign Committee | 3,655 |
| 11/12/92—Fowler, Wyche, Jr. | 1,000 |
| 5/7/93—Kerry, J. Robert | 1,000 |
| 5/7/93—Kerry, J. Robert | 1,000 |
| 8/12/93—Kennedy, Edward | 500 |
| 10/6/93—Wofford, Harris | 1,000 |
| 10/29/93—Democratic Senatorial Campaign Committee | 5,500 |
| 12/7/93—Kennedy, Edward | 500 |

APPENDIX 2

| | |
|---|---|
| 5/7/90—Democratic Senatorial Campaign Committee | 3,000 |
| 5/14/90—Harkin, Tom | 1,000 |
| 5/15/90—Baucus, Max | 1,000 |
| 5/16/90—Gantt, Harvey B. | 1,000 |
| 6/15/90—Democratic Decade | 2,000 |
| 7/30/90—Gantt, Harvey B. | 1,000 |
| 7/30/90—Gantt, Harvey B. | 1,000 |
| 9/6/90—Norton, Eleanor Holmes | 1,000 |
| 9/8/90—Moffett, Anthony Toby | 1,000 |
| 10/4/90—Wellstone, Paul | 500 |
| 10/25/90—Wellstone, Paul | 500 |
| 2/28/91—Gantt, Harvey B. | 1,000 |
| 3/19/91—Boxer, Barbara | 1,000 |
| 4/29/91—Dodd, Christopher J. | 1,000 |
| 4/12/91—Richardson, Bill | 1,000 |
| 4/19/91—Fowler, Wyche Jr. | 1,000 |
| 5/17/91—Democratic National Committee Services Corporation/Democratic National Committee | 500 |
| 5/20/91—Independent Action Incorporated | 1,000 |
| 6/6/91—Wofford, Harris | 1,000 |
| 6/6/91—Wofford, Harris | 1,000 |
| 8/13/91—Harkin, Tom | 1,000 |
| 9/4/91—Harman, Jane | 1,000 |
| 9/16/91—Democratic National Committee Services Corporation/Democratic National Committee | 1,500 |
| 9/25/91—Democratic National Services Corporation/Democratic National Committee | 3,000 |
| 9/26/91—Ferraro, Geraldine | 1,000 |
| 10/8/91—Aucoin, Les | 1,000 |
| 10/21/91—Boxer, Barbara | 1,000 |
| 11/25/91—Aucoin, Les | 1,000 |
| 12/19/91—Democratic National Committee Services Corporation/Democratic National Committee | 3,500 |
| 12/30/91—Moody, Jim | 1,000 |
| 12/30/91—Moody, Jim | 1,000 |
| 2/28/92—Sanford, James Terry | 1,000 |
| 3/26/92—Watt, Melvin | 1,000 |
| 4/1/92—Kerrey, Robert J. | 1,000 |
| 5/19/92—Clinton, William Jefferson | 1,000 |
| 6/10/92—Yeakel, Lynn Hardy | 1,000 |
| 7/8/92—Clinton, William Jefferson | 1,000 |
| 9/11/92—Democratic Senatorial Campaign Committee | 3,000 |
| 10/16/92—Feingold, Russell D. | 1,000 |
| 6/29/92—Wofford, Harris | 2,000 |

Brian J. Donnelly, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Brian Joseph Donnelly.

Post: Ambassador, Trinidad and Tobago.

Contributions, amount, date, donee:

1. Self, $1,000, March 1992, Pat Williams for Congress; $1,000, July 1992, Citizens for Downey; $1,000, Oct. 1992, McCloskey for Congress; $1,000, Oct. 1992, Kennelly for Congress; $1,000, Oct. 1992, Boxer for Senate; $1,000, Oct. 1992, Martin Meehan for Congress; $1,000, June 1992, Okar for Congress; $1,000, June 1992, Anthony for Congress.

Also $1,000, Richard E. Neal for Congress; $1,000, June 1991, Les AuCoin for Senate Committee; $5,000, Oct. 1991, Democratic Congressional Committee; $1,000, Feb. 1990, Citizens for Harkin; $1,000, May 1990, Brennan for Governor; $1,000, July 1990, Carl Perkins Committee; and $1,000, Sept. 1990, McCloskey for Congress.

2. Spouse, Virginia A. Donnelly, none.

3. Children and Spouses, Lauren Donnelly, none; Brian Donnelly, none.

4. Parents, Lawrence Donnelly, deceased; Louise Donnelly, deceased.

5. Grandparents, Thomas and Sarah Donnelly, deceased; Joseph and Margaret Kelly, deceased.

6. Brothers and Spouses, Lawrence and Mary Donnelly, none; Paul Donnelly, none.

7. Sisters and Spouses, Louise and Paul Lydon, none.

---

Clay Constantinou, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Clay Constantinou.

Post: Ambassador to Luxembourg.

Contributions, amount, date, donee:

1. Self $1,000, Apr. 1990, Fund for a Democratic Majority; $1,000, Apr. 1990, Friends for Robert Torriccelli; $500, Mar. 1990, Don Payne for Congress; $500, Feb. 1990, Gubernatorial Inaugural Ball (N.J.); $500, Feb. 1990, Gubernatorial Inaugural Ball (N.J.).

Also $20, Feb. 1991, Mid Manhattan Democratic Club; $150, Feb. 1991, Pallone for Congress; $300, Feb. 1991, Friends for Gabe Ambrosio; $150, May 1991, Westchester County Democratic Committee; $500, Apr. 1991, Paul Tsongas for President; $500, May 1991, Tsongas for President Committee; $500, June 1991, Tsongas Committee; $1,500, Sept. 1991, Governor's Gala (N.J.); $1,000, Oct. 1991, Clinton for President; $1,000, Oct. 1991, Robert Torriccelli; $125, Oct. 1991, Highland Park Democratic Club; $500, Aug. 1991, Pallone for Congress.

Also $1,000, May 1992, New Jersey State Democratic Committee; $250, July 1992, Rosa DeLauro; $50, Sept. 1992, Executive's Family Picnic; $500, June 1993, Lautenberg Committee; $1,800, May 1993, Florio '93; $500, June 1993, Friends of Phil Angelides; $500, June 1993, Sarbanes Committee; $500, Feb. 1993, Bill Bradley for U.S. Senate.

2. Spouse, Eileen Constantinou, none.

3. Children and Spouses Jennifer, Dan, none.

4. Parents, Dan (deceased) Helen (deceased), none.

5. Grandparents, Kleanthes Maouris, Polyxeni Maouris, deceased.

6. Brothers and Spouses, Dino Constantinou, none.

7. Sisters and spouses, none.

---

Raymond Edwin Mabus, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Raymond Edwin Mabus, Jr.

Post: Ambassador to Audi Arabia.

Contributions, amount, date, donee:

1. Self, $500.00, 4/10/92, Clinton-Gore Campaign, $200.00, 6/19/92, Mike Espy for Congress (Second District of Mississippi); $500.00, 4/6/93, Bennie Thompson for Congress (Second District of Mississippi).

2. Spouse, $500.00, 10/29/92, Clinton-Gore Campaign.

3. Children, Names, Elisabeth Hamilton Mabus, Anne Gates Mabus.

4. Parents, Names, Raymond E. Mabus, Sr., deceased, Lucille C. Mabus, none.

5. Grandparents, Names, Elmer E. Mabus, Deceased; Helen S. Mabus, Deceased, James E. Curtis, Deceased, Birdie W. Curtis, Deceased.

6. Brothers, Names, None.

7. Sisters, Names, None.

Note: All contributions came out of a joint account of my wife and myself.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD on May 24, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 24, 1994 at the end of the Senate proceedings.)

By Mr. MOYNIHAN, from the Committee on Finance:

Valerie Lau, of California, to be inspector General, Department of the Treasury; and

Ronald K. Noble, of New York, to be Under Secretary of the Treasury for Enforcement. (New Position)

(The above nominations were reported with the recommendation that

they be confirmed, subject to the nominees; commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Lee Ann Elliott, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 1999; and

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees; commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2247. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2248. A bill to permit the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, WA, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes; to the Committee on Energy and National Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2249. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S.J. Res. 206. Joint resolution designating September 17, 1994, as Constitution Day; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BREAUX, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mr. GLENN, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. Res. 235. Resolution to print as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 236. Resolution to increase the portion of funds available to the Committee on Banking, Housing, and Urban Affairs for hiring consultants; considered and agreed to.

## STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2247. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAIR HOUSING ACT AMENDMENTS OF 1994

• Mr. GORTON. Mr. President, it has been brought to my attention, by thousands of letters from my constituents in Washington State, that the Department of Housing and Urban Development is in the process of developing a proposed rule regarding homes for older persons. Although this proposed rule has not yet been published, it has already caused a great deal of anger and distress among senior citizens in my State and across the Nation. This proposed rule is an attempt to place arduous, expensive, and unfair regulations on communities created especially for persons aged 55 and older.

I introduce legislation which would counteract HUD's proposed rule. The Fair Housing Act currently in effect, rightly exempts "55 and over" communities from certain familial status discrimination provisions. The law allows senior citizens to develop communities which restrict residence to persons aged 55 and older. These communities give seniors a choice to live in a comfortable, quiet home of their own—a choice they rightly deserve. But, the Department of Housing and Urban Development wants to take that choice away.

Officials at HUD are proposing a rule which would eliminate this exemption unless 55 and older communities provide a set of extravagant and very expensive services and facilities for their residents. The Department argues that the Fair Housing Amendments Act of 1988 already includes a provision requiring certain services and facilities in order for these communities to qualify for the exemption, and that the proposed rule is merely an attempt to better define this provision of the law.

Mr. President, I argue that it was never the intent of Congress to make the requirements for exemption so onerous that only a few, very wealthy 55 and over communities would have the means to qualify. Yet that is precisely what HUD's proposed rule will do. The Department of Housing and Urban Development plans to mandate 24-hour on-site emergency medical facilities, nursing care, on-site community dining facilities and many more exorbitant facilities and services.

What HUD doesn't seem to understand is that the majority of 55 and over communities cater to low- and moderate-income seniors. Many are mobile home parks or apartment complexes. These communities simply do not have the resources necessary to comply with HUD's proposed regulations. My constituents who operate and live in these senior communities have told me if HUD's proposed rule is enacted, they will be forced to either drastically increase rents—forcing many residents to move out—or give up their exemption, creating for many of them loud and chaotic living situations which they want desperately to avoid. Mr. President, neither of these options is acceptable to my constituents and neither is acceptable to me.

Senior citizens deserve the right to live as they choose. Retired Americans have spent a lifetime raising children, paying taxes, and working hard. They have earned their retirement and the right to live in the community of their choice, without the Federal Government saddling them with burdensome, complicated, and expensive Federal regulations. Clearly, retired Americans have the intelligence to decide whether they need to live in a community with 24-hour medical care without the assistance of the Federal Government.

Mr. and Mrs. Roderick Mason of Bellingham, WA wrote to me a few weeks ago to express their deep concern about the Department's proposal. They write,

> When we moved to our mobile home park we knew what services were offered and chose to live here with people in our age group. We do not desire the added services needed for those who can no longer care for themselves. We have no desire to operate as a nursing home. In our view, that is not the true intent of 55 and over housing.

And Mr. and Mrs. Bob Larsen of Seattle write,

> Many of us already have to contend with the rising cost of living since our original retirement and to further disrupt our lifestyle with unnecessary rules and regulations would be disgusting. Our plan when we moved into this community, was to live here as long as we could function on our own.

Like my constituents, I am outraged by the Department of Housing and Urban Development's proposal. That is why I am introducing this legislation today. My bill would simply exempt communities, in which at least 80 percent of the residents are aged 55 and over, from the services and facilities provision of the Fair Housing Act. In effect, this legislation will give retired Americans the right to live in the community of their choice without undue interference by the Federal Government.

I am introducing this legislation today, because I believe individuals are better suited to make decisions about how to live their own lives than is the

Federal bureaucracy. I urge my colleagues to join me in this fight to protect the rights of retired Americans, before the Federal Government is able to eliminate their choice to live in a community designed specifically for persons aged 55 and over.●

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2248. A bill to permit the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes; to the Committee on Energy and Natural Resources.

U.S. FOREST SERVICE/CHELAN COUNTY PUBLIC UTILITIES DISTRICT LAND EXCHANGE ACT OF 1994

● Mr. GORTON. Mr. President, I introduce legislation to authorize a land exchange between the Wenatchee National Forest and Chelan County Public Utilities District. This bill was passed by the Senate in the 102d Congress, but no action was taken in the House of Representatives.

In recent years in Chelan county, the septic tank and associated drainfield systems of several local businesses and private residences have begun to fail. This failure may cause potential pollution to the pristine waters of Lake Wenatchee. A solution was found when a local business owner inquired into the possibility of using a sewage treatment plant owned and operated by the Wenatchee National Forest to treat the area's wastewater. Chelan County PUD was also approached and agreed to provide wastewater treatment services in the Lake Wenatchee area.

Both the Forest Service and Chelan County PUD have agreed to a land exchange which would transfer ownership of the existing sewage treatment plant in the Wenatchee National Forest and the surrounding 85 acres of National Forest land to Chelan County PUD. The Forest Service would receive 109 acres of Chelan County PUD land in exchange. The PUD land is surrounded on three sides by national forest land and lies on the Wenatchee River, a proposed wild and scenic river.

This land exchange is supported by both the Forest Service and Chelan County PUD, as well as local residents and business owners in the Lake Wenatchee area. It would serve to prevent the potential pollution of Lake Wenatchee and exchange national forest land currently encumbered by a sewage treatment plant with more desirable land located on the Wenatchee River.

Mr. President, this exchange is a win-win solution to Lake Wenatchee's sewage treatment problem. I urge the Energy Committee to hold hearings on the bill as soon as possible. I thank my colleagues for their consideration.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2249. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

ANCSA STOCK BUYBACK ACT OF 1994

● Mr. MURKOWSKI. Mr. President, I rise today to introduce the Alaska Native Claims Settlement Act Stock Buyback Act of 1994.

In 1971 Congress enacted the Alaska Native Claims Settlement Act [ANCSA] to settle Alaska Natives land claims.

Under ANCSA, the Federal Government granted Alaska's Natives 44 million acres of land and approximately $1 billion in monetary compensation for the loss of title to their ancestral lands. In addition, ANCSA formed Native corporations. Alaska Natives enrolled in these corporations were issued shares of stock in the various regional and village corporations.

ANCSA specifically stated that Native corporation stock—unlike most corporate stock—could not be sold, transferred, or pledged by the owners of the shares. Rather, stock could only be transferred through inheritance or in limited cases by court decree.

The drafters of ANCSA initially believed that a period of 20 years would be a sufficient amount of time for the restrictions on the sale of stock to remain in place. But, as 1991 approached, bringing with it the impending change in the alienability of Native stock, the Alaska Native community grew concerned about the effect of the potential sale of Native stock.

In 1987, 3 years prior to the 1991 restriction-lifting date, Congress enacted legislation which reformed the mechanism governing stock sale restrictions in a fundamental way.

Under the 1987 amendments, instead of expiring automatically in 1991, the stock restrictions on alienability continue automatically unless and until the shareholders of a Native corporation vote to remove them.

The legislation I am introducing today amends ANCSA by allowing the Cook Inlet Regional Corporations [CIRI], upon the approval of its 6,300 shareholders, to offer to its shareholders, a repurchase plan of CIRI stock from those shareholders who desire to tender their stock to the company.

The stock would then be canceled. The plan allows shareholders to access the capital value of CIRI stock in a way that preserves Native control and ownership of CIRI. The proposed legislation contains safeguards designed to ensure that the repurchase would be conducted fairly.

Mr. President, this legislation is supported by Alaska's Native community.

I have discussed this issue with Senator STEVENS and Congressman YOUNG and we have decided to support CIRI's efforts to repurchase stock which will enable CIRI and other ANCSA Regional Corporations to remain in Native control.

I urge my colleagues to support this legislation.●

By Mr. WOFFORD:

S.J. Res. 206. A joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on the Judiciary.

CONSTITUTION DAY JOINT RESOLUTION

● Mr. WOFFORD. Mr. President, on June 29, 1787, 207 years ago today, the delegates to the Constitutional Convention in Philadelphia spent hours debating representation in a bicameral legislature. Delegates from Maryland insisted that the small States be equally represented in the House and Senate, arguing that without such representation, the small States would be squashed.

This argument was not universally accepted. Small State delegates Oliver Ellsworth and Roger Sherman of Connecticut continued working behind the scenes to effect a compromise with the delegates of the large States, so that the proposed Senate would contain equal representation of two Senators from each State, while the House of Representatives would be based on population—the compromise that was eventually adopted and served as a key ingredient in making the Convention a success.

On behalf of the National Constitution Center, chartered by Congress in 1988 in the Constitutional Heritage Act and located in Philadelphia, I am introducing today a resolution that would designate September 17, 1994 as Constitution Day.

Constitution Day would honor the Constitution and publicize the importance of observing and understanding how this document affects our daily lives. The Constitution is the greatest instrument of self-government yet devised. It has lasted more than 200 years and has given us stability, continuity, growth, and flexibility.

The National Constitution Center last year expanded its celebration of Constitution Day from one park, Independence National Historic Park in Philadelphia to 139 parks, archives, and Presidential libraries around the country. Citizens numbering 200,000 signed replicas of the Constitution. This year, the Center will further expand its effort to teach people the values of the Constitution. I hope this resolution will allow Constitution Day to be conducted in large cities and small towns across the Nation. The Center hopes to eventually extend the program into a Constitution Week—a full week of activities and events designed to furthering the understanding of this magnificent document.

I was a member of the original Planning Committee that launched the National Constitution Center in 1985–86, and I have long held an interest in our country's earliest history. That is why I support the National Constitution

Center and their efforts to expand the program and ultimately build a Constitution Center in Philadelphia—a place where millions of Americans could come to learn more about the great ideas behind our Constitution, its bill of Rights, and the Declaration of Independence.

I am pleased to introduce this resolution designating September 17, 1994 as Constitution Day. I hope my colleagues will join me in sponsoring this legislation, and I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S.J. RES. 206

Whereas the Constitution of the United States is the cornerstone of the Nation's system of government under law;

Whereas the Constitution of the United States signifies the importance of the rule of law and affirms the Nation's dedication to the principles of freedom and justice;

Whereas the Constitution of the United States is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution of the United States provides the framework of the Nation's law, spirit, and beliefs;

Whereas the Constitution of the United States deserves the recognition, respect, and reverence of all Americans;

Whereas every American should celebrate the freedom and responsibilities of the Constitution of the United States; and

Whereas the Constitution of the United States was signed on September 17, 1787; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That September 17, 1994, is designated as "Constitution Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.●

## ADDITIONAL COSPONSORS

S. 2046

At the request of Mr. COCHRAN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2046, a bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health research centers regarding movement disorders, and for other purposes.

S. 2070

At the request of Mr. KOHL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2070, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation.

S. 2183

At the request of Mr. ROBB, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2225

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2225, a bill to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

S. 2243

At the request of Mr. STEVENS, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of 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.

S.J. RES. 169

At the request of Mr. WARNER, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Indiana [Mr. LUGAR], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S.J. Res. 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

S.J. RES. 178

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S.J. Res. 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

S.J. RES. 192

At the request of Mr. KOHL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. MURKOWSKI], the senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. DORGAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S.J. Res. 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

S.J. RES. 198

At the request of Mr. PRYOR, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S.J. Res 198, a joint resolution designating 1995 as the "Year of the Grandparent."

S.J. RES. 199

At the request of Mr. COCHRAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S.J. Res. 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

S. RES. 234

At the request of Mr. PELL, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. Res. 234, a resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

## SENATE RESOLUTION 235—RELATIVE TO A COLLECTION OF STATEMENTS

Mr. MITCHELL (for himself, Mr. DOLE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BREAUX, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mr. GLENN, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 235

*Resolved,* That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis, together with appropriate illustrations and other materials relating to her death.

## SENATE RESOLUTION 236—RELATIVE TO THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 236

*Resolved,* That section 6(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "$1,000" and inserting "$300,000".

## AMENDMENTS SUBMITTED

### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

#### DOLE (AND LIEBERMAN) AMENDMENT NO. 2103

Mr. MCCONNELL (for Mr. DOLE, for himself and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related

program for the fiscal year ending September 30, 1995; as follows:

On line 21 of the first committee amendment strike the word states, and insert the following:

States

BOSNIA AND HERZEGOVINA SELF-DEFENSE

SEC. . (a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1944".

(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.

## LAUTENBERG (AND OTHERS) AMENDMENT NO. 2104

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. SASSER) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the amendment, insert the following:

PRISONER TRANSFERS

SEC. . (a) SHORT TITLE.—This section may be cited as the "Prisoner Transfer Equity Act".

(b) PURPOSE.—The purpose of this section is to relieve overcrowding in Federal and State prisons by providing for the transfer of criminal aliens convicted of crimes in the United States back to their native countries to serve the balance of their sentences.

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

(1) The cost of incarcerating an illegal alien in a Federal or State prison can cost as much as $25,000 per year.

(2) There are approximately 46,000 convicted criminal aliens serving in American prisons, including 25,000 convicted criminal aliens serving in State prisons and 21,000 convicted criminal aliens serving in Federal prisons.

(3) Many of these convicted criminal aliens are also illegal aliens, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of convicted criminal aliens is approximately $1,200,000—

(5) There are approximately 2,500 American citizens serving in prisons outside the United States.

(6) The United States has entered into over 25 prisoner exchange treaties. Since 1977, under these treaties, the United States sent approximately 1,200 prisoners to other countries but has received approximately 1,400 prisoners that it had to imprison. This has added to United States prison overcrowding.

(d) PRISONER TRANSFER TREATIES.—No later than 90 days after the date of enactment of this Act, the President should begin to negotiate prisoner transfer treaties, or renegotiate existing prisoner transfer treaties, with countries that currently have more prisoners in United States prisons than there are United States citizens in their prisons, to carry out the purpose of this Act. The focus of these negotiations should be on the tranfer of illegal aliens who are serving in United States prisons.

(e) REPORT; WITHHOLDING OF ASSISTANCE.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and not later than March 30 each year thereafter, the President shall submit a report to Congress on the progress of negotiations undertaken under subsection (d) since the date of enactment of this Act or the date of submission of the last report, as the case may be.

(2) WITHHOLDING OF ASSISTANCE.—Whenever—

(A) a report submitted under paragraph (1) indicates that no progress has been made in negotiations under subsection (d) with a foreign country, and

(B) the United States continues to maintain a surplus of prisoners who are nationals of that country,

then, for the remainder of the fiscal year, and each fiscal year thereafter until progress is reported under subsection (a), not less than one percent or more than 10 percent of United States bilateral assistance allocated for that country (but for this provision) shall be withheld from obligation and expenditure for that country.

(3) DEFINITION.—As used in this section, the term "United States bilateral assistance" means—

(A) assistance under the Foreign Assistance Act of 1961 other than assistance provided through international organizations or other multilateral arrangements; and

(B) sales and sales financing under the Arms Export Control Act.

(f) WAIVER AUTHORITY.—The President may waive the application of subsection (e)(2) if such an application would jeopardize relationships between the United States and a foreign country that the President determines to be in the national interest. Whenever the President exercises the waiver authority of this section, the President shall submit a statement in writing to Congress setting forth the justification for the exercise of the waiver.

(g) DIPLOMATIC EFFORTS.—For each country that does not receive United States assistance and for which the conditions of subsections (e)(2)(A) and (e)(2)(B) apply, the President should use such diplomatic offices and powers as may be necessary to make progress in negotiating or renegotiating a prisoner transfer treaty.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect the existing immigration, refugee, political asylum laws of the United States nor any Federal, State, or local criminal laws.

## LEAHY AMENDMENTS NOS. 2105-2108

Mr. LEAHY proposed four amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2105

On page 34, line 11 of the Committee reported bill, linetype "Peru, and Malawi" and insert immediately thereafter: "and Peru".

AMENDMENT NO. 2106

On page 6, line 13 of the Committee reported bill, linetype "during fiscal year" through "600" on line 15 and insert immediately thereafter: "of the amount appropriated under this heading not more than $7,002,000 may be expended for the purchase of such stock in fiscal year 1995".

AMENDMENT NO. 2107

On page 59, line 19 of the Committee reported bill, after the word "ceiling" insert: "established pursuant to any provision of law or regulation".

AMENDMENT NO. 2108

On page 79, line 13 of the Committee reported bill, after the word "Defense" insert: "and defense services of the Department of Defense".

## MIKULSKI AMENDMENT NO. 2109

Mr. LEAHY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. . DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND.**

(a) EXTENSION OF AUTHORIZATION.—Section 2223(a) of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note) is amended by striking "1988 through 1992" and inserting "1995 through 1999".

(b) DEFINITION OF ELIGIBLE COMMODITIES.—Section 2223(b)(1) of that Act is amended by inserting ", soybeans, and soybean products" after "feed grains".

(c) ELIGIBLE ACTIVITIES.—Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended in the third sentence—

(1) by striking "and" at the end of subclause (II);

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

## LEAHY AMENDMENT NO. 2110

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 80 of the Committee reported bill, linetype from "(e)" on line 7 through and including the period on line 17, and on page 112, after line 9, insert:

"WAR CRIMES TRIBUNALS

SEC. 577. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or other bodies as the Council may establish to deal with such violations, without regard to

the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia."

---

## COCHRAN AMENDMENT NO. 2111

Mr. COCHRAN proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 33, line 3, strike all after "*Provided further*" through "United Nations Charter" on line 18.

---

## HELMS AMENDMENT NO. 2112

Mr. HELMS proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 3, strike lines 8 through 13.

---

## LEAHY AMENDMENT NO. 2113

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 33, line 3, of the Committee reported bill, strike "*Provided further, That*" and all that follows through "*Charter*" on line 18, and insert:

"*Provided further, That any agreement for the sale or provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey utilizing funds made available under this heading that is entered into by the United States during fiscal year 1995 shall expressly state that the article will not be used in violation of international law, and any grant of any excess defense article under the Foreign Assistance Act of 1961 during fiscal year 1995 shall be subject to the same condition: Provided further, That in any case in which a report to the Congress is required under section 3(c)(2) of the Arms Export Control Act regarding such a violation, such report shall also be submitted to the Committees on Appropriations: Provided further, That the Secretary of State, in consultation with the Secretary of Defense shall submit a report to the Committees on Appropriations by February 1, 1995, describing how United States assistance to Greece is promoting respect for principles and obligations under the United Nations sanctions against Serbia, the United Nations Charter and the Helsinki Accords.*"

---

## McCONNELL AMENDMENT NO. 2114

Mr. McCONNELL proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the section entitle "Assistance for the New Independent States of the Former Soviet Union," add the following new subsection:

Not less than $15,000,000 of the funds appropriated under this heading shall be spent to support and expand the hospital partnerships program conducted throughout the NIS.

## PRESSLER AMENDMENTS NOS. 2115–2116

Mr. PRESSLER proposed two amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2115

On page 112, between lines 9 and 10, insert the following new section:

BUY AMERICA

SEC. . (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay any United States voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the appropriate congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers for such activities and for other United Nations acquisition needs.

(b) For purpose of this section, the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

---

AMENDMENT NO. 2116

On page 112, between lines 9 and 10, insert the following new section:

TELECOMMUNICATIONS PROCUREMENT

SEC. . It is the sense of the Congress that the Agency for International Development, and other agencies as appropriate, should take steps to ensure that United States firms are not unfairly disadvantaged in procurement opportunities related to promoting development through telecommunications enhancement. The Congress expects that high technology firms primarily owned by nationals of countries which deny procurement opportunities to United States firms will not be eligible to bid on procurement opportunities funded by programs in this Act. In particular, the Congress would oppose such purchases if the government of that country restricts American manufacturers of the same high technology products from government procurement or government-financed programs.

---

## GREGG (AND NICKLES) AMENDMENT NO. 2117

Mr. GREGG (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF THE CONGRESS ON UNITED STATES MILITARY OPERATIONS IN HAITI.**

(a) REAFFIRMATION OF POLICY.—It is the sense of the Congress that the policy stated in section 8147 of Public Law 103–139 (107 Stat. 1474) regarding Haiti should be reaffirmed.

(b) LIMITATION.—It is the sense of the Congress that none of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other Act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

---

## MITCHELL (AND OTHERS) AMENDMENT NO. 2118

Mr. MITCHELL (for himself, Mr. LEAHY, Mr. WARNER, and Mr. BIDEN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the amendment add the following:

**SEC. . SENSE OF THE CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.**

(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Congress that funds appropriated by this Act or any other Act should not be obligated or expended in Haiti unless—

(1) authorized in advanced by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than forty eight hours after the initiation of the deployment; or

(4) the president transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by U.S. national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of U.S. Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the U.S. Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the U.S. Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of U.S. diplomatic or other U.S. government facilities, or operations to computer emigration from Haiti.

## MACK (AND MCCONNELL) AMENDMENT NO. 2119

Mr. LEAHY (for Mr. MACK for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

SEC. . (a) REPORTING REQUIREMENT.—The Secretary of State shall, by March 31, 1995, submit to the Committees on Appropriations a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies, and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess of a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for East European Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

## LEVIN AMENDMENT NO. 2120

Mr. LEAHY (for Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

"NON-LETHAL EXCESS DEFENSE ARTICLES

SEC. . Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1995, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to Albania."

## BURNS AMENDMENT NO. 2121

Mr. LEAHY (for Mr. BURNS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 23, after line 25, insert the following new subsection:

(n) Of the programs funded under this heading, it is the sense of the Senate that a volunteer United States Tech Corps should be funded for the purpose of providing technical assistance to the new independent states of the former Soviet Union, particularly in the refrigeration of perishable commodities.

## LEAHY AMENDMENT NO. 2122

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

## MCCONNELL AMENDMENT NO. 2123

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union, add the following new section:

Not less than $50,000,000 of the funds appropriated under this heading be made available for programs and activities which match U.S. private sector resources with federal funds.

## MCCONNELL AMENDMENT NO. 2124

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of section entitled "Assistance to the New Independent States and of the Former Soviet Union" add the following:

Within sixty days of enactment of this Act, the Administrator of the Agency of International Development shall report to the Committees on Appropriations concerning the feasibility of developing an outreach program which would make grants to partnerships between American communities and organizations with cultural and ethnic ties to the new independent states and their counterparts in the new independent states."

## PRYOR (AND LAUTENBERG) AMENDMENT 2125

Mr. LEAHY (for Mr. PRYOR for himself and Mr. LAUTENBERG proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

SEC. . None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation); or

(2) food (other than food provided at a military installation); or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees and food at sporting events and amusement parks.

## MCCONNELL AMENDMENT NO. 2126

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

The Senate finds that:

(A) The Burmese people overwhelmingly voted in 1990 to begin a process of political and economic reform based on a fundamental respect for human rights and freedom of political expression by resoundingly rejecting the military-led government of the State Law and Order Restoration Council (SLORC), and electing a coalition government headed by the National League for Democracy;

(B) SLORC refused to recognize the will of the Burmese people and in the wake of the election launched a bloody crackdown against the prodemocracy movement killing some activists through torture; others were imprisoned or forced to flee Burma;

(C) Since that time, all political dissent has been banned with violators arrested, jailed often beaten and sometimes executed for attempting to express their political beliefs. The United States and United Nations have repeatedly identified SLORC as one of the worst offenders of human rights in the world;

(D) SLORC and military officials have a long history of complicity in drug trafficking and production;

(E) The forced conscription of rural villagers including the elderly, pregnant women, and children as slave labor to carry arms and ammunition for the military, and build roads and bridges for government projects continues. Slave porters are routinely malnourished, beaten, often raped and sometimes executed if they fail to perform work ordered by military officials;

(F) The massive infusion of new arms into Burma poses a direct threat to regional stability; and

(G) The actions of the government of Thailand in harassing and forceably repatriating Burmese refugees is of deep concern to the United States.

The Senate of the United States of America calls for:

(A) SLORC to immediately and unconditionally release the leader of the National League for Democracy, Aung San Suu Kyi, from house arrest and install the legitimate government of Burma;

(B) Immediate access to political detainees or convicted prisoners of any kind by representatives of the International Committee of the Red Cross.

(C) The regime in Rangoon to take real and meaningful action against drug smugglers and corrupt government officials to combat the flood of opium and heroin coming from Burma;

(D) International corporations investing or seeking business opportunities in Burma to recognize SLORC's policy of political repression, abuse of human rights, use of slave labor, and complicity in drug trafficking and refrain from investing in Burma;

(E) The international community to ban selling weapons to SLORC;

(F) The international community to recognize the plight of Burmese refugees and take whatever steps may be necessary to guarantee their safety and human rights.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 29, 1994 at 9:30 a.m., in SD–628, to receive testimony from administration witnesses on pesticide legislation including S. 985, S. 1478, and S. 2050.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Wednesday, June 29, 1994, at 2 p.m., to consider the Health Security Act of 1994; and to consider the nomination of Valerie Lau to be the Inspector General of the Treasury Department; and to consider the nomination of Ronald Noble to be Under Secretary of the Treasury—Enforcement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 29, at 9 a.m. to hold ambassadorial nomination hearings on Brian J. Donnelly, to be Ambassador to Trinidad and Tobago and on Mr. George C. Bruno, to be Ambassador to Belize.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 29, at 11 a.m. to hold a business meeting to consider and vote on the attached agenda items.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent on the behalf of the Governmental Affairs Committee for authority to meet on Wednesday, June 29, at 9:30 a.m. for a hearing on Congressional Coverage Legislation: Applying Laws to Congress.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, June 29, at 2:30 p.m. for a nomination hearing on Zoe Bush, Rhonda Winston, and Judith Bartnoff, nominees, for Associate Judge, Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, 1994, to hold a hearing on the nominations of Guido Calabresi of Connecticut, to be U.S. circuit judge for the second circuit and John R. Schmidt of Illinois, to be associate attorney general.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation be authorized to meet on July 29, 1994, at 2 p.m. on S. 2120, Reauthorization of the Corporation for Public Broadcasting.

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

## ADDITIONAL STATEMENTS

### TEDDY KOLLEK GIVES US WISDOM

• Mr. SIMON. Mr. President, over the years, I have had the chance to get acquainted with the former mayor of Jerusalem, Teddy Kollek.

I've always been impressed by his enthusiasm, his wisdom, his ability and, most of all, his willingness to make his role as mayor an umbrella where he pulls Arabs, Jews, Christians, and people of every background together. I remember having dinner with him one night when he had to leave early because he had to go to a Greek Orthodox event.

Recently, I saw a column in the Jerusalem Post, which he wrote, about Jerusalem. But it really touches on more than Jerusalem.

It talks about basically recognizing that all citizens have to be first-class citizens but, also, recognizing that Jerusalem can never be divided again.

Because what he says makes so much sense and because of the stature that Teddy Kollek has with so many of us, I ask to insert this into the RECORD at this point, and I urge my colleagues to read it.

[From the Jerusalem Post, June 11, 1994]

NO ONE CAN SAY WE TREATED JERUSALEM'S ARABS BADLY

(By Teddy Kollek)

Jerusalem is making the headlines every day. Arafat mentions it in his speeches and promises a jihad. Some of our right-wing politicians, including Jerusalem's mayor, make strong statements about the unity of the city. And professors try to come up with compromise solutions.

The status of Jerusalem clearly has to be settled if lasting peace is to be achieved.

During these crucial days, I frequently hear city officials stress how little my administration did for the Arabs, and how they plan to do much more. Although I doubt their sincerity, I can only wish them luck. But I would like to put the facts straight as I see them.

During my 28 years as mayor I was often attacked for doing too much for the Arabs. This angered me because I felt we were doing too little; but a mayor's power is limited by the government, by the city council and by the financial means at his disposal.

From the moment Jerusalem was united in 1967, I believed that we had to find a way to live with the Arabs that would accommodate both them and us, because there was no chance—as some people apparently hoped—of driving the Arabs out.

Any attempt to do so can only lead to destruction and redivision, because the Arabs will never leave a city they consider holy.

The only way of keeping Jerusalem a united city under our sovereignty is to treat minorities as we would like Jews to be treated. You can't fight antisemitism while treating others as second-class citizens.

And so, with this understanding of the city, we set out to close the gap between the Arabs and ourselves.

It is nearly impossible to grasp the scope of that task; so much was done, and human memory is short.

In 1967 the Arabs in Jerusalem did not have even the most basic services. Their part of

the city was terribly neglected, and raising standards to a normal level was much harder and more costly than starting from scratch, as we did in the new Jewish neighborhoods.

To begin with, the walls of the Old City, first built by Herod and then rebuilt by Suleiman the Magnificent, had been neglected for centuries. Some of the gates had been entirely destroyed. A tremendous effort was required to reconstruct them into the glorious, imposing spectacle they are today.

We rebuilt the roads in the Old City and strengthened the buildings, many of which were 200 or 300 years old and in a state of collapse.

Only 10% of the homes in the Old City had running water. We installed running water not only within the walls, but also in other Arab parts of the city.

We placed water and sewage pipes, power cables and telephone wires underground, which made the lives of the Arab inhabitants easier and improved the look of the city.

We replaced the thousands of TV antennae with a central antenna. We built a first-class library as well as a magnificent medical center in Sheikh Jarrah which has been praised as the best clinic in the country.

All this was done without any Arab financial help; the funds came from the municipality and moneys raised through the Jerusalem Foundation, whose contributors are Jewish (mostly) and Christian.

And often there was not only lack of support but also strong opposition, both in the government and the city council.

We did a lot more than this. We gave the Arabs rights they did not have under Jordanian rule. The last Arab newspaper to be produced in the city had been closed down by the Hashemites a few months before the Six Day War. We let them publish their newspapers without political censorship. And though their publications have frequently expressed the opinion that Israel has no right to exist, no paper has yet been closed down.

Every Arab resident has been given the choice, unheard of in similar situations elsewhere in the world (Alsace-Lorraine, for example), of either becoming an Israeli citizen or remaining Jordanian.

And with their Arab passports and Israeli identity cards, they have the advantage of being able to travel to Arab countries (which we can't do), and then returning to Israel, where they enjoy—among other things—insurance benefits and old-age pensions like all Israelis.

Moreover, this is not affected by the fact that we know their children or close relatives are active in anti-Israel organizations such as Hamas.

Nor did we change anything in their school curricula. The only exception I recall was an exercise in an arithmetic book: "When you have 10 Jews and kill 6, how many remain?" We altered that sentence.

But we kept the same teachers they had before the 1967 war, and the same headmasters. We enlarged their schools. We never interfered with their prayers or with their jurisdiction over their holy places, most importantly the Dome of the Rock.

We behaved this way despite the fact that 58 synagogues in the Jewish Quarter had been destroyed or desecrated during the period of Jordanian rule.

Taking into account the things mentioned above and many others I will not list here, we have probably spent no less money on the Arab part of the city than we have on the Jewish section.

That still doesn't change the fact that some Arab neighborhoods remain underdeveloped and lack many services. We have tried, and should try harder.

But they should also do their part. Every Arab, whether an Israeli or a Jordanian citizen, has the right to vote for the city council. I am only sorry that so far they have not dared to run for a seat on the council. That way they would have more influence over their own affairs and would have proper representation. I am hopeful that this will happen soon.

I am also advocating that the basic rights which the Arabs have been enjoying de facto since 1967 be officially embodied in law by the Knesset. I think this will do a great deal for their sense of security and for a better atmosphere among all citizens of the city.

With all the turmoil and the historical developments now taking place, we must not lose sight of the fact that our objective is to hold on to and strengthen a united Jerusalem. In order to accomplish this I believe we must continue with the policy we have followed over the past 27 years.

The idea of two capitals in one "united" city is ridiculous.●

## TRIBUTE TO DR. BEVERLY GAINES

● Mr. McCONNELL. Mr. President, I rise today to honor an individual who has spent her adult life making significant contributions to the Louisville community. Dr. Beverly Gaines, pediatrician and secretary of the Jefferson County Medical Society board of governors, is a shining example of a successful entrepreneur and citizen.

A native of Columbus OH, Beverly Gaines obtained her undergraduate degree from Case Western Reserve University, and went on to graduate with honors from the University of Louisville Medical School in 1979. Since then, Beverly has been much more than just a doctor to the residents of Louisville. Her selfless dedication to caring for others has brought respect and admiration from her peers, who describe her as a true leader among women, physicians, and African-Americans.

Today, in addition to her pediatric practice, she serves on the board of the Louisville Area Chamber of Commerce, sits on the National Medical Association Council on medical legislation and is on the Visiting Nurse Association professional advisory committee. She received the 1993 American Medical Women's Association Community Service Award for her efforts in organizing an African-American Health Jamboree in Louisville last year. It featured free health screenings, immunizations, and offered education on domestic violence and drug awareness.

Mr. President, it is difficult to put into words what her faithful and compassionate service has meant to the citizens of Louisville. She says she devotes one-half to two-thirds of her time to community service, and when asked why, her simple response is that she believes there are some things that are above and beyond money. Clearly, Mr. President, this is a philosophy everyone should follow.

Mr. President, I ask my colleagues to join me in recognizing this outstanding Kentuckian who has given so much to the city of Louisville. In addition, I ask that a May 30, 1994, article from Business First be included in the RECORD.

The article follows:

DR. BEVERLY GAINES LIKES MAKING A DIFFERENCE—PEDIATRICIAN DEVOTES MAJORITY OF HER TIME TO COMMUNITY SERVICE

(By Eric Benmour)

While growing up in Columbus, Ohio, Dr. Beverly M. Gaines got a great deal of support.

She says her parents were determined that Gaines and her brother "be something."

The ethic in their house was, "lessons come first and get your education, and then other things are possible."

During Derby Week, Gaines needed help taking care of her children—Lisa, 15, and Samuel, 10—because Gaines is on the board of the Kentucky Derby Festival.

Gaines' mother came from Columbus to stay at Gaines' Hurstbourne-area home to help.

"That's the kind of support I have enjoyed all my life," she says.

She also got help from her grade-school teachers.

"Those teachers loved us," says Gaines, 41. "You couldn't have told any one of us that we weren't hot-dog wonderful. We had models for success."

But Gaines learned early in life that society had different expectations of her than she had about herself—because she's an African American.

She tells the story of a group of students gathered together to make rounds after an oral examination in medical school at the University of Louisville.

"There were four of us, two white males, a white female and myself," Gaines recalls. "Our resident that made rounds with us on Saturday morning said to the one white male he thought was a superior student, 'Oh, what did you get, Andrew?' And Andrew said, 'I got a 3.5. (out of a possible 4 grade-point average).' "

The resident praised the student and then asked the next student, who got a 3.0. He gave him praise as well. The girl got a 3.0, Gaines says.

"And he said, 'Let's start rounds.' We left the residence room and were almost to the area where the patients' charts were located.

"And he said, 'Oh Beverly, what did you get?' I said, 'I got a 4.0.' He said, 'Let's start rounds.'

"That is the best story I could ever tell you about what my life is like. You can jump through hoops, you can do all the objective measures, you can do all the subjective measures, but your strength has to be from within. Because you do not get that reinforcement outside. And I think that's purely related to race."

By any measure today, Gaines has used her strength to be successful and to make an impact in Louisville.

In addition to her pediatric practice, she serves on the board of the Louisville Area Chamber of Commerce; is secretary of the Jefferson County Medical Society board of governors; is a member of the Louisville chapter of Links, a women's organization; sits on the National Medical Association council on medical legislation; is public-affairs committee chairperson for the Falls City Medical Society; and is on the visiting Nurse Association professional advisory committee.

She also has served on the Leadership Louisville Foundation Inc. board in past and current positions as secretary of the executive committee, and as a member of its finance committee, nominating committee and minority-recruitment committee.

She received the 1993 American Medical Women's Association Community Service Award.

Last year, Gaines organized an African-American Health Jamboree. The second, scheduled for June 27, features free health screenings, radon-test kits, smoke detectors, immunizations and healthy snacks. It also offers education on domestic violence, drug awareness and other issues.

The jamboree has seven sponsors and more than 60 exhibitors.

As a physician, "I know it's much cheaper to teach people initially to live healthy and keep them healthy than it is to take sick people and try to make them well," Gaines says.

The jamboree grew out of efforts by Gaines to increase radon awareness in the African-American community. Her task was to promote radon awareness through collaborative community efforts and coalition building.

"It (the jamboree) was her brainchild," says William W. Summers IV, Louisville's deputy mayor.

When asked how she can do her job and be so involved in community issues, Summers says: "I think she's like a number of us. You recognize you have a commitment to give something back, and you make time. I think she tends to take advantage of all of her time."

An article in a Metro United Way newsletter on Gaines' contribution to the community called her a "leader" among women, physicians and African Americans.

Dr. Ralph Morris, a Louisville physician, agrees Gaines is a leader.

He cites her ability to tackle projects and see them to completion. For example, she was successful in bringing a regional National Medical Association convention to Louisville in the early 1980s. The National Medical Association is an association of minority doctors.

The only advice Morris has for Gaines is: "She needs to slow down. She's working quite hard.

"I really have a lot of respect for her," he says. "I marvel at her energy. She's doing this as a single head of household." Gaines is divorced.

State Sen. Gerald Neal worked with Gaines on health care issues that have been debated in the General Assembly. In 1992, Gaines was on the Governor's Health Care Task Force.

Neal described Gaines as "a person with a lot of energy" who "does things, as opposed to talking about them."

Neal says he called on Gaines because "she's active and visible, accessible," and she's always willing to help.

Gaines is asked to be involved because she is "very open-minded," says Sharon Williams, a friend and vice president of minority business development with the Louisville Area Chamber of Commerce.

"She has natural leadership abilities," Williams says. "She's a very effective communicator. I think she makes people feel comfortable."

Also, Gaines is "assertive," Williams says.

Gaines says she tries not to do too much. With that in mind, in December she resigned from several groups.

Gaines says she elects to serve on boards or participate in an organization if she believes she can have an impact and add a different viewpoint.

She says she devotes one-half to two-thirds of her time of community service.

"That has a dollar value," she says. "My accountant could tell you that he has reminded me it has a dollar value. But then I think there are some things that are above and beyond money, especially for minorities.

"And that, maybe ultimately it will make things better for my business and other people's businesses."

Gains learned more about the area in 1987 when she completed the Leadership Louisville program. She came to Louisville in 1977 to attend the University of Louisville Medical School.

"I loved it," she says of Leadership Louisville. "I'm a transplant. I've been here since 1977. And I kept my nose to the grindstone and had been very focused."

Leadership Louisville was "like going to school" and learning about the community, Gaines says. "It gave me probably the best teaching lesson in how Louisville really runs. It was an eye-opener."

During Leadership Louisville she met Christine Johnson, now the president of the organization. Leadership Louisville was founded in 1979 to develop a network of future community leaders.

"She has a wonderful laugh and terrific energy, and a very genuine warmth about her that makes her stand out," Johnson says. "She's a delightful person to be around. She has a real zest for life.

"There's also a serious side to her. She takes strong positions in meetings. She doesn't hesitate to speak up. She is outspoken. But she doesn't alienate people in the process."

Johnson calls Gaines a "shining example of what Leadership Louisville's all about."

Gaines says she isn't sure what the source is of her motivation.

Perhaps it comes from her parents.

"My mother was a driven individual," she says. "She's very aggressive."

Her mother, Marie Madry, says she sees a lot of her late husband, Maurice, in Beverly. Maurice Madry died in 1973.

"He was a wonderful person," says Marie Madry, 77. "Beverly has his personality. She just loves people, and so did he."

Maurice Madry was a landscaper for the city of Columbus. He also sold flowers and vegetables from his own stand.

Gaines says of her late father: "My father could meet and greet. He had a high school education. When we sold flowers, winos would speak to him, doctors and lawyers would speak to him. He could just deal with people. I never saw my father mishandle a human being. He was always a kind, respectful individual.

"My father died, though, when I was in college," she says. She adds that if she has any regret in her life, it's that "he did not live to see me graduate." Gaines has her undergraduate degree in natural sciences from Case Western Reserve University in Cleveland.

Before speaking about her family, Gaines says she has to reach for the Kleenex.

"I came from a family that had real values," Gaines says.

Her only sibling is a brother, Philip, who is five years older. He is a journalist by trade who now works for a youth program in Columbus.

Because she has a large number of cousins, Gaines never had a baby sitter. She remembers getting together and playing the piano and sewing with her family.

She always did well in school.

"I never thought about not doing well," Gaines says. "I never thought about not doing my work."

As for her career choice, Gaines says: "I wanted to be a doctor since I can remember wanting to be anything."

Even when she was small, she would fix her father's cuts.

"I loved taking care of his wounds," Gaines says. "And I never wanted to be anything else."

The only time she deviated from her desire to be a physician was in college. She joined a pre-med club and heard someone talk about the odds of becoming a physician.

So Gaines got a minor in education and obtained the credentials needed to teach science in case she didn't get into medical school.

But she was accepted into the University of Kentucky medical school.

She got married in her first year of medical school in July 1975. Her husband, Samuel, joined her in Lexington to get his master's degree in business administration. After he got his degree, he was looking for a job. He found work with IBM in Louisville. Gaines started at UK and transferred to U of L for her last two years of medical school.

She finished her postgraduate training in December 1982.

In January 1983, she began working with a doctor in Indiana. During that time she was pregnant with Samuel, who was born in November 1983.

Sharon Williams suggested Gaines open her own office. At the time, Williams was with Citizens Fidelity Bank, now PNC Bank.

Williams says she met Gaines when Gaines took care of Williams' daughter.

In April 1984, Gaines opened an office with a partner, Ron Jones, at 1170 E. Broadway.

Jones left in 1987 to take a job offer in Arizona. In the same year, Gaines had back surgery.

"1987 was a terrible year, actually. Ron left in '87. We knew before I got sick (injured) he was going to leave. He got a job offer in Phoenix. That was probably the worst thing that happened and the best thing that happened, all in the same ball of wax.

"We weren't making that much money. We were seeing patients, but we weren't real good business people, so we weren't good on collections. When he left, because I had never been involved in the business side, I was forced to learn about the buiness. I hired a consultant from my bed, after I had back surgery. And I had back surgery in May; he left in August. I didn't come back to work until September."

Gaines' doctor originally had released her to work June 1987.

On her first day back, however, her car was hit from behind while she was driving home from the office.

She was out about an additional six weeks.

The consultant she hired to help with her business stayed for two years, initially working every day, one on one. When the consultant left, "it was like cutting an umbilical cord."

"By mid-'88 I was on a roll," Gaines says. "I was back on my feet."

In discussing her medical practice, Gaines notes: "In medicine, we've always enjoyed a good living. A lot of people are afraid to say that, but I'm not. I make more money than anybody in my family's ever made. If I probably make half next year what I made this year, I'll still make more money than anybody in my family. I'm not afraid to say that.

"If I have to make a little less to support health care reform, I could probably live with that. I'm not coming from here (she holds her hand up). I'm coming from here

(she lowers her hand). I have too many cousins and uncles and aunts probably who need health insurance. . ."

Gaines does mention the fact she has a medical license in Florida, and jokes about moving down there and putting up her umbrella on the beach when she's ready to treat patients.

Gaines got the license in 1991, after a doctor she knows in Miami suggested she take over the doctor's practice there.

Gaines says she has no plans to move to Florida.

"I think you always should keep your options open," Gaines says. "I've had 10 good years," she says. "I'm very grateful for the 10 years I had. I hope I have 10 more like it. I might not."

With all her work, she says her only hobbies are her children. Even her daughter has told her, "you need to get a life."•

## ADDITIONAL COSPONSORS TO S. 2243, A BILL TO AMEND THE FISHERMEN'S PROTECTIVE ACT

• Mr. STEVENS. Mr. President, I ask for unanimous consent that my colleague from Oregon, Senator HATFIELD, and my colleague from Idaho, Senator CRAIG, be added as cosponsors to my bill, S. 2243, to amend the Fishermen's Protective Act.

This amendment would allow United States fishermen who are being forced to pay an illegal transit fee in Canada to be reimbursed for paying in advance to avoid vessel seizures.

I am very pleased that Senator HATFIELD and Senator CRAIG are joining Senators GORTON, MURRAY, MURKOWSKI, PACKWOOD, and me in this effort. We hope that the Senate will support the expeditious passage of this important bill.•

## STATEMENTS OF TRIBUTE TO LATE FIRST LADY JACQUELINE KENNEDY ONASSIS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senators may have until Wednesday, July 13, to submit statements of tribute to the late First Lady Jacqueline Kennedy Onassis.

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

## AUTHORIZING PRINTING OF STATEMENTS AS A SENATE DOCUMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 235, a resolution to authorize the printing of statements made in tribute to the late First Lady Jacqueline Kennedy Onassis submitted earlier today by the distinguished Senator from Maine [Mr. MITCHELL] and the Republican leader, and others, and that the resolution be agreed to and the motion to reconsider laid upon the table.

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

So the resolution (S. Res. 235) was agreed to, as follows:

S. RES. 235

*Resolved*, That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis, together with appropriate illustrations and other materials relating to her death.

## INCREASING FUNDS TO BANKING COMMITTEE FOR HIRING CONSULTANTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 236, a resolution to increase the portion of funds available to the Committee on Banking for the purpose of hiring consultants, submitted earlier today by the distinguished Senator from Maine [Mr. MITCHELL], and the Republican leader, that the resolution be agreed to, and the motion to reconsider laid upon the table.

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

So the resolution (S. Res. 236) was deemed agreed to, as follows:

S. RES. 236

*Resolved*, That section 6(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "$1,000" and inserting $300,000".

## FOREST ECOSYSTEM RESEARCH LABORATORY AUTHORIZATION ACT OF 1994

Mr. LEAHY. Mr. President, I ask unanimous consent that the Agricultural Committee be discharged from further consideration of S. 2155, the Forest Ecosystem Research Laboratory Authorization Act of 1994; that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

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

So the bill (S. 2155) was deemed read three times, and passed, as follows:

S. 2155

*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 "Forest Ecosystem Research Laboratory Authorization Act of 1994".

**SEC. 2. FOREST ECOSYSTEM RESEARCH LABORATORY.**

(a) IN GENERAL.—Subject to the availability of funds appropriated under subsection (c), the Secretary of Agriculture, acting through the Cooperative State Research Service, shall provide the Federal share of the cost of planning and constructing a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon.

(b) FEDERAL SHARE.—The Federal share provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

Mr. HATFIELD. Mr. President, as we all know, the forests of the Pacific Northwest have been at the center of an intense national debate for several years now. As an active participant in these discussions, I am constantly reminded that many of the solutions to the management of these forests are heavily dependent on sound and accurate scientific information. That is why I introduced the Forest Ecosystem Laboratory Authorization Act in May of this year. I would like to thank the chairman and ranking member of the Agricultural Committee, Senators LEAHY and LUGAR for their quick and expedient consideration of this important bill.

The purpose of this legislation is to help us improve our understanding of the complexities of our forests. Specifically, the bill will authorize the construction of the Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR, which serves as the focal point for forestry research in our country.

This new building will provide a modern facility to support innovative research in critical areas of forest ecology and utilization. The laboratory will improve the capacity of ongoing research activities of the Oregon Forest Research Laboratory which was founded at the University in 1941. It will also unite the personnel of the existing departments of Forest Science and Forest Products with the Forest Research Laboratory. Research conducted in the Forest Ecosystem Research Laboratory will focus on such important questions as the impact of climate change on forest, forest health, biotechnology, the structure and function of forests, sustainable forestry, and designing new products from a changing resource base.

I strongly believe the Oregon Forest Ecosystem Research Laboratory will provide us with an uniquely valuable tool for the development of sound, scientifically based ecosystem management for the 21st century and would like to thank Senators LEAHY and LUGAR for their assistance in bringing this important bill to the floor for consideration by the full Senate.

## ORDERS FOR TOMORROW

Mr. LEAHY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, June 30; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; and that immediately thereafter, the Senate proceed to the consideration of Calendar Order No. 484, H.R. 4506, the energy and water appropriations bill.

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

## RECESS UNTIL TOMORROW AT 9 A.M.

Mr. LEAHY. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:21 p.m., recessed until Thursday, June 30, 1994, at 9 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate June 19, 1994:

### SECURITIES AND EXCHANGE COMMISSION

STEVEN MARK HARTE WALLMAN, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1997.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Wednesday, June 29, 1994*

The House met at 10 a.m.

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

May Your spirit, O God, that renews us in body and mind, and whose power is the strength of all who believe, be with every person who turns to You for blessing. Where there is illness, give healing; where there is hesitation, grant courage; where there is doubt, grant faith; where there is anxiety or apprehension, grant peace. And may we, in all things, live and act as those who are created in Your image and trust in Your eternal grace. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Connecticut [Ms. DELAURO] come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4581. An act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930.

## APPOINTMENT AS MEMBER OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTE

The SPEAKER. Pursuant to the provisions of sections 5580 and 5581 of the revised statutes—title 20, United States Code, sections 42–43—the Chair appoints as a member of the Board of Regents of the Smithsonian Institution the following Member of the House to fill the existing vacancy thereon:

Mr. FOLEY of Washington.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 10 requests from each side for 1-minute speeches.

## UNIVERSAL HEALTH CARE COVERAGE NECESSARY FOR ALL AMERICANS

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

Ms. DELAURO. Mr. Speaker, last week President Clinton reiterated his pledge to veto any health care legislation that does not include universal coverage. We need universal coverage, not simply to cover the 40 million uninsured Americans who are without insurance today, but to cover the millions of insured Americans who could be without coverage tomorrow.

Too many working Americans are one accident or one illness away from having their health benefits terminated. Too many working families are watching their insurance premiums go through the roof, and too many Americans are running into lifetime limits and preexisting conditions.

Without comprehensive reform, more than 22 million working Americans will be denied health care coverage and more than 7 million American children will be left out in the cold. Without comprehensive reform, American businesses will continue to pay the hidden costs for the uninsured, and American workers will lose an estimated $46 billion in wages. Without comprehensive reform, even working Americans who have health coverage at work will pay an estimated $28 billion more for that same coverage.

If we do not pass a plan that includes universal coverage, working Americans will continue to face these uncertainties. We owe it to them to pass comprehensive reform. We owe it to the 40 million Americans without health care today, and we owe it to the millions of working Americans who could lose their health care tomorrow.

## PARTISAN DELAY

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

Mr. MICHEL. Mr. Speaker, who wants to be partisan, and who wants to find a bipartisan solution to health care? Who wants action now, and who wants to delay action?

Apparently Chairman JOHN DINGELL has given up on getting a commonsense health care bill out of his committee because he cannot find enough Democrats to support the President's bill. Sadly, he has decided to blame Republicans for his own failure.

I suggest to the chairman that he look in the mirror if he wants to find the real reason why he could not get a health care plan through the committee. After all, Republicans were willing to support the Rowland-Bilirakis bill, the only bipartisan proposal that could have served as a starting point. But the chairman rejected it out of hand. And, worse, I understand the Democrats have been working feverishly overnight to retreat from the first step to health care now that we adopted yesterday in the Committee of the Whole on the Health and Human Services appropriation bill.

We passed the Porter amendment, which greatly expanded community health centers in rural areas. Now the Democratic leadership wants to revote this amendment to kill this first step to health care reform. I think that is absolutely outrageous. I want to commend those 53 Democrats who joined with us in that positive vote yesterday. And to have the pressure applied to reverse yourselves when we go back into the House I think is outrageous.

Mr. Speaker, it is quite obvious who wants to be partisan and who wants to delay commonsense health care reform. I suggest maybe the Democratic leadership ought to be ashamed of itself.

## THE MIDDLE CLASS AND HEALTH CARE

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

Mr. DERRICK. Mr. Speaker, there has been an explosion of health care proposals before Congress. Of all the options, one is completely unacceptable: no action at all.

The Wall Street Journal reports that if the status quo continues, more Americans are likely to be without health insurance and Government spending will likely rise to cover the cost.

The number of uninsured workers rose from 15.3 percent in 1988 to 17.5 percent in 1992. That trend is likely to continue, especially since our fastest growing industries often do not offer health insurance.

The middle class will fill these new jobs. If Congress does not act, the middle class will suffer. Americans know what is at stake. Yesterday, the Washington Post reported that 78 percent of Americans favor universal coverage, and 72 percent feel employers should provide health insurance to their employees.

Americans want and need health care reform. Congress can provide it. The middle class deserves better than partisan efforts to blockade reform: they deserve action.

## THREE SHOCKING DEVELOPMENTS

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

Mr. GINGRICH. Mr. Speaker, we have had three shocking developments in health care in the last few hours. First, Chairman DINGELL's letter simply misinforms the House. He says, "The House Republican leadership actively opposed efforts to craft a bipartisan bill."

That is plain not true. We reached out to Democrat after Democrat. We offered to support the Rowland-Bilirakis bill, which is a bipartisan bill, which has 35 Democrats, 35 Republicans. We are committed to a bipartisan plan.

Chairman DINGELL was afraid to bring his committee together because a bipartisan bill would have had a majority and the President would have lost.

Second, Chairman DINGELL's letter says that he has already been promised by the Speaker and Majority Leader GEPHARDT that the Energy and Commerce leadership, which has failed, will now be in some kind of secret meeting writing a health bill, even though they failed. I hope that is not true.

Third, we have been told that the Clinton administration is trying to break up the bipartisan coalition Democrats and Republicans which last night passed the Porter amendment. I would hope that there are no Clinton clones who can be turned around in 24 hours on a policy vote that was real, to create more community health centers to help more people with health care.

□ 1010

## HEALTH CARE REFORM

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

Mr. ROWLAND. Mr. Speaker, yesterday, an amendment by JOHN PORTER transferred some money from the increases in administrative accounts of the Departments of Labor, HHS, and Education to develop additional community health centers in rural and intercity areas, giving access to health care to tens of thousands of people who do not now have access. This amendment passed. Today, I understand, we may vote in the House to reverse this.

My question to my colleagues is this. If you are for health care reform, how will you explain to the people back home who sent you here that you voted against money for increasing community health centers, that is taken from administrative costs in Federal departments, but would vote for cuts in Medicare to finance health reform. That will not be easy to explain, to the senior citizens in your districts.

## EQUAL HEALTH CARE COVERAGE FOR AMERICANS

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, for the last couple of weeks the President and Mrs. Clinton have repeatedly said that they just want to give the same health coverage to the American people that Members of Congress have.

Now, setting aside the fact that the Clintons have the same coverage as Members of Congress, it is worth noting that there is presently a bill before each House that would do precisely what the Clintons say they seek to do.

The Nickles-Stearns bill would expand the Federal employee plan for those who are not insured. It also has a funding mechanism for the working poor.

Why has no Democrat signed onto this proposal? Why has Mrs. Clinton not applauded it?

Could it be that the Nickles-Stearns bill empowers individuals rather than enlarging the bureaucracy, or are they simply being disingenuous and misleading Americans again, something that they have elevated to an art form?

## ATTENTION, DEFENDERS OF PRIVATE PROPERTY RIGHTS

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

Mr. TAUZIN. Mr. Speaker, over 100 Members of this House have now signed up as defenders of private property in America. Over 150 Members have signed onto House bill 3875, the private property owners bill of rights.

Today we launch a discharge petition drive to bring that measure on the floor of the House. It is not because the committee system has failed it. It is because the Committee on Rules consistently refuses to allow the issue of compensation for private property takings to reach the floor of this House.

Today Discharge Petition 23 has been filed. I urge Members of this body to sign up. As defenders of private property in America, we ought to make sure for every citizen of this country who owns property that when our Government takes that property from them, for whatever good purpose, be it an environmental purpose or otherwise, that they get the same kind of justice that large landowners can get when they can take a trip to the Supreme Court. That justice ought to be for compensation, for taking their property, for full payment by the U.S. Government as the fifth amendment to the U.S. Constitution reads.

Last week on Friday, the Supreme Court upheld the sanctity of that fifth amendment protection as sacred as free speech in the bill of rights. I urge fellow Members to sign up as a defender of private property rights. Sign up Discharge Petition 23; sign up on House bill 3875.

## THE PRESIDENT'S POLICY ON HAITI

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

Mr. MCCOLLUM. Mr. Speaker, it is said that if one does not study history, one is condemned to repeat it. Judging from the President's policy on Haiti; he appears not only to have not studied history, but quite evidently was too busy running for office between 1990 and 1992 to even read the newspapers.

Had the President paid any attention to the situation in Haiti before he became President, other than to take cheap political shots at his opponent, he would have realized that announcing aboard-ship asylum processing was an announcement for every Haitian to take to the open sea.

And that is what has happened.

Does the President forget that just 2 years ago, the United States was processing, at its peak, 13,000 Haitians a month under a policy similar to the one he has just reinstated?

And what next? Rumors of a U.S. military invasion are rife in Washington. Does the President forget what happened the last time we invaded and occupied Haiti? We ended up occupying Haiti for 14 years and earned their enmity for many decades.

How will troops tied down in an occupation of Haiti be able to respond to a real crisis on the Korean peninsula?

Mr. President, read the papers and read history. Maybe we'll find a coherent foreign policy someday.

## REPUBLICANS NOT PARTISAN

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

Mr. ARMEY. Mr. Speaker, in a recent memo to his committee, the gentleman from Michigan, Chairman JOHN DINGELL made reference to what he considered to be the partisan resistance of the Republicans to a bipartisan bill.

Let us take a look at the history of partisanship on health care. On June 4, 1992, the House Republican leader introduced a health care bill on behalf of President Bush. On July 24, according to the Washington Post, the Democrats met under the direction of their leader the gentleman from Missouri, RICHARD GEPHARDT, as a part of an ongoing effort to reach agreement on a health care bill as a counter to President Bush's proposal.

The gentleman from Illinois [Mr. ROSTENKOWSKI], according to the Post, worried that health legislation might somehow backfire and hurt Democrat candidates, according to the Post. The gentleman from Illinois [Mr. ROSTENKNOWSI said, "I would hate like heck at this point in time to do something that would derail the upward swing that we feel with GORE and Clinton doing such an outstanding job."

Energy Chairman, the gentleman from Michigan, JOHN DINGELL said, to 50 or so Members, according to the Post, "What we are trying to do here is a political exercise to first of all work out our own program and, second, screw the Republicans."

Now, the gentleman from Michigan [Mr. DINGELL] calls us partisan. Let me suggest to the gentleman from Michigan [Mr. DINGELL] that he listen to the lyrics of that great tune by Jerry Jeff Walker, "the pot can't call the kettle black."

## CATERPILLAR

(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, 14,000 workers at Caterpillar are on strike. They are not striking because of pensions, health care, food stamps, welfare. They are striking because they are afraid to lose their jobs. And is it any wonder? A company spokesperson said, "We don't think we can compete in the global marketplace with our work force."

Unbelievable. This is not the same old song and dance strike, folks. It is a dance all right, but it is dirty dancing and it is dirty dancing right on the face of the American workers.

Congress is allowing our jobs to go overseas; workers are turning over their shoulders so hard, they are performing pirouettes right before our eyes. Congress sits here and rearranges the deck chairs and ships jobs overseas. Better wise up before we do not have a damn job left.

## SPACE STATION ALPHA

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

Mr. GRAMS. Mr. Speaker, July marks the 25th anniversary of the Apollo 11 moon landing—the culmination of one of the most significant undertakings this Nation has ever known. Yet on the eve of this historic event, the House is debating termination of the Space Station.

The United States has always been the leading economic and military power. By investing in futuristic research and exploring the unknown, we expanded the envelope of technology and created millions of jobs.

While some argue that Space Station doesn't impact their constituents, I disagree. Since its inception, the space program has resulted in countless spin-off technologies that positively impact our everyday lives.

The development of life-saving technologies such as programmable pacemakers and bioreactors for culturing ovarian and breast cancer cells have dramatically improved medical care. And environmental technologies such as water purification systems help us improve our world.

Some in this body have used the budget as an excuse to scuttle the Space Station. Yet, if the Space Station were terminated, these same members would turn around and waste these dollars on the Great Society programs that have failed. From a cost-benefit perspective, eliminating the Space Station would be "penny wise and pound foolish."

Today, let us recall the vision of President Kennedy and ask ourselves whether its time to return America from a nation of failed social programs to a nation of pioneers. America cannot afford one small step for man and one giant leap backward.

## IN SUPPORT OF 85–15

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

Ms. WATERS. Mr. Speaker, in a few minutes the Labor, HHS, Education appropriations bill will be before us. The first order of business will be an amendment that is known as the 85–15 rule retention amendment.)

□ 1020

Simply put, Mr. Speaker, I am trying to stop the hemorrhaging of over $4 billion that is being ripped off by the private post-secondary schools. They are taking the money from our Pell grants and our student loans.

Members have heard them on television. They know who they are, the Joe Blow School of Computer Training. They have no computers. They train for something called medical assistance and truck drivers and security guards. They are ripping off the system.

Mr. Speaker, our students are not getting trained, they are not getting jobs, they lose their earned income tax credit because they default on these loans. If they get a little job, their checks are garnisheed. They cannot get any housing assistance through the Federal Government.

To simply put it, I am trying to use the rule when we found veterans were getting ripped off with the GI bill. It is the 85–15 rule. It says you must get at least 15 percent of your business from paying clients. If you have to have 100 percent, something is wrong.

Mr. Speaker, I am going to see who the real budget cutters are today. I am going to see who is going to support 85–15.

## BACK ROOM HEALTH CARE REFORM

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

Mr. WALKER. Mr. Speaker, on the floor yesterday I expressed concern that when the deal gets done on the health bill, that it will be done in back rooms and it will be done in a way that the American people will not be able to have a look at what is happening in health care reform.

We have a letter now written by Chairman JOHN DINGELL to the Speaker that indicates that that is exactly what is about to take place. In his letter to the Speaker, DINGELL says:

> I appreciate your and Majority Leader Gephardt's assurances that the Energy and Commerce Committee will continue to play a key role as we bring health care reform legislation before the House Rules Committee and to the floor.

That is an admission that this is going to be done in the back rooms, because the House Committee on Energy and Commerce has not passed out a bill, yet they are going to be involved in the Rules Committee process and developing the package that comes to the floor. That is very worrisome.

Mr. Speaker, then we put that together with what the Democrats are about to do here today. They are going to try to reverse a health care vote that took place on the House floor yesterday out in the open.

When Member were asked to vote on whether or not community health care centers should be refunded rather than funding labor bureaucracy, Members of Congress decided to do health reform. Now they are being asked by the Clinton administration to reverse that vote.

Let us see how many people decide that health reform is not as important as they thought it was yesterday.

## AMERICA MUST HAVE UNIVERSAL HEALTH CARE COVERAGE

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, for nearly a century, Americans have discussed and debated how best to reform our national health care system. In the next couple of months, we have the opportunity to accomplish something that our Nation has never done before: provide health security to every American.

The debate over health care reform that will unfold in this Chamber over the next months will touch all of our lives and the lives of our parents, our children, and generations to come.

But no one will be more affected by the outcome of this debate than the millions of working and uninsured families in this country. If we fail to enact universal health care reform this year, more than 22 million Americans who work for a living will continue to be denied health care protection. That figure represents 85 percent of the uninsured people in this Nation.

As a recent Wall Street Journal article correctly stated: "The social and economic consequences of once again retreating from far-reaching reform are clear: more uninsured Americans and higher costs for Government."

Mr. Speaker, the cost of inaction is too high. America cannot wait any longer.

## URGING MEMBERS TO VOTE FOR THE ROEMER-ZIMMER AMENDMENT

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

Mr. ZIMMER. Mr. Speaker, today the House will vote on whether to continue funding the space station. Last year when the gentleman from Indiana [Mr. ROEMER] and I proposed a straight cutting amendment, proponents of the space station argued that it would not cut the deficit. They said the money would be redistributed to other programs in conference.

This year, Mr. Speaker, we are proposing an amendment that will explicitly reallocate the $2.1 billion from space station funds to more cost-effective programs within NASA. Now our opponents are complaining that we did not offer the same kind of amendment that they criticized last year.

The truth is, Mr. Speaker, that killing the space station will cut spending by more than $60 billion over the next 18 years. Both the National Taxpayers Union and Citizens Against Government Waste understand this fact, and that is why they are including the Roemer-Zimmer amendment in their score cards.

Mr. Speaker, this may be the biggest single budget cut the House has an opportunity to vote on this year. Vote for the Roemer-Zimmer amendment.

## AMERICA MUST HAVE HEALTH CARE REFORM WITH UNIVERSAL COVERAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address an issue on the minds of many here and in my district—health care reform.

The real solution which health care reform must find is the protection of the working class. Remember, 85 percent of the uninsured in America are in working families. The middle class of America will once again be left to shoulder the burden for rising medical costs if health care reform without universal coverage is enacted.

If we do nothing, some may say we will do no harm, but the facts say otherwise. For the people of Texas, our lack of action will mean over 2 million Texans who work for a living will be denied health care protection.

If we do nothing, Texas will lose about $2,5 billion in uncompensated care each year. If we do nothing, over 9 million Texans will be denied mental health and substance abuse benefits.

Texas and all of America needs health care reform with universal coverage as the central feature of the package.

As the Wall Street Journal noted, the lack of universal coverage will mean more uninsured and higher costs to the Government, which means higher costs to the taxpayer. We must make the smart choice and enact reform with universal coverage.

## THE FAILED ADMINISTRATION POLICY ON HAITI

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

Mr. CANADY. Mr. Speaker, the failure of the Clinton administration policy on Haiti is becoming more and more obvious each day. The current exodus of Haitians from their troubled country is the wholly predictable consequence of an ill-conceived and mismanaged policy. If the administration stays on its present course, a disaster is likely to ensue.

To get off on the right track, Mr. Speaker, the administration should act to end the embargo of the Haitian people without further delay. The embargo is causing terrible suffering to the Haitian people, and it is driving them to seek refuge from the economic chaos caused by the embargo. There is no denying that the exodus of Haitians we have seen in recent days is the direct result of the ill-conceived embargo.

The administration should also end its support for Mr. Aristide, who has demonstrated that he is unlikely to ever be the unifying force needed to bring peace and prosperity to the Haitian people.

The administration's current policy is failing to protect not only the interests of the United States, but also the interests of the Haitian people themselves. It needs to be changed.

## A DISRESPECTFUL ATTITUDE TOWARD THE MILITARY

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

Mr. BURTON of Indiana. Mr. Speaker, when I was a boy, one of the things I was taught to respect was the flag and the people who serve in the military and defend our Nation. Those people, many of them, lie resting in Arlington Cemetery because they have given the last full measure of devotion in serving this Nation.

The White House, however, Mr. Speaker, has a different attitude toward the military. Not long ago a two-star general visited the White House. One of the top staff people said, "I don't talk to people in uniform." Then a few weeks ago, we saw that a U.S. Marine helicopter was used by the White House to go on a golfing trip. Then last week they had a Democrat fundraiser at the White House and they asked four of those sterling officers of the U.S. military to serve as waiters to serve those people tea and crumpets.

It is an absolute shame, Mr. Speaker, the attitude this administration has toward the military in this country.

## BASE CONVERSION IS A VICTORY FOR AMERICA

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

Mr. FARR of California. Mr. Speaker, a year ago the President of the United States laid out a plan to return closed military bases to the community. In 10 days, the President's plan becomes a reality.

Next week Secretary of Defense William Perry will come to my district in Monterey, CA, to turn Fort Ord, the largest military base that is closed in the United States, into civilian control. The base conversion will not just be a victory for the base, it will be a victory for America, as we learn new ways of using our resources for economic recovery and for investment.

We will have the 21st campus of California State University built for the 21st century. Those unemployed will be reemployed. The development will spur Fort Ord into new economic recovery. Three thousand acres will be available for private land investment. The conversion of Fort Ord is a testimony to the President and this administration

for their concern for the communities and for the effectiveness of base closures to be a catalyst for economic recovery.

## CALLING FOR AN END TO SANCTIONS AND ANY PLANS OF MILITARY INVASION OF HAITI

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

Mr. DUNCAN. Mr. Speaker, There have been many reports in the New York Times and other places, that the administration is planning a military invasion of Haiti.

Lending credence to these reports is the fact that the Democrats in this body have just voted down requiring the President to get the approval of Congress before such an invasion.

The American people do not want a military invasion of Haiti.

There is no threat to our national security there.

There is no vital U.S. national interest there.

If we invade Haiti, it will be for the very worst of reasons—simply to satisfy domestic political considerations.

Aristide, who some say is not even a stable person, is not worth one American life.

We cannot afford the hundreds of millions a long occupation would require.

According to Senator GRAHAM, of the President's own party, our sanctions against Haiti are not hurting the rich, but they are starving the poor.

For the sake of poor people in Haiti, we should end United States sanctions immediately.

For the sake of poor and middle income taxpayers here, we should cancel all plans for an expensive, unnecessary, and unjustified, invasion of Haiti.

□ 1030

## MARYLANDERS WHO HAVE DIED BECAUSE OF DOMESTIC VIOLENCE

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

Mrs. MORELLA. Mr. Speaker, every year, on a night that is always bitterly cold, a memorial service is held in Annapolis, MD, for the women and children who have died during the year at the hands of their loved ones. In February, the names of 73 Marylanders—women, boys, and girls—were read and remembered.

Forty-one were killed with guns, 18 with knives, 5 were strangled, 6 were burned to death, and 1 was scalded; 1 was killed with a carving fork, another was beaten to death.

Mr. Speaker, I have the names of those people which I will insert in the RECORD. Let us urge our conferees to act promptly to bring back this crime bill which includes the Violence Against Women Act. We can do no less.

The names referred to are as follows:

Deborah Sears, Randolph Robinson, Darlene Oliver, Elizabeth Lunenfeld, Pamela Ware, Victoria Hill, Ryan Gesner, Cecilian Ayala, Edith Hood, Cheryl Resch, Francine Stalkner, Billy Ward, Maxine Jackson, Margaret Jones, Stanley Braxton, Hosie Matlock, Daniel Blue, Daries Talley, Edward Taylor, Jeana Skates, William Glover, Eugene Baker, Gary Stevens, David Williams, Myisha Hall, Linda Pearson, and Curtis Bellamy.

Delphinia Edmond, Thomas Smith, Ruth Roberts, Calvin Smith, Sylvia Antezana, Angela Berry, Henry Young, Loretta Shifflett, Theresa Champigny, Jeffrey Larkin, Linda Oxidene, Stacey Platt, Donna Hudgins, Hattie Pratt, Lillian Dupont, Ivy Jones, Everett Jones, Cherise Smith, Gregory Murray, Afton Teal, Richard Williams, Jet Smith, Barbara Forbes, and Darnette Patterson.

John Richardson, Christopher Delauder, Frances Earp, Janet Hampton, Susan Gasiorek, Cynthia Hetterman, James Corkell, Melissa Pratz, Carrie Bolling, Penney Hanby, Deanna Hanby, Margaret Weigel, Harry Zellman, Theresa Hutson, Antoine Lucas, Russell Williams, Gregory Cook, Damien Cook, Takia Cook, and Dion Cook.

## ADMINISTRATION DEFINITION OF UNIVERSAL COVERAGE

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

Mr. GOSS. Mr. Speaker, I guess we are hearing that we are going to go back and revisit the Community Health Care Center vote amendment by the gentleman from Illinois [Mr. PORTER], which passed yesterday. Last time we did that in the House and reversed ourselves on a policy matter it was Haiti. Today, sadly enough, we are seeing the tragic results play themselves out as a result of our extra stupid foreign policy on Haiti that resulted from a turnaround vote.

But let us go to health care. There has been lots of talk about universal access. We were told each and every American will have health care and a plastic card. But now the White House spokesperson says that does not necessarily mean all Americans. Each and every American does not mean all Americans. Well, what does that mean?

Maybe it means that the President's veto pen has no ink in it because maybe it means there are not enough members of the President's party who are willing to support the Clinton health care plan because we already know that the employer mandate side of that is going to cost Americans more than 1 million jobs. We know that is not what Americans want. We do not want to be losing jobs in this country. We want to be providing jobs and providing good health.

There is a way. There is a solution. We should embrace and focus on the Rowland-Bilirakis health care bill.

## DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. 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. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

□ 1034

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 further consideration of the bill, H.R. 4606, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 28, 1994, the bill had been read through page 65, line 16, and open for amendment from page 57, line 1 through page 65, line 16.

Pursuant to the order of the House of Tuesday, June 28, all debate on the bill and amendments thereto will close in 1 hour.

Are there any further amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 64, strike lines 9 through 14 and insert the following:

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the Buy American amendment.

I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, as I understand it, all the gentleman is

doing is restating the provisions the gentleman already has in the bill but in the same manner that it is in other bills. If that is the case, I have no objection.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Illinois [Mr. PORTER], the ranking member on the subcommittee.

Mr. PORTER. Mr. Chairman, we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS: Page 65, delete Section 510 (lines 9–12).

Ms. WATERS. Mr. Chairman, this amendment would delete a delay in the so-called 85–15 rule, which is designed to keep abusive proprietary schools from wasting scarce Federal student loan dollars.

There has been a lot of misinformation about the 85–15 rule. Many people claim that quality schools will close if we comply with the Department of Education timetable for implementing 85–15. This is false.

Since 85–15 became law nearly 2 years ago, both the Bush and Clinton administrations have held extensive public comment periods—to solicit the views of those affected—and to prepare schools for implementation. Thus, all schools will have had nearly 2 years to be sure that 15 percent of their revenues came from non-Federal student aid sources.

Let me underscore this point. There has been extensive discussion on scoring funding for participating schools, however, the fundamental point of the 85–15 rule remains the same—no school which relies on title IV student loans for more than 85 percent of its revenue should continue to qualify for loans.

There has been some discussion that private contracting funds would not be counted toward a school's 15-percent revenue requirement. This is also false. Any funds from a private business which enrolls students in the regular training program of any school counts toward the school's 15 percent.

Mr. Chairman—people ask why cannot we just delay this for 1 year. First of all, we cannot afford delay. The New York Times has documented that up to one-fifth of the $20 billion in Federal student loan funds is hemorrhaging from the system each year because of abuse and fraud. The 85–15 rule would root out much of this abuse.

The delay proposed in this bill is the latest attempt to thwart reform. The fact is, the special interests representing bad proprietary institutions have always opposed the 85–15 rule. They have fought this rule every step of the way. The lobbying campaign to delay the 85–15 rule is merely a continuation of the misleading and heavy-handed tactics employed to stop our efforts.

The 85–15 has been used for 40 years to stop abuse of veterans under the GI bill. If it is good enough to protect veterans, why is 85–15 not good enough to stop scam artists from preying on low-income individuals?

There is a scandal brewing in America today. It is the scandal of unscrupulous private, post-secondary schools enlisting poor people into their schools, with no intention of training or educating them—filling out their student loan forms—and leaving the students with no education and no ability to pay back their loans. Students default on their loans—setting up a vicious cycle for the students.

□ 1040

Once a student defaults on a loan, they disqualify for public housing assistance, their future wages are garnisheed, their credit rating is shot, they cannot get earned income tax credit.

This system abuses poor people and costs the Federal Government billions of dollars.

Mr. Chairman, schools are being sued around the United States for these abusive practices. Schools are robbing the Federal Treasury and saddling unsuspecting students with debt. Schools are preying on low-income and minority individuals.

My amendment is supported by those who see firsthand the abuse in our communities. The Waters-Roukema amendment is supported by the National Consumer Law Center, by Consumers' Union, and the National Association of Consumer Agency Administrators. In addition, the amendment is supported by the Association of Independent Colleges and Universities, as well as the New York Times.

Delay will do nothing to stop the abuse. If we delay now, it will be longer than a year before the Education Department can implement the 85–15 rule. The language in this bill now prohibits the use of any funds to implement 85–15 before July 1, 1995.

We beat them on the rulemaking, and they came back into the Committee on Appropriations at the last minute. Anybody should suspect those who come at the last minute to try and thwart the efforts of a rule that has been worked on, that has been made such as this one.

That means the Department will not be able to collect the data which will be used to determine the applicability of 85–15 until July of next year. Final implementation will be some period of time after that.

We cannot continue to wait, Mr. Chairman. We have waited long enough. The 85–15 rule was passed in 1992. If we delay now, the soonest implementation will be 4 years after the date it was passed.

I ask for an "aye" vote on the Waters amendment to keep 85–15 in law.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose this amendment, and I would like to point out, to start out, that the education of many people in this country, hundreds of thousands of them, hangs in the balance with the vote we are about to cast. They are counting on us to cast a "no" vote on this amendment.

With the overwhelming support of the full Committee on Appropriations last week, I attached this provision that the gentlewoman from California is now attempting to strike.

First of all, I would like to thank the chairman, the gentleman from Iowa [Mr. SMITH], for working with me on this issue. I offered this amendment in subcommittee and full committee, and he has shown nothing but fairness each step of the way in the legislative process.

During the 1992 reauthorization of the Higher Education Act, this floor amendment was adopted without any prior authorization, no hearings were held at all on this issue, which requires at least 15 percent of the trade school's revenue to come from sources other than title IV funds. I agree with this concept, because its intent was good, but the effect it is now having on the students and schools is bad.

This final regulation is much more restrictive than it was originally anticipated.

On the national level it is estimated that about 50 to 60 percent of the proprietary institutions serving over 800,000 students annually will have a real hard time in meeting or will not be able to meet this new definition. These are students that I would classify as your nontraditional students. They fall somewhere in between the high school graduate and the person who can afford to go to college, people who are trying to learn a special trade or skill in a private trade school that are oftentimes single parents, from low-income neighborhoods, that are just trying to advance themselves in the work force.

I do not think there has ever been an issue this controversial this year that has received such bipartisan support. I have a letter signed and dated June 9 from the Hispanic Caucus signed by every member of the caucus to Secretary Riley that supports postponing this rule. I have a letter dated June 10 from 20 Committee on Education and Labor members to Chairman SMITH requesting Chairman SMITH's help in delaying implementation of the rule as well. Another letter is dated June 13 from the chairman, the gentleman from Michigan [Mr. FORD], to the chairman, the gentleman from Iowa [Mr. SMITH], saying because of the potential for serious dislocation in these communities, the Committee on Appropriations may be presented with

this proposal to delay, and such an approach would provide the community time to prepare for enforcement and allow for a more rational implementation of this regulation. I also have a letter dated June 16 from 103 Members of Congress, including the chairman of the Black Caucus, the gentleman from Maryland [Mr. MFUME], to Secretary RILEY that supports this delay.

Finally, I have a letter dated June 17 from 20 members of the Committee on Education and Labor to the chairman, the gentleman from Wisconsin [Mr. OBEY], requesting their assistance in this matter; 20 of 28 Democrats, 10 of 15 Republicans on the committee. I would say that that is strong bipartisan support.

Whatever the merits of 85–15, the process of bringing in the regulation is what is at issue, retroactivity and the definitions for revenue.

The Department of Education has had over 21 months to develop definitions of revenue and other relevant pieces to implement the 85–15 section. During that period, several of the factors chosen by the Department to determine compliance have changed several times. This is not a simple equation.

And remember, the Congress at the subcommittee level or full committee level has never had a hearing on this amendment and how it would affect the schools and students that would be affected by this rule.

If you go back and look at the debate on the House floor, it takes up less than one page of the CONGRESSIONAL RECORD, including the printing of the amendment. I just do not think that anyone could have anticipated ramifications of this provision.

The education community was given the minimum statutory time of 30 days to respond to the notice of proposed rulemaking. The final regulation was only published this spring in late April, and becomes effective this Friday. The regulation has a lookback component, a perspective, which requires postsecondary institutions covered under the rule to meet the regulation for their last fiscal year completed after October of 1993. That is retroactive. That is something the schools and students could not have anticipated.

Not only has the Department allowed no time to comply with the regulations, the Department has used definitions of revenue which ignore its own assumptions in the refund regulation which assumes the first dollar into an institution is a private dollar.

Another thing we must consider is if many of these students are forced out of school, their loans under this rule will be forgiven. We in turn are going to have to pick up and cover those loans to the tune of over $1.3 billion, and we all know that we cannot afford that.

I am asking Members—I am appealing to their compassion and concern for the students who would be affected by this vote today—to vote "no" on this amendment. People out there that have a dream that they are pursuing, many times holding down a job at night with a young child, are working—had to pursue that dream.

Vote "no" today to preserve that American dream.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

First of all, I want to say I commend the gentlewoman from California for pursuing this issue. It is an important issue to take on, and there is a lot of merit in it.

As a matter of fact, when we took it up in subcommittee, I thought at first that I was going to be wholeheartedly on her side. I do not care if it is 20 percent or it is 10 percent, any school that is getting this money that is not training somebody for a job is one school too many.

We need the money for those schools that are training people for jobs.

However, by the time we got to the full committee, 22 of the 24 members of the authorizing committee said, "Give us this amendment and delay this new rule so we can have an opportunity to work on this some more."

The regulations had just come out, and they wanted to change them. And so we worked with the authorizing committees, and so at that point the full committee went along with the authorizing committee, and we put this amendment in the bill, because we cooperate with the authorizing committees.

I want to make it clear, however, that I think that there is no excuse for coming on the floor again next year with the same kind of an amendment. One year ought to be plenty of time to work this out. Some way or another you have got to get rid of those schools that are getting money that are not training kids for jobs.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentlewoman from California.

Ms. WATERS. I think it is important to clarify something that was just said, not by you, Mr. Chairman, but by the gentleman from Texas, who indicated that he had a letter from Secretary Riley, and I do not know if he left the impression that that was a letter of support. The Department of Education does not take any position.

As a matter of fact, their letter indicates, "With respect to the regulations we promulgated on April 29, 1994, to implement the 85–15 rule," they say, "we believe these regulations are fair and reasonable and that they faithfully carry out the law." So the Department of Education has no position, and the Secretary does not support eliminating the 85–15 rule.

I wanted to make that clear.

Mr. SMITH of Iowa. Anyway, under all the circumstances, I support the provision that is in the bill that does delay the implementation of this rule so we can work with the authorizing committee.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Chairman, I oppose the amendment.

It is difficult for me to do so, because I support the 85–15 concept; 85–15 was designed to eliminate the Federal student aid mills, which are robbing taxpayers and shortchanging students. But here is what has happened: The Department has taken almost 2 years to issue its regulations.

□ 1050

There has been great anticipation of them. They finally issued them on April 29. They defined revenue in those regulations in a very unexpected way, and then applied that regulation retroactively. Many good schools will be kicked out of the title IV student aid programs as a result. For instance, schools which provide offsite training to employees of large businesses will not be able to include these programs in their base revenue unless the training that they provide offsite is exactly the same as the training they provide at the school. That would effectively prohibit trade schools from customizing offsite training programs to employer needs. That does not, to me, make any sense that these revenues would be excluded.

In addition, I have to say, Mr. Chairman, we have $30 million in the bill for State Postsecondary Review Programs [SPREE], and that is designed to root out waste, fraud, and abuse and define schools that are not providing real training to people which ought to be excluded from the title IV program.

So, Mr. Chairman, under these circumstances, I think that the provision in the bill that Mr. BONILLA offered as an amendment in the full committee that would delay implementation of 85–15 is reasonable. I therefore urge the Members to reject the Waters amendment.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California [Ms. WATERS] and the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Chairman, let me put this in perspective for a moment and tell you what we are talking about. We are talking about young people coming out of high schools desperate to find a job, who walk into one of these trade schools and sign a contract to be trained to become a cosmetologist, a beautician, a computer operator, you name it, and as a result of signing that

contract, they are also in the process of applying for Federal assistance. We are talking about scholarships paid for by Federal taxpayers for these schools. Do you know what they charge some of these kids? $8,000 to $12,000 a year—$8,000 to $12,000. And these young people get enrolled in courses and find out they are not worth much at all. They may finish them and find out there is no job at the end of it. And what is left? You are left with a student who has a financial obligation, no job, and the taxpayers holding the bag. That is what this is all about.

And if you think Ms. WATERS and Mrs. ROUKEMA are making this up, the inspector general for the Office of Education has told us point blank that as long as these schools rely on Federal funding, they will kite the tuition fees as high as they possibly can and we taxpayers will pay for training that does not lead to a job. This is disgraceful.

That we would lose $4 billion a year that should be invested in good education for our young people and instead go to trade schools that are ripping them off and ripping us off as taxpayers. The inspector general says you can find community colleges in many of these same areas that charge a fraction of the cost and give better training.

But, no, the scam is the trade schools know where the money is. By capitalizing all this Federal money, they are exploiting the kids and the taxpayers.

Make no mistake, there are good trade schools, there are good business colleges. I am sure you are going to hear about them. But they cannot only survive, they are going to prosper because they are successful, good institutions. They should be in the front lines supporting the Waters amendment to get the people who are ripping off the kids and ripping off the taxpayers out of the trade school business.

I want to tell you many people are going to argue that a lot of kids from disadvantaged circumstances have no other place to turn but these trade schools. Well, I do not agree with that premise. But I do not think we are doing a favor to these kids from disadvantaged communities to put them in a school, saddle them with an obligation and dash their hopes again about any future, because they are going to be ripped off by this process.

Think about it: What we are saying is, if you are running a trade school and more than 85 percent of your funds are coming from this one program, frankly we are going to cut you off. We are not saying that they cannot have funds coming in from other Federal programs or other State programs, but that if they are just relying on this student assistance program we think they are taking advantage of the kids and taking advantage of the taxpayers.

I think that this is a critically important amendment. You will hear debate through this week, next week, and beyond about saving the taxpayers money. We are talking about $4 billion in waste, fraud and abuse.

Support the Waters-Roukema amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to speak rapidly because to get all this said in 5 minutes will be difficult. But I think we need the facts now. We have a lot of rhetoric going on here. We have a lot of talk about what took place in years past, but nothing about the leadership that we have had with Chairman FORD to do something about this issue.

So I am going to try to very quickly point this out.

The committee was positively correct in delaying for a year the implementation of this recently published regulation, published on April 29, 1994, as a matter of fact.

The 85–15 rule was adopted on the House floor. I amended the gentlewoman's amendment in order to do that as part of the reauthorization of the Higher Education Act in 1992.

The rule simply requires proprietary institutions to have at least 15 percent of its revenues from sources that are not derived from funds provided under this title.

Although this sounds very simple, if you follow the regulatory process you know that it is anything but simple. After months of negotiations, and drafts and redrafts of the regulations, the final regulations were published on April 29, 1994, with a July 1, 1994 effective date. Unfortunately, the Department of Education's application of the effective date has created serious problems for the many quality proprietary institutions across the country. These regulations with the stated effective date of July 1, 1994, are being applied by the Department to the period beginning July 1, 1993, to June 30, 1994. Some people say that is not retroactive; I do not know how you read it any other way. If retroactivity means extending in scope or effect to a prior time or to conditions that existed in the past, then regulations effective as of July 1, 1994, applied to a period of time prior to that date are clearly retroactive.

Some have said that the proprietary institutions have known for a long time what the regulatory requirements would be with respect to 85–15. That is not true at all.

As recently as a brief period between proposed regulations and final regulations, February 10, 1994, to April 29, 1994, these particular regulations underwent significant change and for my colleagues who believe the calculation is a simple one I want to point out that it took 11 paragraphs of small print in the Federal Register to explain what goes into the numerator versus the denominator for purposes of performing the 85–15 calculation. That cannot be simple.

Here is one example of the problem schools are facing: Schools which provide training to a business at the location of the business and not the school cannot count income from training programs as revenue for purposes of 85–15. This provision has seriously impacted schools which provide such training and thought the revenue counted toward the 15 percent of non-Federal revenue. Considering that the statute does not define revenue at all, schools should not be accused of being unreasonable for not being prepared to deduct income earned from educational training programs from the revenue calculations. Who would have thought that income from educational training programs offered to businesses would not be counted as revenue merely because of where the training occurred?

Another problem I have with the effective date of the 85–15 regulation is the potentially devastating impact on the schools and the students we are all talking about. By September 30, 1994, schools must inform the department of their compliance with the 85–15 rule. If a school is not in compliance, the school is liable for all title IV funds disbursed to its students since July 1, 1994, and it loses its eligibility for the title IV programs. If the school is forced to close, students will be 3 months into their programs and they will be without a school to attend.

Does that make sense if you are trying to help students? If the school is unable to repay the funds, the Government will be out the funds since the students will not be responsible for these funds. Why do we want to create such a situation when it could be easily avoided?

Let me point out things that have been done: I would be standing here with the gentlewoman from California [Ms. WATERS] if we were talking about 1986, 1987, 1988, 1989, but we are talking about 1994. We are not talking about past history. Yes, we set up a program just as we did in many other programs where we threw out too much money without much control, and we were taken advantage of.

□ 1100

But, Mr. Chairman, as I indicated, the Chairman realized this, and we have been working on it. In 1986, for instance, the Consolidated Omnibus Budget Reconciliation Act of 1986 made three major changes to get at this issue. In 1986 the Higher Education Act Amendments made four major changes to get at this issue. In the Higher Education Act we also came up with three more ways to prevent this from happening. Delayed disbursement was one of those things that took place. The fortunate thing about the delayed disbursement is that we have eliminated

700 schools by doing this, and the people who are out in front are the proprietary schools, who are good schools, helping us to do that. We passed all sorts of things.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(On request of Mr. FORD of Michigan and by unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. In 1989 we passed legislation in the Labor, Health and Human Services, and Education Appropriations Act requiring students to have a high school diploma or equivalency certificate to be eligible for title IV aid. In the Omnibus Reconciliation Act of 1989, Mr. Chairman, we passed one, two, three, four, five, six measures, to get at this problem so that we could save the proprietary schools that are good schools that we need, positively need, if we are going to be competitive in this world.

In the Omnibus Reconciliation Act of 1990, Mr. Chairman, again we passed four more things that would require these schools to be good schools and would not allow the schools to take advantage of students. In the Higher Education Act of 1992, we will not know exactly how much more improvement we have brought about by those amendments, because we disburse money, and then they go through the training, and we see what is going to happen. But again we passed three, six, seven, eight more specific things to make sure that we are getting the best proprietary schools.

Let me just tell my colleagues what happened already. Between 1989 and 1992 there has been a 20-percent decrease in the number of proprietary schools. Why? Because of the things we passed to make sure that the bad ones were pushed out, and, as I said, 700 have already gone by the wayside.

In 1989, Mr. Chairman, proprietary school students accounted for 32.7 percent of Stafford loans and 64.5 percent of SLS loans. By 1992 they dropped to 17.6 percent of Stafford and 27.7 of SLS respectively, almost a two-thirds drop in the loans going to these schools. In 1989, the loans to proprietary school students accounted for 27 percent of the total dollar value of Stafford loans, and 59 percent of SLS loans. In 1992, they only accounted for 13 percent of Stafford loans. We have gone from 27 percent already down to 13 percent and from 59 percent to 23 percent in relationship to SLS loans.

So, Mr. Chairman, my colleagues can see what is happening. Everything that our committee did in order to bring about a change in this whole operation so that students do not suffer and the taxpayers do not suffer is working. The number of proprietary school borrowers of SLS loans have been declining each year since 1989 when the number of borrowers was at a high of 415,000. It is now down to 158,000. The comparable dollars borrowed was $1.2 billion in 1989. We are now down to $500 million in this particular year. The number of proprietary school borrowers of Stafford loans has also been declining each year since 1989 when the number of borrowers were 960,000, and now we are down to 546,000. The comparable dollars borrowed are $2.6 billion, down to $1.5 billion.

Everything that has been put into effect is working to save the students, to give them the best education and to make very, very sure that taxpayers are not caught holding the bag.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. WATERS]. In doing so, Mr. Chairman, I want to also take a moment, and in the same manner that the chairman of this committee has complimented her for bringing this matter to our attention, stressing the fact that this is a very serious matter, I want to concur in that respect.

However, Mr. Chairman, at this time I support the committee and the amendment which we adopted in the full committee which was sponsored by the gentleman from Texas [Mr. BONILLA]. I think it is important for the House to understand that at the subcommittee level and the full committee level we had extensive dialog and debate on this issue. When we left the full committee, when we left the subcommittee, we did so with the understanding that in the interim period between the subcommittee meeting and the full committee meeting that I would consult with members of the Committee on Education and Labor, and in particular the chairman of that committee, with reference to how they felt about this particular amendment. In talking with the gentleman from Michigan [Mr. FORD] and also the ranking majority member, the gentleman from Missouri [Mr. CLAY], Mr. Chairman, both of them were emphatic in the fact that they supported the delay of the implementation of this regulation as was being supported and sponsored by the gentleman from Texas [Mr. BONILLA].

One of the most persuasive issues or points that came to fore was the fact that we had in our possession at the full committee level a letter from the gentleman from Michigan [Mr. FORD]. I would like to refer to that letter because I think the committee was strongly persuaded in its action at the full committee level in adopting the amendment offered by the gentleman from Texas [Mr. BONILLA] by this language in Chairman FORD's letter. He said to us:

On its face the 8515 rule is well intentioned and a seemingly simple attempt to ensure that proprietary school programs are sound enough to attract students who are willing to expend their own resources, as well as those of the Federal Government. However the authors of the amendment could not have foreseen the level of complexity surrounding this issue, which is due to a number of variable factors such as student demographics and income levels, local economies and particular institutional programs. Because of this complexity, the 8515 rule appears likely to force the closure of schools that have successfully trained and placed large percentages of their enrollees and may eliminate vital job training resources from low income communities. These issues only now are being brought to light because of the absence of any hearings on the issue before the rule was adopted.

He then went on to say that we are now faced with serious questions as to the prudence of enforcing the 8515 rule on the basis of fiscal year 1993 as the Department of Education proposes.

I think that the letter of the gentleman from Michigan [Mr. FORD] was very persuasive in terms of our committee wanting to follow the dictates of the authorizing committee. All the amendment of the gentleman from Texas [Mr. BONILLA] does is to delay for 1 year the implementation of this rule. It provides an opportunity in the interim period for the authorizing committees to look into this very complicated and very serious matter. There is no question but that at the time that the gentlewoman from California [Ms. WATERS] imposed this amendment, that there was a serious problem. There are good proprietary schools, and there are bad ones. All of us have seen them in our congressional districts. But that is not the point here. The point here today is the simple matter of delaying for 1 year the implementation of this regulation imposed by the Department of Education.

I think that the amendment we have adopted in the full Appropriations Committee is a good amendment. I think that the amendment offered by the gentleman from Texas [Mr. BONILLA] is thoughtful, it is incisive, it makes sense, and I support that amendment. I would urge the defeat of the amendment offered by the gentlewoman from California [Ms. WATERS].

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, colleagues, I have been an educator since 1969. I have seen this growing scandal since that time as president of a university and as the chairman of a national association of 373 universities. Congress made a fundamental mistake when it permitted a group of schools to access Federal student loan funds that might have many qualified schools, but also has many unqualified schools in their midst, and that is the proprietary schools of the country.

There is no doubt that some proprietary schools do fine training. Many of their students do learn something and secure a job. That is not the question.

The question here is postponing for 1 more year a sensible regulation that requires these schools to have at least 15 percent of their revenue from other than Federal loan funds. Those who want to continue procrastination in this area will stand accused of billions of dollars in defaulted loans being added to the national debt. When students learn nothing and cannot get a job to repay the loan, they default.

Now, if there is something wrong with the regulation, do not postpone it for a year. Support the gentlewoman from California [Ms. WATERS] and the gentlewoman from New Jersey [Mrs. ROUKEMA] amendment and rewrite it in the conference with the Senate. But we need action. We do not need more procrastination.

In my humble opinion as an educator who has watched with great upset this trend, those who vote against the amendment are simply adding to the national deficit, and we should regard that as gross irresponsibility.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman referred to his career before Congress. He and I became friends long before I met him here on the floor of the House.

I have been the chairman of the Committee on Education and Labor since 1977, and the gentleman called upon me numerous times as a very effective lobbyist for the type of institution he was employed by.

Now he is here and he is talking about another type of institution. Never did I ever hear from the gentleman any concern about the mistakes we were making. Just "We need more money."

There are institutions like yours, sir, that will be caught by these silly regulations, if they are permitted to go forward in the form they are in now. It is not just proprietary schools.

Just 3 weeks ago the House voted overwhelmingly to delay the impact of this on historically black colleges because we realized the majority of them would have been adversely impacted and they had no opportunity to prepare for it. We delayed that for 2 years.

This is not a 2-year delay. This is a delay until the end of this appropriations year. You will notice before this debate is over, the overwhelming majority of the members of the committee that writes this legislation and who wrote all of the integrity provisions that the gentleman from Pennsylvania [Mr. GOODLING] referred to, believed that what we did is working.

We have no problem with 85–15 if it was intelligently applied. But the way these regulations would apply it makes absolutely no sense. As the gentleman from Pennsylvania [Mr. GOODLING] said, if you need 11 pages of fine print to explain the components of the denominator in trying to come up with a formula for what is 85 and what is 15, there is something wrong, because everybody who rushed to judgment out here and voted for the gentlewoman's amendment thought they understood what 85–15 was.

You have got to get at least 15 percent of your money from some source other than the Federal Government. Not so by the regulation. That is the problem. Not so by the regulation. And that is why the Department of Education is working with us to go back to the drawing board. We will put 85–15 in effect before I leave here, but we will put it in effect in a sensible way, so it does not throw the baby out with the bath water.

Mr. Chairman, in preparation for the 1992 reauthorization of the Higher Education Act of 1965, the Education and Labor Committee reviewed and debated virtually every aspect of the act with the objective of improving the quality and integrity of Federal higher education programs. As a result, the committee reported out a bill that recommended substantial increases in the level of scrutiny over these programs and rigorous fiscal integrity provisions to protect American taxpayer dollars. The Higher Education Act reauthorization adopted by the 102d Congress includes new programs that are now enabling the Department of Education to eliminate the problem schools and weed out the unscrupulous actors who have sought to gain at the expense of American taxpayers and students.

During the floor debate of the 1992 reauthorization, this body also adopted an amendment now known as the 85–15 rule, which states that proprietary institutions with more than 85 percent of their revenues from title IV of the Higher Education Act are ineligible for title IV funds. The 85–15 rule is a well-intentioned and seemingly simple attempt to ensure that proprietary schools are sound enough to attract students willing to spend their own funds to attend. However, the rule is not simple, and, despite its good intentions, will not have the desired effect of eliminating inferior institutions while retaining only those that are sound and worthy of Federal support.

Because the 85–15 rule was offered on the floor, the authorizing committee had no opportunity to review its effects or implications. Had the issue been properly raised before the Education and Labor Committee's consideration of the Higher Education Act reauthorization, the committee would have summoned witnesses and consulted the Department of Education, which would have allowed it to assess the impact of the 85–15 rule. The committee would then have advised the Congress as to how this rule would affect schools in Members' districts, described the characteristics and relative successes of the schools likely to be affected by this rule, and presented the Congress with an analysis of how this rule would affect the students attending these institutions. However, because the amendment was offered on the floor, thereby preempting the Education and Labor Committee's analysis and review, the Congress did not have the benefit of all the information relevant to the effects of the 85–15 rule.

Some of that information is now becoming available, and early reports indicate that serious problems may result from the Education Department's proposed imminent implementation of this rule. For example, it appears as if all of the proprietary schools in Puerto Rico will be closed. Many schools in economically distressed areas that are now training hard-to-serve populations and placing them in steady jobs with good futures will be closed. Other schools with unacceptably low placement rates will be completely unaffected by this rule. On the other hand, some schools that are presently providing highly valued services to companies on a contractual basis will be closed since those contracts are to be excluded from the Department's calculation of revenues. Since the authorizing committee did not have a chance to build a record on this issue among others, the Department of Education had little guidance as to whether to include these funds in the definition of revenues.

There are other problematic issues relating to the enforcement of this rule. For example, schools that become ineligible in the coming year will be required to return all title IV, HEA funds expended after July 1. But because a school will begin awarding Federal aid to students before they can be certain as to the percentage of non-Federal funds, some of those schools will not know whether they are in compliance until they have spent the Federal money. Schools will be forced to make high-stakes wagers on whether they will qualify, since decisions will have to be made after Federal aid has been spent on their programs.

A reasonable delay of the enforcement of this rule will give schools an opportunity to prepare and make appropriate changes in their programs to comply with the rule. This does not mean that bad schools get a reprieve from meeting Federal standards. The 1992 reauthorization is now eliminating institutions that do not meet Federal fiscal integrity standards and will continue to do so as many of the regulations implemented pursuant to the 1992 reauthorization of the Higher Education Act take effect. However, a delay, such as that recommended by the Appropriations Committee, may be a prudent way to avoid closing good schools and would prevent the unnecessary disruption and dislocation in the communities these institutions serve.

Mr. HORN. Mr. Chairman, reclaiming my time, I think the gentleman, who has a very good memory, will recall that I importuned him, as I did the 1970 White House Conference on Youth, that we should be collecting student loans through our income tax system. I regret that Congress has not acted earlier on that proposal.

Mr. FORD of Michigan. But the gentleman acknowledges we have acted.

Mr. HORN. I acknowledge you acted. We acted a decade after we should have.

Mr. FORD of Michigan. We finally have an administration that is willing to use the Treasury Department to collect the loans.

Mr. HORN. As I recall the Reagan administration arranged for the loan payments of those who had defaulted to be collected against any refund due to the

individual from the Internal Revenue Service. Since 1970, I have advocated that all individual loans owed to the Federal Government be collected by IRS based on an ability to pay. By the way, not one institution of the American Association of State Colleges and Universities would fail to qualify under the 85–15 rule.

Mr. Chairman, I include as part of my remarks, the relevant concerns on this subject expressed by the American Association of State Colleges and Universities [AASCU].

AASCU RESOLUTION OF 1975: PROPOSED LEGISLATION AND REGULATIONS ON ACCREDITATION

Whereas, the U.S. Office of Education is considering legislation and regulations which (1) would broaden the language of the Educational Amendment of 1972 to make private and proprietary postsecondary vocational institutions eligible for student assistance funds by way of State approval and (2) revise existing regulations to require that accrediting agencies agree to provide monitoring services in areas other than the academic quality of postsecondary institutions; and

Whereas, the proposed legislation raises the specter of repetition of the poor performance of some state level agencies with the G.I. Bill in the post World War II era; and

Whereas, AASCU believes that education and the public interest are best served when the determination of eligibility for Federal funding involves the appropriate and mutually reinforcing role of Federal government, state government, and voluntary, non-government accreditation and when the role of voluntary, non-governmental accreditation is properly recognized as being that of evaluating and promoting educational quality;* * *

Mr. HORN. Mr. Chairman, I note in particular the reference to some of the awards made during the Second World War. Congress changed the ground rules for GI bill awards made to Korean veterans.

AASCU RESOLUTION OF 1979: IV. PUBLIC FUNDS FOR PRIVATE AND PROPRIETARY INSTITUTIONS

Today, over 40 states provide some form of aid to the private sector. State student aid (sometimes limited to "independent" colleges) is most common, but an increasing number of states also have institutional aid, on a per student or per degree awarded basis. Some now have "tuition offset" or "tuition equalization" programs which are intended to reduce tuition to make it possible for more students to attend private colleges, and some also include proprietary school students in their state student aid programs.

AASCU believes the state's first priority should be to insure the quality of public higher education. While we strongly support the American concept of pluralism in higher education, we stand by the position that no state aid to the private or proprietary sector should be at the expense of public college students, either in terms of reduced appropriations for the public sector or increased tuition and student charges at the state colleges and universities.

AASCU RESOLUTION OF 1994–1995

Support radical legislative and regulatory remedies to the morass of fraud, waste and abuse the besets student aid especially in the for-profit sector.

Mr. HORN. Mr. Chairman, the National Consumer Law Center, Inc. has made an excellent statement answering the most common arguments against the 85–15 rule. I ask that the statement be included at this point in my remarks.

NATIONAL CONSUMER LAW CENTER INC.,
*Washington, DC.*

ANSWERS TO THE MOST COMMON ARGUMENTS AGAINST THE 85–15 RULE

*Will most trade schools, including both good and bad schools, be forced to close if the 85–15 regulation becomes effective July 1, 1994?*

No! Most good trade school are able to attract non-Title IV revenue. The biggest impact of 85–15 will be on shoddy Title IV mills which exclusively solicit low-income students eligible for the maximum federal loans and Pell grants. If the school provides meaningful training for decent paying jobs for which there are openings, students will spread the word, and others will enroll, and pay or have their families pay toward their tuition.

*Trade schools say that minorities and poor people will be hurt by the Department of Education's 85–15 regulation. Is that so?*

No. To the contrary, the 85–15 Rule will *help* poor and minority students by protecting them from shoddy programs at schools set up primarily to receive federal Title IV aid. It will shield them from the consequences of loan default which will most certainly follow from inadequate education or training including: being barred from future educational opportunities (which require grants or loans); having their Earned Income Tax Credits or income tax refunds seized to satisfy defaulted loans; being unable to get a car loan, mortgage, or subsidized housing due to a bad credit report.

*Schools say that the 85–15 regulation operates retroactively. Is that so?*

Absolutely not. The effective date of the law was October 1, 1992. It has not yet been implemented. Under the Department's regulation, no revenue from before October 2, 1992 would be counted. The trade schools also argue that the definition of revenue adopted in the final rule is different from the proposed rule in that the final rule only allows counting of revenue generated by Title IV-eligible programs. But most schools have only Title IV-eligible programs so counting only that revenue would be the same whether one applied the proposed or final regulation. Consequently, the Title IV revenue limitation would have no effect on most schools.

*What's the harm of a one year delay in the 85–15 regulation?*

Scarce Title IV dollars will be lost to unscrupulous schools and low-income students will be harmed. They will have incurred loan liability for inadequate training and suffer the many adverse consequences of loan default.

*Is the 85/15 regulation beyond the statutory authority?*

No. The regulation closely tracks the statute and reasonably defines the formula by which compliance with the rule is determined.

*Weren't trade schools part of the process that negotiated the regulations with the Department?*

Yes. The industry participated in an extensive negotiating process to develop the regulations, along with colleges and student and consumer groups, from January through September 1993.

*Trade schools claim that the 85/15 regulation prevents them from counting as part of their total revenue funds obtained through training contracts with companies to train their employees. Is that so?*

No. The revenue can clearly be counted so long as the school's program is eligible for Title IV aid.

*Is there any precedent for the 85/15 Rule in other federal programs?*

Yes. Training programs funded through the GI Bill for veterans contain a similar 85/15 limitation, also meant to curb abuses perpetrated by trade schools set up primarily to garner federal aid.

*Is cash from students or their families the only way to satisfy the 15% requirement of the 85/15 Rule?*

No. Other forms of state, local and federal government dollars, such as Job Training Partnership Act (JTPA) funds, federal Perkins Act funds and state grant monies, may also be used to meet the 15%.

*Is the Department's definition of revenue in the 85/15 regulation unfair to trade schools?*

No. The definition is the result of compromise through the negotiated rulemaking process required by Congress. Just as trade schools believe the final regulation is too harsh, consumer advocates believe that it is too loose since it allows schools to count as revenue certain monies from non-training activities.

Mr. HORN. Mr. Chairman, the inspector general of the U.S. Department of Education, the Honorable James B. Thomas, Jr. has appropriately expressed his "concern about H.R. 4606 * * * which would delay the effective date of the 85–15 rule." He is correctly concerned about the fraud, waste, and abuse which will occur if we do not support the Waters-Roukena amendment.

OFFICE OF INSPECTOR GENERAL,
U.S. DEPARTMENT OF EDUCATION,
*Washington, DC, June 24, 1994.*

Hon. CLAIBORNE PELL,
*Chairman, Subcommittee on Education and Humanities, U.S. Senate, Washington, DC.*

DEAR SENATOR PELL: I am writing to express my concern about H.R. 4606, a bill approved this week by the House Appropriations Committee, which would delay the effective date of the "85/15" rule. That rule was enacted as part of the Higher Education Amendments of 1992, 20 U.S.C. §1088, and became law on July 23, 1992. It requires that proprietary trade schools derive at least 15 percent of their revenues from non-Title IV sources. In my view, this is an important anti-fraud, waste and abuse provision that should not be delayed.

The Office of Inspector General has done extensive work on the student financial assistance programs under Title IV of the Higher Education Act for many years, and we have identified the proprietary trade school section as a major contributor to the fraud, waste and abuse in the programs. One such abuse is that such schools set tuition prices that bear little or no relation to the quality of the training, the prospect for employment in the field of the training and the prospect for a salary that will allow students to pay their federally insured loans and support themselves. Instead, our observations reflect that the tuition price is often set based upon the maximum federal student financial assistance that is available, leading in many cases to inflated prices that the federal taxpayer and student are being asked to bear. Our studies have documented instances where community colleges and other public institutions offer training in the same field sufficient to allow students to gain entry-

level jobs for a fraction of the price charged by proprietary trade schools.

Before the 85/15 rule, there was no provision of law to ensure that tuition prices were reasonable. On the contrary, the availability of Title IV money actually interfered with free market forces that would otherwise control prices, because no one was required to pay his own money for the training or find non-Title IV sources (e.g., private, state or other federal program sources). By ensuring that a modest amount of such schools' revenue come from non-Title IV sources, the 85-15 rule will re-introduce a measure of free market control and force prices to reasonable levels relative to the value of the training offered, without direct federal price controls.

Because I believe this very valuable purpose is served by the 85-15 rule, I am not convinced that it should be delayed based on arguments by the proprietary trade schools that some percentage of such schools will close if the rule takes effect on schedule. First, as I have previously testified before the Senate Appropriations Committee, the acronym "SFA Programs" stands for "Student" Financial Assistance Programs and not "School" Financial Assistance Programs. We must be concerned first and foremost about the students who are victimized by inflated tuition prices for training for generally low-wage jobs, and end up defaulting on their student loans. Second, we have not seen data supporting the statistics for potential school closures cited by the proprietary trade schools. Third, we do not know whether schools that maintain they cannot comply with the 85-15 rule have made any serious efforts to do so in the two years since the law became effective. Finally, based upon this office's extensive experience auditing and investigating proprietary trade schools in the Title IV programs, we believe it is likely that most schools that cannot meet the 15-percent rule have other serious programmatic problems such as high default rates, late refunds and administrative capability problems. I do not believe that "good" schools—those providing valuable training for reasonable prices—will fall victim to the 85-15 rule.

I urge you to reject any attempt to delay or otherwise weaken the 85-15 rule.

Sincerely,

JAMES B. THOMAS, Jr.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Waters amendment. The gentleman from Texas [Mr. BONILLA] has done a good job, as has the gentleman from Michigan [Mr. FORD], the gentleman from Michigan [Mr. KILDEE], and the gentleman from Pennsylvania [Mr. GOODLING].

Does the amendment of the gentlewoman from California have some good merit? Yes, it does. Have there been fly-by-night schools? Yes, there have been. The committee and other sources have been working diligently to eliminate those schools.

Since 1989, over 20 percent of those fly-by-night schools have been closed. Can we do it better? I think even the chairman would agree, yes, we can. All we are asking for is to wait until the end of this year when the gentleman from Michigan [Mr. FORD] retires, to resolve the situation. The formula, the means in which to calculate this, is so monumental, that we are going to close a lot of good schools.

I do not have the primary schools in my district. They are down in South Bay. But I have been to 11 of those that are performing very, very well. What are those schools? A couple of them are beautician schools and cosmetology schools. I wanted to tell you, they are very effective.

By law, they are required to spend extra time in service at the school for practical application. And who do they help? They help the very, very poor, because they practice on someone that cannot afford to get a haircut. The gentlewoman would know this. I would invite the gentlewoman to come to San Diego, and I would be happy to take her down there.

This amendment is ill-advised. Congress could not have foreseen the devastating impact of provisions on students attending private career colleges.

Mr. Chairman, I envision education as if you take a look at the number of children who start college, it is a very low percentage. If you take a look at the number that finish college, that is a low number. If you take a look at those that drop out, that do not finish a college education with a skill that they can use in later life, it is a much higher percentage than those that finish college. So we need to educate and provide basic education for schools. Without some of these schools, that will not happen.

We need schools and trade schools for women. This fills that. There is very little of those in existence today. The department regulation is applied retroactively and includes language which prohibits institutions from counting all viable revenue in the formula itself. It is monumental. We are going to close a great majority of our good schools. That is going to equate to 1.2 million children that will not have vocational education training.

That is why I oppose the amendment. If the current regulation is implemented, over 50 percent of these quality proprietary institutions of higher education in the Nation will be forced to close their doors.

I take a look at what we need to do in education. I feel that the vocational education, the training, the things that we need to proceed with, are much more important than some of the things we are doing even for higher education.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

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

Ms. WATERS. Mr. Chairman, I thank the gentleman from California for yielding to me on this issue.

Mr. Chairman, I simply would like to say that certainly I would accept your invitation to come to San Diego to see poverty, but I really do not have to go very far. I represent a district that probably has a lot more poverty than the area that you are suggesting I visit.

Does it not strike you as strange that the so-called liberal lady from California is up here fighting, fighting to keep resources, as you would have described them, out of a district of poor people? I think I have a reputation for trying to get everything that I can get for poor people. When the liberal lady from California stands up and says no, I do not want it in my district, you better know something is wrong with it.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I know the gentlewoman fights for poor people, and I support that. But I also see other liberals on the committee that are opposing her amendment, and for good reason. If the gentlewoman could run a business and see how you make it run, and write paychecks to keep it from closing, that is what we are talking about here. We are talking about closing businesses that provide a valuable education source to many thousands of students.

I would have the gentlewoman come to my district. It is not exclusively poor. But I would also like her to look at the good that these schools are doing. I say that sincerely to the gentlewoman from California.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Waters amendment. Now, why would I oppose the gentlewoman's amendment? We come from similar kinds of backgrounds and districts. I have taught school and worked in impoverished communities for 42 years. I have seen and served on education committees for the last 14 years. So why would I not support the Waters amendment? I wanted to tell you why.

The issue here is certainly not the 85-15. That is not the issue. If you listen to the impassioned remarks, you would feel that that is the issue.

□ 1120

That is not the issue. The issue here is one which the Committee on Appropriations had to face. It is one which the subcommittee from the Committee on Education and Labor and the entire full committee had to face.

No. 1, there is a problem. There has been one. It is not as much as it was, but it is much less, as we heard the gentleman from Pennsylvania [Mr. GOODLING] talk about. So that is not the issue. Do not be waivered by what we hear based on emotion.

No. 1, the fact is 85-15, the concept, is a meritorious concept. What we are arguing here today is the delay in this should be held. Why should we delay the implementation?

No. 1, it was suddenly put into effect. It was written and the regulations were

released on April 29. Now the Department of Education and the supporters of this amendment would say to us that it could be implemented without confusion, quickly, and it is going to hurt a lot of people.

I come from a district where there are women with small children. There are people who need jobs, who have been through a hurricane, who have been through four major riots. They have been through all kinds of devastating occurrences. But I can stand here and say to Members as an educator, we cannot do a quick fix to this problem. We need to go back to what the subcommittee or the Committee on Education and Labor has already come up with. It is called the Post Secondary Education Review Committee. They are the experts in this.

They are talking to industry throughout this country. We are speaking to people who come from neighborhoods like mine and from the gentlewoman. I want to help the same people that she does. I want to help the same people that the Committee on Education and Labor does. Look at this, give it a chance because we understand that most schools, like the ones that this amendment will affect, serve individuals who need help most in going up the education ladder.

Historically, these schools earn about 8 percent of their income from nonfinancial aid sources. Historically that is the case. But would it not make more sense to study these schools, to give the Committee on Education and Labor a chance to study these schools' income and patterns and compare their schools' performance in areas such as graduation and placement rates? All of these schools are not bad. All of these schools are not ripping off the students. Those that are left may not ever, the community college may not ever accept some of the students that go to some of the schools that are doing a good job in our neighborhoods.

So this amendment would be much better, also, the gentlewoman has compared it to the GI bill. But it is not just like the GI bill because the GI bill had a waiver in it, which would give the administrator a chance to waive these requirements of this subsection in whole or part if the administrator determines it to be in the interest of the eligible student and the Federal Government.

We are talking about putting all the emphasis on these schools. I want Members to think before they vote about these students who are also impacted negatively by this quick jump-start movement by the Department of Education. Vote against the Waters amendment, because it does not give us a chance to study this for the good of all concerned.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

I urge support of the Waters-Roukema amendment. As a cosponsor of that amendment, I want to say here that our colleague from California, [Ms. WATERS]. deserves a lot of credit for what she is doing here. She does represent poor areas, but she understands that the kids are the victims here. They are not getting an education, and they and the taxpayers are being saddled with the cost. That is why I rise in proud support of our amendment.

I also like this legislation. I will probably vote for the bill in the end. But we are making a very, very serious error on this issue. I am astonished that the Committee on Appropriations went along with this. I am deeply concerned, as a Republican, about this and the fact that taxpayer accountability is going totally out the window. It is a giant step backward. In other words, waste, fraud, and abuse are winning right here if we do not adopt this amendment.

We have heard more rhetoric on this floor about eliminating waste, fraud, and abuse and being accountable to the taxpayers. If Members really mean it, they have to vote for the Waters amendment.

Now, I would like to separate some of the fact from the fiction that has been stated here today. I was one of the Members that fought, even before 1992, to get reform legislation into the law. After 2 or 3 years of active study on this subject, where everybody knew it was a scandal, we finally got it into the Higher Education Act of 1992. So we are talking about 2 years when all interested, effected parties knew this was coming along. We saw at that time that the default rate had grown to close to $4 billion a year. That was an absolute scandal. So we were forced to do something about it.

But now here we are, 2 years later, asking for yet more time. We have had 5 years that we have been working on it prior to the reform bill. Now they want more time.

The inspector general's report that was alluded to, and I hope it is put into the RECORD, and I will urge that it should be in the RECORD, because it tells the whole story there.

Let us understand, for the colleagues that do not know what we are talking about, what 85–15 rule is all about. First of all, we are not talking about all the vocational schools. We are talking about the proprietary schools, and what proprietary schools means is for-profit schools. It is not all the for-profit schools. It is only those that apply under the 85–15, which means that 85 percent of their funds are taxpayer money. So we ought to be keeping a close eye on this.

The rule change that the gentlewoman offered in the original legislation 2 years ago was a very modest change, and it was designed to separate the wheat from the chaff; in other words, to separate the scam schools from the genuine trade schools; or the diploma mills from the real schools that were doing their job; the solid citizens from the bad actors. That is all we are talking about here, those bad actors that have become diploma mills. They are scam schools and we all know it.

Over the past few years we have seen the evidence, overwhelming evidence of the abuses in these schools. And I think we can definitely summarize it by saying, these schools that are left—because many, as has already been documented, are already out of business—but the schools that are left are literally on the dole in the purest sense of the word. They are on the dole with 85 percent of their funds coming from taxpayers. They provide no worthwhile training, that is evident. They leave students with little or nothing to show except that they now have the bill. No job skills. No education. Only serious debt, and the taxpayer is being sent the bill.

That is what we are talking about. We are not talking about anything else.

Now, the other fiction here is that somehow we are springing something on these schools at the last minute. That is not true. They have had 2 years to prepare for this. And, indeed, in the past year they have been actively involved, invited in by the Department of Education to work on the rulemaking. And if they did not do their jobs over this past year, then I do not think the taxpayer should be told, sorry, folks, you have to wait yet another year so it will be 3 years from the time the reform was put in. I think this is a disgrace. I think voting against the Waters amendment literally, quite literally tells these schools, you can continue on the dole and the taxpayers will continue to pick up the bill.

I am afraid that, I have the feeling here that they are going to use this time to escape the reforms that we put into law. They are going to find another loophole. I am afraid that is the agenda here, a not so hidden agenda. Vote "yes." Cut the waste, fraud, and abuse. Save the taxpayers.

□ 1130

Mr. Speaker, I see no other reason for further delays, but that we should demand accountability now. It was well thought out. If they did not do their job over the past year during the rulemaking process, they that is their problem.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Chairman, I rise in opposition to the Waters amendment, not because I want to delay action on rooting out waste and fraud in student aid programs, but because I fervently want to get it right.

I commend and I am grateful to the gentlewoman from California [Ms. WATERS] for all her outstanding work on

this issue. We agree that this is a critical issue that we have to face head on.

I was part of those hearings with the Committee on Education and Labor where we saw fraudulent schools lure kids off the street and get them into these programs, but we cannot condemn all the schools just because of the truly, truly fraudulent schools that are not educating. We all know that there are groups that are doing the right thing with those same numerical numbers.

Mr. Chairman, I want us to get this situation right. It is far from clear to me what the impact will be of the 85–15 rule. There are those who warn that it will result in the closure of numerous quality job training programs, leaving students with nowhere to turn and the Federal Government liable for student loan debts. Others believe that 85–15 is the only way to target schools which exist solely to rip off the student aid system.

The fact is that no one can tell us with reasonable certainty what the impact of 85–15 will be. Therefore, that is why I support the delay in its implementation so that the Education Department can take a more careful look at its effects and make changes in the rules that are consistent with the authorizing legislation.

Mr. Chairman, there is not another member of this body who feels more strongly about the importance of eliminating waste and fraud in student aid. In 1992 I worked very closely with the chairman, the gentleman from Michigan [Mr. FORD ] and other Members on the Committee on Education and Labor on this issue, and sponsored the legislation which established a State post-secondary review program, SPREE, the Federal-State partnership, designed to improve the quality and accountability of Federal student aid programs.

The integrity provisions to which I refer are beginning to work. States are putting in place a system where they can look at a whole school, not just numbers, but evaluate the whole school and get rid of those schools that are not doing a job, that are ripping off the system with our taxpayer dollars.

Mr. Speaker, in my judgment, 85–15 may not be and is not, until we have more specifics, the best way to root out these schools, to get rid of those bad programs. That is why we want in place a State integrity program to really look at the whole school. That is going to get to work by triggers. They are going to make them identify these schools.

This limited rule, in my judgment, Mr. Chairman is not nearly equal to the task of addressing a problem that wastes $4 billion per year.

My core concern is that the problems caused by 85–15 could undermine support for the larger task of establishing a comprehensive system of overseeing the use of Federal student aid. If we cannot predict the impact of this rule on schools and students, we should take the time to find out, to get it right.

Therefore, I urge my colleagues to oppose the Waters amendment, so the Education Department and the authorizing committee, as agreed to by our chairman, the gentleman from Michigan [Mr. FORD], and he is committed to getting this in place by the end of the year, can get this right, so we can truly get rid of those schools that are ripping off our kids, ripping off the taxpayers.

Mr. SERRANO. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I think we have to be very, very careful with what we may think we may be doing today by approving this amendment. The fact of the matter is that there is not a single person here in this House who does not recognize the fact that there is a serious problem with many of these schools. That is why all of us together have gone out to try to do something about this problem.

However, Mr. Speaker, as has been said by so many speakers today, this particular problem deals with the fact that this regulation as imposed now runs the risk of closing down so many schools that it would create a problem throughout this Nation; so many good schools that it would create a problem throughout this Nation.

Before I came to this House, I spent 15½ years in the New York State Assembly, and many of those years were spent as chairman of its Education Committee. As chairman of that committee, I spent a lot of time going after these schools, and in fact, being involved in closing down many of them.

However, it was never our intent to close down the good schools. It was certainly not our intent to create a situation that there may be in New York State, in California, in places like Puerto Rico, which Members will hear about later, where you would probably close down every single school, and students who attend these schools for the most part are people who have been failed by the regular school system, people who are trying to get a second shot at an education. Please take into consideration this kind of information you have heard today when Members take this vote.

I never thought that I would rise on this floor in opposition to anything the gentlewoman from California [Ms. WATERS] says. Our voting records are identical. She is correct, and I stand with her. However, the regulations being imposed, based on her genuine desire, are not correct and they must be stopped. They must be stopped now.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Michigan.

Mr. Chairman, I simply want to say very briefly, if we look at what the gentleman from Pennsylvania [Mr. GOODLING] gave, he gave a pretty complete list of integrity provisions.

I am surprised to see the gentlewoman from New Jersey [Mrs. ROUKEMA] saying that she talked and talked and nobody did anything, because we let her introduce a good many of those resolutions, those amendments, including on the floor. When I mentioned a little while ago the relief we had to give to the historically black colleges, it was to one of the gentlewoman's amendments.

When I referred to the gentlewoman, I meant the gentlewoman from New Jersey [Mrs. ROUKEMA], not the gentlewoman from Los Angeles [Ms. WATERS]. The gentlewoman from New Jersey [Mrs. ROUKEMA] was willingly given credit for passing a number of the integrity provisions that we worked out.

When Members see the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. FORD] out here on the same side of an issue, there has to be a reason. The reason is that we both have invested too many years of our lives trying to take care of the integrity of these programs, but trying to do it in a sensible way.

Mr. Chairman, I can assure this House that we have already been negotiating with the administration. They took over a job that was started by their predecessors. They ran too fast and did a pretty poor job with it.

Do not be fooled by this "They have had ever since 1992 to get ready for it." The regulations were only published in late April, to be effectively July 1. There has been very little time.

As soon as we saw, we realized there was a problem, but we have not been able to turn it around. If Members give us this delay, we promise on our committee that we will work with the department, and if necessary, we will bring in a piece of separate legislation, not to repeal 85–15, we do not have any objection to 85–15, but to do what people thought they were voting for with 85–15, not what the regulations would have us do.

Our quarrel, as the gentleman from New York [Mr. SERRANO] says, is not with the 85–15. That fight is over a long time ago. Our quarrel is with the regulations that were written to implement 85–15. They go much further than I am sure anybody who voted for 85–15 intended.

I am sure Members thought that if the school got at least 15 percent of its money from a source other than the Federal Government, it would qualify. Not so. Under the regulations, if they are training students for General Motors or IT&T or somebody else, that money does not help because it does not come out of the students' pockets. That is crazy.

The General Motors Institute, which primarily trains people for promotion

and employment with General Motors, takes students in and it is eligible for Title IV programs. That would say that the money that they spend on training their own employees and upgrading their employees does not count against the Federal contribution. That is not what people who voted for 85–15 thought they were voting for.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair would ask the gentleman to withhold. There are only 3 remaining minutes for the entire debate on this bill and on this amendment.

The Chair is going to exercise the Chair's discretion to divide the last 3 minutes, since proponents of the amendment do not get opportunities under the current rule.

The gentleman from Minnesota will be recognized for 1½ minutes, and the gentleman from California [Mr. TORRES] will be recognized for 1½ minutes, of the 3 remaining minutes.

The Chair recognizes the gentleman from California [Mr. TORRES] for 1½ minutes.

Mr. TORRES. I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. Chairman, I rise in opposition to the amendment offered by my friend from California, who fights as hard to make educational opportunities available to deserving students as any member of the House. I believe, however, that this amendment may inadvertently hurt both disadvantaged students, as well as the schools that serve them.

Mr. Chairman, we all know of the abuses of Federal student aid that have been committed in the past: some fly-by-night proprietary schools which participate in the Pell Grant Program have become Pell mills, preying on low-income individuals to enroll them as students, take their money, and abandon them before offering sufficient training or job placement. However, since the Department of Education began closer monitoring of proprietary schools and implementing stiffer regulations regarding title IV funds, many of these schools have been forced to shut down. I am confident that with the Department's commitment and vigilance, we will continue to be able close the doors of schools that rip off students.

The 85–15 rule was one of several legislative means established to help curtail the activities of unscrupulous trade schools. Certainly, we would agree that no school should draw all of its revenue from title IV programs. An unintended side effect of implementing the 85–15 rule at this time, however, is that many of those legitimate institutions serving lower income students may be irreparably harmed. Although this rule was passed with the Higher Education Act reauthorization in 1992, it took until late April of this year for the Department to publish final regulations for 85–15. It is therefore only fair to allow schools time to comply prospectively, rather than force schools to take drastic action in the short run to comply with the new regulations.

The low-income students we are trying to help will likely to be the very ones hurt if this rule is applied retroactively. Given that poor students are more dependent on student aid than others, schools will be forced to make admissions decisions based upon who has the ability to pay for tuition. This redlining of poor students and poor communities is almost inevitable unless we allow schools additional time to come into compliance with this rule.

Mr. Chairman, over 75 percent of the jobs of the future will require some kind of training or education beyond high school; and even those with jobs now may need to be retrained, because many districts such as mine will face significant job losses if we cannot convert our defense-based industries to civilian applications. Proprietary schools will play a key role in helping to meet these goals. I therefore urge my colleagues to keep the best interests of students in mind, and vote "no" on this amendment.

Mr. TORRES. I yield to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I oppose the amendment, and urge my colleagues to oppose this amendment.

As a member of the Education and Labor Committee, I am deeply concerned that this amendment will negatively impact the ability of many low-income students to pursue a quality education. When the Congress passed the Higher Education Act amendments 2 years ago, I supported many of the integrity issues to weed-out unscrupulous proprietary schools. But the current 85–15 regulation, applied in a retroactive manner, is unfair, and unworkable to many of the good schools that provide a sound education to it's students.

Some have suggested that the 85–15 provision is 2 years old, and that schools should have adapted to this rule. But let me say that this provision went through negotiated rulemaking, which, by definition, is a negotiation process. There have been several different drafts of the 85–15 rule, and the department should not retroactively apply this rule. I believe it is fair to give these schools 1 year to meet these new requirements, and I urge my colleagues to vote against this amendment.

□ 1140

Mr. TORRES. I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I oppose the amendment.

Mr. Chairman, I rise to support the provisions in H.R. 4606, the 1995 Labor, Health and Human Services, Education appropriations legislation which delay the implementation of the 85–15 regulations as they relate to proprietary schools.

This delay is necessary so that the schools affected by these regulations will have time to carefully study what is expected of them in order that they can implement the regulations in an effective manner.

The amendment requiring that proprietary schools (private career schools) receive 15 percent of their income from non-Federal student aid sources was enacted in the higher education amendments of 1992.

In early 1994, a notice of proposed rulemaking was published setting forth what could be considered as revenue for the 15 percent. On April 19, 1994, the final regulations were published. The final regulations did not reflect any of the versions of the proposed formulas. Therefore, schools have only had since April 29, 1994, to examine how to calculate their revenue. The effective date of the regulations is July 1, 1994. It is very difficult for schools to meet this deadline date of July 1. Schools need time to make the necessary changes in their operational procedures in order to comply with these regulations. If these schools are forced to comply with this deadline, there will be many devastating consequences:

It is estimated that as many as 50 percent of all proprietary schools will fold under the new 85–15 rule as written. Other estimates range from 30 to 70 percent. However, using 30 percent, we are talking about 600,000 students each year with no way to complete their education. The social cost of this would be immense. A 1-year delay will help many of these schools.

In Missouri alone it will make 8,000 to 9,000 students ineligible overnight. In St. Louis alone almost 3,000 students will become ineligible. As applied, it will destroy the private degree programs offered by private career schools because a student in the second year of an associate or baccalaureate degree will loose his or her eligibility and have to drop out of the program. A 1-year delay will allow institutions to bring their organization into compliance with the Secretary's definition of revenue.

Let me cite for you some other examples of why this delay is needed for some proprietary schools in St. Louis. The Sanford-Brown School in St. Louis trains the majority of all 3-year registered nurses in the State of Missouri. Their completion rate for students exceeds 85 percent and their placement rate is over 90 percent—at hospitals such as Barnes and Washington University. Most of the students at Sanford-Brown have chosen not to attend a traditional school for reasons of cost, distance from home, and the alternative of successful training for a specific occupation.

The Missouri School for Doctors Assistants, also in St. Louis, is another example of a good school serving the community and students who would be impacted adversely. In this case, a disproportionate number of students are minorities, displaced homemakers, and single parents. Yet they complete diploma and associate degree programs at a rate over 80 percent and are placed in skilled medical jobs at a rate of nearly 100 percent.

In regard to another matter pertaining to the 85–15 rule, the authorizing committee never fully debated this issue. There is now legislation introduced by Representative PATSY MINK which addresses the formula and will provide the authorizing committee with an opportunity to fully examine this provision.

If 85–15 is put in place right now, we are telling students they have no choice, and we are taking away the most fragile and important part of their lives—hope and the fulfillment of their dreams.

I urge you to support the language contained in the bill addressing the delay of the 85–15 rule.

Mr. TORRES. Mr. Chairman, I yield our remaining time to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, the issue here is not opposition to the principle of 85–15. No one wants to see that abrogated in any way.

What we are objecting to are the regulations. Here is a school who has written to me from Pittsburgh, Sawyer School. What happens in the regulations is that there is a definition of revenue which excludes the revenue that goes to this school which it has acquired in a joint venture with AT&T, the Communications Works of America, and the International Brotherhood of Electrical Workers under which some 400 persons are going to be trained by the Sawyer School. By some quirk of the definition they have ruled that the revenues that are to be obtained by this contract for retraining of 400 workers for new jobs, because the industry is closing down, will not qualify as revenue for this particular school.

So this school that has an outstanding record, acknowledged by the fact that it has this contract, is going to be shut down on July 1 unless this delay is put into effect.

I urge Members to vote down the Waters amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] is recognized for the remaining 1½ minutes.

Mr. PENNY. Mr. Chairman, an earlier speaker referenced these for-profit trade schools as businesses. They are not businesses. They are parasites if they cannot obtain at least 15 percent of their funds from sources other than title IV student financial aid.

If we had a farmer that could not obtain at least 15 percent from the sale of his product and instead drew more than 85 percent of his income from Government subsidies, we would not call him a farmer, we would call him a failure. If we had a hospital that could not get at least 15 percent of their revenue from private pay patients and not strictly from Government payments we would wonder about the health of that hospital and the quality of its services. If we had law firms that were getting no more than 15 percent of all of their income from sources other than the Government, we would wonder whether they were ripping the Government off. If we had defense contractors that had no other line of work except Government contracts and some of them do not, we must acknowledge that they are in dire straits. Likewise, we should no longer prop up these for-profit trade schools if they rely on Federal Government moneys for more than 85 percent of their annual budget.

We have an inability to get rid of anything around here. It is evidenced today by the debate on this amendment as we are now being asked to delay the implementation of the 85–15 policy. Just a few weeks ago after deciding to downsize the Federal work force by 10 percent, we reversed our decision and exempted one of the largest departments from that work force reduction. We are now hearing talk about undoing the B–2 bomber decision of a few years back. We now hear talk about delaying the military base closing process. Delaying 85–15 would reverse a budget saving decision made as part of the 1992 Higher Education Act. Let's stick with that cost-saving decision. These for-profit trade schools have had 2 years to get ready. If they are not ready by now, it is time to cut them off. We can go a long way toward ending waste, fraud and abuse in our student financial aid programs by voting for the Waters amendment.

The CHAIRMAN. All time for debate has expired.

Mr. COLLINS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentlewoman from California's attempt this morning is directed toward prohibiting abusive trade schools from continuing to receive Federal dollars.

I agree with the goals of the gentlewoman, but in this situation, the new rules of the Department of Education will do more harm than good.

On April 29 of this year, the Secretary of Education published a number of new regulations crafted by the Department which will have a negative impact on some good vocational schools.

The topic of this amendment, 85–15, is just one of many such regulations. I rise here this evening to draw Members' attention to these regulations, because, together, they pose some very real problems for the very people this amendment is attempting to protect: Working folks who want to learn a trade and improve their lives.

Consider the effects of the Secretary's new regulations on the trucking industry. I use the example of the trucking industry because I have owned a trucking company for over 30 years, and I see firsthand the need of quality training schools for the industry.

In 1987, this Congress determined that all truck drivers were required to be commercially licensed. This regulation went into effect in 1992 nationally.

The effect of this legislation has been to sharply reduce the number of bad, incompetent drivers on the road, and I do not dispute the intent of such licensing. However, there is a tremendous shortage of well-qualified, well-trained drivers.

Mr. Chairman, I have heard from many company owners that they have more freight than drivers to move it. The industry needs more drivers, and it needs more quality vocational schools to train these drivers.

The 85–15 provision, along with several other regulations promulgated on April 29, will devastate these driver training schools. And, in most cases, legitimate schools.

Another example of one such April 29 regulation, a simple definition of an academic year.

The Secretary has newly defined an academic year according to weeks of instructional time that are comprised of at least 5 days of regularly scheduled instruction.

This single provision would completely prohibit vocational schools that train students on a part-time or weekend basis from serving and training many working, tax-paying contributors.

Consider this definition of academic year as it applies to one very legitimate driver training school in my district, a school with a placement rate year in and year out of 97 percent, a school where students, on average, see their yearly income double after graduation.

The students that attend this school are not predominantly recent high school graduates. They are, on average, 32 years of age, and in search of a career to better themselves. The students are heads of family whose average income when they enter this school is $250 per week. These prospective students support a family on $13,000 each year, a number well below the defined poverty line for a family. In order to continue to earn this meager income and support their families, these students must continue to work, in most cases full-time, while they attend the training school on weekends.

Consider now that the school must implement the Secretary's new definition of academic year to the school curriculum. The result is that the school must discontinue its program of weekend-only classes or 4-days-a-week part-time classes in order to be in compliance with the Secretary's new regulation. The student is forced with a choice: Do I continue school and quit my job—which means the student is no longer earning an income and he will be in greater need of financial assistance from the Federal Government—or do I quit training for a better career so that I can feed my family?

A very difficult question, Mr. Chairman, and meanwhile the economy is in need of more well-trained drivers.

The Secretary of Education has promulgated many regulations that will challenge the continued existence of many legitimate vocational schools.

Mr. Chairman, the Secretary has gone too far. He was given a charge to deal with those schools that prey on its students, but in fact these new regulations will prey on the students.

Oppose the Waters amendment. Not only should this rule be postponed but others should also be postponed.

Mr. WELDON. Mr. Chairman, I rise today to express my opposition to both the Waters and Gordon amendments. Although both these amendments seek to eliminate the abuse of Federal funds by ineffective or fraudulent career schools, they would also severely harm upstanding trade schools which are providing valuable opportunities for people to acquire skills necessary to make them productive members of the American economy.

The overwhelming bipartisan opposition of Education and Labor members to the Waters amendment demonstrates the severe negative impact this amendment would have. The Waters amendment will force 50 percent of the quality proprietary institutions of higher education to close. Mr. Chairman, the Appropriations Committee has corrected a potentially devastating error by the Federal Government. Passing the Waters amendment and allowing this error to proceed would be one of the most tragic actions this body would take.

This amendment is offered on the presumption that we would be letting schools off the hook in complying with the 85–15 regulation. This presumption is totally incorrect. Instead, we are taking action to correct a retroactive injustice. I was one of 103 Members to write Secretary Riley to stress in the strongest terms that this was not our intent when we passed the higher education amendments of 1992.

To make these regulations retroactive is simply unfair. The Appropriations Committee's one year postponement of this regulation gives career schools the ability to make a good faith effort to comply with the law and reestablishes Congress' original intent.

We heard the frustration of the American people in passing a retroactive tax in the President's tax bill last August. The action by the Appropriations Committee on this issue ensures we do not make similar mistake, but instead provides ample notification of new Government regulations. I applaud the action of the Appropriations Committee, and the efforts of Chairman FORD, Congressman BILL GOODLING and the other members of the Education and Labor Committee in addressing this issue.

Regarding the Gordon amendment, I want to commend the efforts of my colleague, Mr. GORDON, to pass legislation that would eradicate abuses of our education grant and loan programs. He is to be commended for his efforts. I am concerned, however, with the criteria Mr. GORDON is using for loan and grant eligibility. By using the student loan default rate to determine loan status, schools are at the mercy of the financial standing of their students. I believe it is ill-conceived to use this standard. This standard creates a disincentive for a school to serve low-income individuals. We are penalizing those most in need. Instead I believe we must move in the direction advocated by Congressman ROB ANDREWS. His legislation would base a school's eligibility for student loan and grant assistance on the school's effectiveness in placing students in jobs related to their educational training. This proposal would properly reflect the effectiveness of a career school.

In addition, I am concerned that this amendment restricts the choices of low-income individuals. If a student receives a Pell Grant, they should be able to attend any accredited school.

Again, I believe the intention of Mr. GORDON is admirable, but we need to pursue this goal by using a different approach. Therefore, I urge my colleagues to oppose the Waters and Gordon amendments, and support the Education Quality Index Act introduced by Congressman ROB ANDREWS.

Mr. BEREUTER. Mr. Chairman, this Member rises today to urge his colleagues to oppose the Waters amendment. The Waters amendment would delete the provision contained in this appropriations bill that delays the implementation of the 85–15 rule until July 1, 1995. As you know, the Department of Education recently issued regulations to implement the 1992 Higher Education Act. The 85–15 regulations were set to go into effect on July 1, 1994, and therefore would apply to the previous year's revenues. It is patently unfair to expect proprietary institutions to comply with an extremely complex formula that is applied retroactively.

Mr. Chairman, there is an excellent proprietary institution in the First Congressional District of Nebraska, the Lincoln School of Commerce. The school has been in existence for 110 years, has a 92–percent placement rate for graduates, and has had a default rate of 18 percent. This year, the college's default rate is expected to decrease to 14 percent. As one example, in order to prepare for the implementation of the 85–15 rule, the college decided to give students who purchased their books with cash a 10-percent discount. This move was made in order to provide an incentive for students to use cash and not their student loans to pay for books, thereby decreasing the percentage of funds coming into the institution from the Federal Government. The college implemented this program last fall. However, under the formula issued by the Department of Education on April 29, books are not considered part of the education program. So even though the Lincoln School of Commerce tried to comply in advance with these regulations, their efforts were in vain. Right now, they are within the 85–15 percentage division, but they are right on the edge.

Of course, the original intent of this provision in the 1992 Higher Education Act was to regulate those proprietary institutions that were abusing their students and the student loan system. Lincoln School of Commerce, for example, is clearly not one of those schools. In fact, generally, proprietary institutions in Nebraska are doing an excellent job and a majority of these schools will be adversely impacted by the retroactive application of these rules.

Mr. Chairman, this Member urges his colleagues to defeat the Waters amendment.

Mr. KLINK. Mr. Chairman, I rise in strong opposition to the Waters amendment.

I believe that the 85–15 rule, while perhaps well-intentioned, is a bad approach. In an effort to try and weed out bad schools, it says that if a proprietary school has more than 85 percent of its revenues from Federal student aid, that school loses its eligibility for student aid.

So, for the sole reason of having a great majority of students who are eligible for Federal student aid and who make use of that student aid, a school would lose its eligibility for Federal student aid and be forced to close its doors.

In some low-income areas, students will lose their only avenue for the job training they need to find good jobs. These same areas are the ones that have high utilization of Federal student aid and schools located in these areas will be judged as bad schools simply because of their location.

The 85–15 rule doesn't look at anything else: It doesn't consider student loan default rates, it doesn't take into account the job placement rates of these schools, it simply says if you have 85 percent of your revenue from Federal student loans, you close and your students are out in the street.

I say to my colleagues: Please pick your own cliche to describe the 85–15 rule—throwing the baby out with the bath water, biting off your nose to spite your face, burning down the house to fix the leak.

I think the 85–15 rule is just plain wrong. I think there are better ways to judge the quality of a school.

To make the 85–15 rule worse: It's retroactive. Schools will be judged on the just completed school year. They won't have any time to adjust their revenue or their mix of students. So on July 1, 30 to 75 percent of all career schools in the United States will be forced to close. That includes at least 12 in Pennsylvania, leaving 2,600 students in the lurch.

When those schools close, we are looking at a budgetary mess. Students will either default on their loans or need their loans forgiven, State tuition recovery funds will be depleted, dislocated workers will lose their training opportunities and end up relying more on unemployment or worse, welfare. Faculty and staff of the schools will be unemployed and in the same boat.

Finally, I believe the 85–15 rule is inconsistent with the goals of the school-to-work act, which this Congress has already approved, and the Reemployment Act, which the House has yet to consider. Those goals are training and educating students and workers in the skills they will need to obtain jobs in today's workplace.

The 85–15 rule could close many proprietary schools, some of the very same institutions that we will need to provide training under school-to-work and the Reemployment Act. High school graduates and dislocated workers will lose a prime source of job training.

The Appropriations Committee has not voted to repeal the 85–15 rule. What the committee has done is to delay the implementation of the 85–15 rule for 1 year. That year will give these schools a fair chance to come into compliance.

Mr. Chairman, I urge my colleagues to oppose the Waters amendment and support the Appropriations Committee so students and workers can continue to get the job training they need.

The following schools in Pennsylvania will be forced to close on July 1 because of the 85–15 Institutional Eligibility Rule developed by USDE.

| School | No. students | Percent | |
|---|---|---|---|
| | | Completion | Placement |
| Advanced Career Training | 300 | 70 | 90 |
| Delaware County Inst. of Training | 140 | 81 | 72 |
| South Hills Business School | 330 | 85 | 93 |
| Gateway Tech | 150 | 70 | 80 |
| Pittsburgh Beauty Academy: Charlerol, Greensburg, New Kensington, and Pittsburgh | 600 | 72 | 100 |
| PA Business Institute | 700 | 80 | 95 |
| York Tech. Institute | 130 | 80 | 75 |
| Craft Institute | 272 | 68 | 56 |
| Randy Rick Beauty Academy | 85 | 74 | 90 |
| Total | 2,622 | | |

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in strong opposition to the amendment to eliminate the provision of this bill which prohibits the use of funds to implement the so-called 85–15 rule prior to July 1, 1995, and urge our colleagues to defeat this amendment.

The provision in the bill merely seeks to delay the implementation of these regulations for 1 year. Without such a delay, the regulations will be applied retroactively and will undoubtedly force many institutions to close.

At a time when many of this administration's initiatives center on meaningful employment—school-to-work, the Reemployment Act, and welfare reform—this seems particularly short-

sighted since such postsecondary career schools will be the most useful in helping us reach our employment goals. In simple fairness, a year's postponement would give these institutions an opportunity to comply with these very complex regulations.

In my congressional district of Puerto Rico, the impact of the 85–15 rule will be nothing short of catastrophic. There are 65 proprietary institutions with 60 branches for a total of 125 proprietary educational units dispersed around the island. These institutions serve more than 40 municipalities, most of which depend on them exclusively for vocational and technical education and training. Under the final 85–15 regulations, it is anticipated that almost all—not 4 or 5 schools, not half of them—but almost all of these institutions in Puerto Rico will be forced to close on July 1.

These institutions serve 75,000 students who will not have any other alternative to further their education in order to find employment. Unlike the mainland, there is no community college system in Puerto Rico with the capacity to absorb and serve these students. Total Federal financial aid received is almost 90 percent. Thus, it will be impossible for the Puerto Rican career schools to meet the 85–15 rule in the year which began on July 1, 1993, and ends on June 30, 1994.

The proprietary sector in Puerto Rico currently employs around 5,000 people and the payroll is estimated at $71 million. In addition, this sector is a solid contributor to the island's economy, paying about $3 million in income taxes. Therefore, the forced closing of these institutions would have a substantial impact on the chronic unemployment situation and already difficult economic conditions in Puerto Rico.

Despite a limited number of abuses in a few institutions which, of course, should be firmly dealt with, postsecondary proprietary institutions play a vital role in this Nation's higher education system. I urge you to defeat this amendment and thus allow proprietary schools sufficient time to comply with the regulations and at the same time ensure that our students have the opportunity to pursue their educational and employment goals.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 365, not voting 11, as follows:

[Roll No. 301]

AYES—63

Allard
Andrews (ME)
Bacchus (FL)
Bachus (AL)
Baker (CA)
Barton
Beilenson
Costello
Dooley
Durbin
Eshoo
Evans
Farr
Fields (LA)
Foglietta
Ford (TN)
Fowler
Frank (MA)
Furse
Gallo
Gilman
Gonzalez
Gordon
Harman
Hinchey
Horn
Hoyer
Hutchinson
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kennedy
Lambert
Lipinski
Long
Margolies-Mezvinsky
Matsui
McKinney
Miller (CA)
Minge
Norton (DC)
Obey
Olver
Pallone
Pelosi
Penny
Peterson (MN)
Poshard
Roukema
Royce
Sabo
Sanders
Sangmeister
Schenk
Stark
Synar
Torricelli
Tucker
Vento
Visclosky
Waters
Zimmer

NOES—365

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Santorum
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Velazquez
Volkmer
Vucanovich
Walker
Walsh
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—11

Cantwell
Chapman
Hilliard
Lancaster
Machtley
Pombo
Sarpalius
Schumer
Serrano
Smith (MI)
Valentine

□ 1204

Messrs. ARMEY, ACKERMAN, GILCHREST, SHAYS, BOEHLERT, BARLOW, and ARCHER, Miss COLLINS of Michigan, and Mr. DICKEY changed their vote from "aye" to "no."

Messrs. BEILENSON, GONZALEZ, BACHUS of Alabama, STARK, TORRICELLI, ANDREWS of Maine, and SYNAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995".

Mr. SMITH of Iowa. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. OBERSTAR) having assumed the chair, Mr. SHARP, 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. 4606) making appropriations for the Departments of Labor, Health and

Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. SMITH of Iowa. Mr. Speaker, I demand a separate vote on the so-called Porter amendments.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. MFUME. Mr. Speaker, I demand a separate vote on the so-called Santorum amendments.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

PARLIAMENTARY INQUIRIES

Mr. McDADE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. McDADE. Mr. Speaker, we are about to embark on a series of votes, and I am trying to find out, for the convenience of the membership, whether it would be the intention of the Chair to compress them to 5-minute votes after the initial 15.

The SPEAKER pro tempore. If a recorded vote is ordered, there would be a 15-minute vote. It is the Chair's intention to have a 15-minute vote on the first amendment and a 5-minute vote on the subsequent amendment.

Mr. McDADE. All subsequent votes, Mr. Speaker?

The SPEAKER pro tempore. There have been only two requested.

Mr. McDADE. Mr. Speaker, I ask unanimous consent that all subsequent votes be also 5-minute votes.

The SPEAKER pro tempore. There are only two.

Mr. McDADE. There are only two?

The SPEAKER pro tempore. Only two.

Mr. McDADE. Should any occur, Mr. Speaker, I ask unanimous consent that further votes will be 5-minutes votes, including a recommital——

The SPEAKER pro tempore. The Chair cannot rule on the gentleman's unanimous-consent request because only two have been requested.

Mr. McDADE. I am simply asking that we put any record votes that might be requested that might be ordered after——

The SPEAKER pro tempore. Does the gentleman understand there could be a motion to recommit?

Mr. McDADE. I do, Mr. Speaker.

The SPEAKER pro tempore. And that it may be debatable, and there would be a 15-minute vote on it.

Mr. McDADE. If it is not debatable, will it be a 5-minute vote, Mr. Speaker?

The SPEAKER pro tempore. The Chair has said that there will be a 15-minute vote on any first vote requested, a 5-minute vote on a second vote, if ordered on an amendment adopted in the Committee of the Whole. And then there would be intervening business. Should there be a motion to recommit, on that there would be a 15-minute vote.

And then if on final passage a recorded vote is ordered following a recorded vote on recommittal, the Chair would direct a 5-minute vote on it.

Mr. McDADE. Mr. Speaker, I withdraw my unanimous-consent request and rely on the discretion of the Chair.

□ 1210

Mr. MFUME. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. OBERSTAR). The gentleman will state his parliamentary inquiry.

Mr. MFUME. Mr. Speaker, in deference to what I believe to be the intentions of the gentleman who spoke earlier, this gentleman would not be averse to having both votes placed at 5 minutes each and have the Chair make further determinations beyond that one.

The SPEAKER pro tempore. The Chair will inform the gentleman from Maryland that the first vote must be a 15-minute vote.

Mr. MFUME. Does not a unanimous-consent request, if adopted, supersede that?

The SPEAKER pro tempore. The Chair will not entertain such a request. It would not be fair to Members who have left the Chamber in anticipation of the first vote being a 15-minute vote.

Mr. MFUME. Further continuing with my inquiry, Mr. Speaker, the Chair may not want to entertain it; however, the Chair must entertain a unanimous-consent request, and it must be ruled out of order.

The SPEAKER pro tempore. The Chair need not recognize a Member making a unanimous-consent request of that nature.

Mr. MFUME. Then we are operating under new rules, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Maryland has proposed a parliamentary inquiry. The Chair has in the past denied recognition for such a unanimous-consent request.

Mr. PORTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PORTER. In what order will the two amendments be voted on?

The SPEAKER pro tempore. The amendment en bloc offered by the gentleman from Illinois [Mr. PORTER] first, since they come first in the bill, followed by the amendment offered by the gentleman from Pennsylvania [Mr. SANTORUM].

The SPEAKER pro tempore. The Clerk will report the first amendments on which a separate vote has been demanded.

The Clerk read as follows:

Amendments: On page 8, line 4, strike "$30,411,000" and insert in lieu thereof "$29,784,000";

On page 8, line 8, strike "$66,388,000" and insert in lieu thereof "$63,959,000";

On page 9, line 9, strike "$242,860,000" and insert in lieu thereof "$237,791,000";

On page 13, line 6, strike "$312,500,000" and insert in lieu thereof "$296,428,000";

On page 15, line 19, strike "$197,519,000" and insert in lieu thereof "$194,607,000";

On page 16, line 23, strike "$296,761,000" and insert in lieu thereof "$291,101,000";

On page 17, line 1, strike "$54,102,000" and insert in lieu thereof "$51,927,000";

On page 17, line 9, strike "$156,002,000" and insert in lieu thereof "$143,459,000";

On page 20, line 17, strike "$3,008,225,000" and insert in lieu thereof "$3,121,225,000";

On page 40, line 3, strike "$4,408,775,000" and insert in lieu thereof "$4,402,690,000";

On page 52, line 26, strike "$359,358,000" and insert in lieu thereof "$346,008,000"; and

On page 53, line 4, strike "$58,325,000" and insert in lieu thereof "$56,570,000".

Mr. KOLBE. Mr. Chairman, I rise today in strong support of the Porter amendment to the fiscal year 1995 Labor-HHS appropriations bill to increase funding for community health centers by $87 million for a total of $100 million.

This new funding would create 125 new community health centers and provide access to health care for an additional 848,000 Americans. Mr. Chairman, this is what the health care debate is all about—access. Many uninsured and low-income families lack access to primary and preventative health care services. This is a real problem and Mr. Porter's amendment is a real solution.

Community health centers provide care that a large population in this country and in my State of Arizona would not otherwise be able to obtain.

The El Rio Santa Cruz Community Health Center in Tucson is an excellent example of the difference community health centers make. El Rio provides care for people who are caught in the gap—those who are not poor enough to qualify for public assistance and yet are unable to afford private health insurance policies. El Rio offers a sliding fee to this group and people pay according to their ability.

El Rio offers cost-effective, quality care to the underserved population in Tucson and has strong support in the Tucson community—in fact El Rio has a new children's and dental clinic as a result of this support.

El Rio has also established several programs which make a significant contribution to the health of low-income individuals and families in Tucson. These programs include a teen parent program, a well woman clinic, a teen wellness center, a homeless health care program, and a WIC center.

Members from both parties recognize that community health centers are a vital component of health care delivery. These facilities

have proven their effectiveness in combating the lack of affordable and available health care in underserved areas.

We do not need a Government takeover of the health care system in order to provide cost-effective care to the uninsured and underinsured segments of our population—and we do not need to wait for Congress to get around to passing a health care bill.

Mr. Porter's amendment will provide more low-income Americans with quality primary health care services today.

I urge my colleagues to support the amendment.

The SPEAKER pro tempore. The question is on the amendments.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair advises Members that if a recorded vote is ordered on the second amendments, it will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 217, not voting 6, as follows:

[Roll No. 302]

AYES—211

Allard
Andrews (ME)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—217

Abercrombie
Ackerman
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Chapman
Machtley
Pombo
Reynolds
Schumer
Valentine

□ 1231

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. MFUME. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to enter into a colloquy with the gentleman from Pennsylvania [Mr. SANTORUM] for purposes of clarification, which may in fact make unnecessary a recorded vote on the Santorum amendment.

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

There was no objection.

Mr. MFUME. Mr. Speaker, yesterday while in the Committee of the Whole House on the State of the Union with the bill under consideration that we had brought to the floor today, there was an amendment passed by voice that was offered by the distinguished gentleman from Pennsylvania [Mr. SANTORUM].

I have asked for a separate vote on that, but will be prepared to withdraw that if, for purposes of clarification in a brief colloquy, I could get some basic understanding with respect to the intent of the gentleman and the intent and, indeed, the purpose of the amendment. As you know, it was a transferring of $32 million in the administrative account at the Social Security Administration.

Mr. Speaker, I will make just one point, and then will gladly yield to the distinguished maker of the amendment.

Since 1983, the number of Social Security employees has dropped approximately 20 percent, while workloads in recent years have grown 70 percent. Furthermore, according to the Bureau of Labor Statistics, overall productivity at the Social Security Administration has increased by 18 percent over the last 5 years. What we have are good people who are doing a good job.

I wanted to make sure it was not the intent of the gentleman from Pennsylvania in this amendment, which was adopted by voice, to preclude in any way the ability of that agency to reward low-level employees, or others, with small bonuses based on the merit of their work, given the increased workload that they have been forced to labor under.

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

Mr. MFUME. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, this amendment does not preclude the Social Security Administration from issuing bonuses. This amendment is directed at the last round of bonuses, which were the highest amount ever given by the Social Security Administration, $32 million, a lot of them given

to the high paid executives in outrageous figures, shortly after they came to this Congress and asked for $200 million to clear up the backlog in the disability area. They took $32 million of it and gave it out in bonuses.

We are taking administrative money and putting it back in the disability account to clear up that backlog. It does not preclude future bonuses for low level employees.

Mr. MFUME. Mr. Speaker, let me say to the gentleman I share the outrage of any employee getting the type of bonuses reported in the paper, over $9,000, while hurting good, hard-working people whom may get a $70 or $100 bonus.

May I ask the gentleman from Iowa, Chairman SMITH, if that is your understanding also, that the Social Security Administration is not prohibited as a result of this amendment from doing what they have done to reward hard-working employees who are faced with an overwhelming workload?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I assure the gentleman that the amendment does not in any way change any rules or laws at the Social Security Administration. What it did was take out of the $5 billion administrative account, $32 million, and move it over to where they are processing disability claims, where it is badly needed, and that is all that it does. It does nothing else whatever. It makes no change in the rules on bonuses.

Mr. MFUME. Mr. Speaker, I thank the chairman, and I thank the maker of the amendment, the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. Speaker, I am satisfied with the explanation by the maker of the amendment and the chairman of the committee that my concerns have been met.

The SPEAKER pro tempore. The Clerk will report the remaining amendments on which a separate vote has been demanded.

The Clerk read as follows:

Amendments:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

LIMITATION ON ADMINISTRATIVE EXPENSES

a. On page 35, Line 8: Strike "$5,159,785,000" and insert "5,127,785,000".

b. On page 35, Line 20: Strike "$320,000,000" and insert "$352,000,000".

The SPEAKER pro tempore. The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1240

MOTION TO RECOMMIT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. OBERSTAR). Is the gentleman opposed to the bill?

Mr. LIGHTFOOT. In its present form, yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LIGHTFOOT moves to recommit the bill, H.R. 4606, back to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

On page 8, line 4, strike "$30,411,000" and insert in lieu thereof "$30,097,500";

On page 8, line 8, strike "$66,388,000" and insert in lieu thereof "$65,174,000";

On page 9, line 9, strike "$242,860,000" and insert in lieu thereof "$240,325,000";

On page 13, line 6, strike "$312,500,000" and insert in lieu thereof "$304,643,000";

On page 15, line 19, strike "$197,519,000" and insert in lieu thereof "$196,063,000";

On page 16, line 23, strike "$296,761,000" and insert in lieu thereof "$293,931,000";

On page 17, line 1, strike "$54,102,000" and insert in lieu thereof "$53,014,000";

On page 17, line 9, strike "$156,002,000" and insert in lieu thereof "$149,730,000";

On page 20, line 17, strike "$3,008,225,000" and insert in lieu thereof "$3,064,725,000";

On page 40, line 3, strike "$4,408,775,000" and insert in lieu thereof "$4,405,732,000";

On page 52, line 26, strike "$359,358,000" and insert in lieu thereof "$352,683,000";

On page 53, line 4, strike "$58,325,000" and insert in lieu thereof "$57,447,500".

Mr. LIGHTFOOT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was objection.

Mr. LIGHTFOOT. Mr. Speaker, yesterday the House, with the help of 53 courageous Democrats, passed the first down payment on meaningful health care access and coverage for hundreds of thousands of people in urban and rural areas throughout the country. It voted $100 million for community health centers, $26 million for rural health outreach programs and grants and reduced the Government bureaucracy.

With the strong arm of the leadership of this body and of the President, his Cabinet, a number of Members turned their backs on their conscience. The House voted to reject an amendment that only passed yesterday evening just a few moments ago.

It became all too clear that there are those who want health care reform today and those that would prefer to wait and to have it only their way or none at all.

Mr. Speaker, my motion to recommit is quite simple. It asks the House to begin real health care reform that this House began yesterday but was stymied. The motion to recommit cuts the original $100 million to $50 million. It goes to community health centers. And the $26 million for rural health outreach grants is down to $13 million. We hope that this will make it palatable enough to those who switch their vote to come back and vote for real health care. This recommittal begins health care reform right now. Again, we waited 2 years for action on the national initiative. Still congressional committees are struggling with the reform strategies. Only two out of the five committees have cleared reform bills as of today. Another, the Committee on Energy and Commerce, is hopelessly deadlocked, Mr. Speaker.

This motion will bring health care to an additional 424,000 Americans and support an additional 63 new community health centers. In other words, it will provide access to health care for the first time to nearly a half a million people.

We can bring health care to these people today, not next year but we can do it today. We can start it right now. We do not have to wait for the Committees on Ways and Means and Energy and Commerce, and Education and Labor. We do not have to wait for the President, the First Lady to decide what their bottom line finally is going to be. We can act today, as we did yesterday.

I ask my colleagues to vote their conscience, as they did yesterday. Do they want to help people or do they want to help bureaucrats? It is that simple.

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

Mr. LIGHTFOOT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I understand what the gentleman is saying. This is the same kind of vote where what we are doing is cutting money out of the bureaucracies in order to give it to community health care centers. But in the case of the gentleman's motion, it is about half the cost that we had in yesterday's motion. In other words, instead of $100 million, he is going to $50 million so that means that there is only $50 million in cuts in bureaucracy that is involved in the gentleman's motion; is that correct?

Mr. LIGHTFOOT. Mr. Speaker, the gentleman from Pennsylvania is correct.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, it will have the same effect. It will allow us to get some community health care center help that we do not now have.

Mr. LIGHTFOOT. Mr. Speaker, that is also correct. I thank the gentleman for his comments.

Again, in closing, Mr. Speaker, I think it boils down to voting for what we know is right. We can vote for health care today. We can do it now,

and we can go forth out of here, I think, in a bipartisan effort showing people that we are interested in the health care issue and interested in results that we all can live with, that we are more interested in people, in helping people than we are in empowering bureaucrats, the bottom line, that is what this boils down to. Again, I would ask for support on this motion to recommit. Vote for people instead of bureaucrats.

Mr. SMITH of Iowa. Mr. Speaker, I am opposed to the motion.

Let me make it clear, nobody is against more community health centers. If we had been against them, we would not have put another $19 million into the bill for new community health centers. We put extra money in for community health centers. But, there also needs to be money to cut down on fraud and abuse in the student aid program. There are also some other things in here that are needed. We would like a bigger increase for health centers, but it is going to come in the health care bill. More people will have insurance so they can pay their way when they go to the community health center. We do not have to take it out of the important items that are currently in this bill. We can wait and do that in the health care bill.

This is really the identical vote that we had a minute ago except every increase and every reduction is cut in half. We do half the damage we did a minute ago, but we still do the same kind of damage.

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

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think it is important to point out that the National Association of Community Health Centers has not supported the Porter amendment. I urge Members to vote no.

Mr. SMITH of Iowa. This is the same vote we had a while ago except it just does half the amount of damage, but it still does the same kind of damage. Vote "no."

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

Mr. SMITH of Iowa. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, late last night the committee adopted an amendment by the gentleman from Colorado [Mr. HEFLEY] to reduce the appropriation of the Corporation for Public Broadcasting by $1 million.

In the CONGRESSIONAL RECORD, it states that this money was aimed at Radio Pacifica. Is it correct that under no circumstances can a cut be specified on any appropriation?

Mr. SMITH of Iowa. All it did was reduce the account by $1 million out of $272 million. We accepted it in the interest of time and so on.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 224, not voting 4, as follows:

[Roll No. 303]

AYES—206

| | | |
|---|---|---|
| Allard | Goss | Oxley |
| Andrews (ME) | Grams | Packard |
| Andrews (NJ) | Grandy | Paxon |
| Archer | Greenwood | Payne (VA) |
| Armey | Gunderson | Peterson (MN) |
| Bachus (AL) | Hall (TX) | Petri |
| Baker (CA) | Hamilton | Pombo |
| Baker (LA) | Hancock | Pomeroy |
| Ballenger | Hansen | Porter |
| Barrett (NE) | Hastert | Portman |
| Bartlett | Hayes | Pryce (OH) |
| Barton | Hefley | Quillen |
| Bateman | Herger | Quinn |
| Bentley | Hobson | Ramstad |
| Bereuter | Hoekstra | Ravenel |
| Bilirakis | Hoke | Regula |
| Bliley | Horn | Ridge |
| Blute | Houghton | Roberts |
| Boehlert | Huffington | Rogers |
| Boehner | Hunter | Rohrabacher |
| Bonilla | Hutchinson | Ros-Lehtinen |
| Brewster | Hutto | Roth |
| Bunning | Hyde | Roukema |
| Burton | Inglis | Rowland |
| Buyer | Inhofe | Royce |
| Callahan | Istook | Santorum |
| Calvert | Johnson (CT) | Sarpalius |
| Camp | Johnson (GA) | Saxton |
| Canady | Johnson, Sam | Schaefer |
| Castle | Kasich | Schiff |
| Clinger | Kim | Sensenbrenner |
| Coble | King | Shaw |
| Collins (GA) | Kingston | Shays |
| Combest | Klug | Shuster |
| Cooper | Knollenberg | Sisisky |
| Cox | Kolbe | Skeen |
| Crane | Kyl | Smith (MI) |
| Crapo | Lancaster | Smith (NJ) |
| Cunningham | Lazio | Smith (OR) |
| de la Garza | Leach | Smith (TX) |
| Deal | Levy | Snowe |
| DeLay | Lewis (CA) | Solomon |
| Diaz-Balart | Lewis (FL) | Spence |
| Dickey | Lewis (KY) | Stearns |
| Doolittle | Lightfoot | Stenholm |
| Dornan | Linder | Stump |
| Dreier | Livingston | Sundquist |
| Duncan | Lloyd | Swett |
| Dunn | Lucas | Talent |
| Ehlers | Manzullo | Tanner |
| Emerson | McCandless | Tauzin |
| Everett | McCollum | Taylor (MS) |
| Ewing | McCrery | Taylor (NC) |
| Fawell | McCurdy | Tejeda |
| Fields (TX) | McDade | Thomas (CA) |
| Fish | McHugh | Thomas (WY) |
| Fowler | McInnis | Torkildsen |
| Franks (CT) | McKeon | Upton |
| Franks (NJ) | McMillan | Valentine |
| Gallegly | Meyers | Vucanovich |
| Gallo | Mica | Walker |
| Gekas | Michel | Walsh |
| Geren | Miller (FL) | Weldon |
| Gilchrest | Molinari | Wolf |
| Gillmor | Moorhead | Young (AK) |
| Gilman | Morella | Young (FL) |
| Gingrich | Myers | Zeliff |
| Goodlatte | Nussle | Zimmer |
| Goodling | Ortiz | |

NOES—224

| | | |
|---|---|---|
| Abercrombie | Gibbons | Neal (NC) |
| Ackerman | Glickman | Oberstar |
| Andrews (TX) | Gonzalez | Obey |
| Applegate | Gordon | Olver |
| Bacchus (FL) | Green | Orton |
| Baesler | Gutierrez | Owens |
| Barca | Hall (OH) | Pallone |
| Barcia | Hamburg | Parker |
| Barlow | Harman | Pastor |
| Barrett (WI) | Hastings | Payne (NJ) |
| Becerra | Hefner | Pelosi |
| Beilenson | Hilliard | Penny |
| Berman | Hinchey | Peterson (FL) |
| Bevill | Hoagland | Pickett |
| Bilbray | Hochbrueckner | Pickle |
| Bishop | Holden | Poshard |
| Blackwell | Hoyer | Price (NC) |
| Bonior | Hughes | Rahall |
| Borski | Inslee | Rangel |
| Boucher | Jacobs | Reed |
| Brooks | Jefferson | Richardson |
| Browder | Johnson (SD) | Roemer |
| Brown (CA) | Johnson, E. B. | Rose |
| Brown (FL) | Johnston | Rostenkowski |
| Brown (OH) | Kanjorski | Roybal-Allard |
| Bryant | Kaptur | Rush |
| Byrne | Kennedy | Sabo |
| Cantwell | Kennelly | Sanders |
| Cardin | Kildee | Sangmeister |
| Carr | Kleczka | Sawyer |
| Clay | Klein | Schenk |
| Clayton | Klink | Schroeder |
| Clement | Kopetski | Scott |
| Clyburn | Kreidler | Serrano |
| Coleman | LaFalce | Sharp |
| Collins (IL) | Lambert | Shepherd |
| Collins (MI) | Lantos | Skaggs |
| Condit | LaRocco | Skelton |
| Conyers | Laughlin | Slattery |
| Coppersmith | Lehman | Slaughter |
| Costello | Levin | Smith (IA) |
| Coyne | Lewis (GA) | Spratt |
| Cramer | Lipinski | Stark |
| Danner | Long | Stokes |
| Darden | Lowey | Strickland |
| DeFazio | Maloney | Studds |
| DeLauro | Mann | Stupak |
| Dellums | Manton | Swift |
| Derrick | Margolies-Mezvinsky | Synar |
| Deutsch | Markey | Thompson |
| Dicks | Martinez | Thornton |
| Dingell | Matsui | Thurman |
| Dixon | Mazzoli | Torres |
| Dooley | McCloskey | Torricelli |
| Durbin | McDermott | Towns |
| Edwards (CA) | McHale | Traficant |
| Edwards (TX) | McKinney | Tucker |
| Engel | McNulty | Unsoeld |
| English | Meehan | Velazquez |
| Eshoo | Meek | Vento |
| Evans | Menendez | Visclosky |
| Farr | Mfume | Volkmer |
| Fazio | Miller (CA) | Washington |
| Fields (LA) | Mineta | Waters |
| Filner | Minge | Watt |
| Fingerhut | Mink | Waxman |
| Flake | Moakley | Wheat |
| Foglietta | Mollohan | Whitten |
| Ford (MI) | Montgomery | Williams |
| Ford (TN) | Moran | Wilson |
| Frank (MA) | Murphy | Wise |
| Frost | Murtha | Woolsey |
| Furse | Nadler | Wyden |
| Gejdenson | Neal (MA) | Wynn |
| Gephardt | | Yates |

NOT VOTING—4

| | |
|---|---|
| Chapman | Reynolds |
| Machtley | Schumer |

□ 1304

Mr. DEAL changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OBERSTAR). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SMITH of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will remind Members this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 339, noes 89, not voting 6, as follows:

[Roll No. 304]

AYES—339

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—89

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Bartlett
Barton
Boehner
Bunning
Burton
Buyer
Camp
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehlers
Fields (TX)
Franks (NJ)
Gekas
Goodlatte
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Herger
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
Mica
Miller (FL)
Minge
Moorhead
Nussle
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Portman
Ramstad
Roberts
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Smith (MI)
Smith (OR)
Solomon
Spence
Stump
Talent
Taylor (MS)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—6

Chapman
Clyburn
Farr
Machtley
Reynolds
Schumer

□ 1314

Messrs. HOEKSTRA, HASTERT, and BAKER of California changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. CLYBURN. Mr. Speaker, on rollcall No. 304, final passage, I am recorded as not voting. I would like the RECORD to show that I did insert my card in this box, but the machine was a bit lethargic coming on. If I had been recorded, I would have voted in favor of passage.

## PERSONAL EXPLANATION

Mr. FARR of California. Mr. Speaker, on rollcall No. 304, I was unavoidably detained with my constituents. If I had been present, I would have voted in favor of H.R. 4606.

## REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–568) on the resolution (H. Res. 469) waiving certain points of order against the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1995

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–569) on the resolution (H. Res. 470) waiving points of order against the conference report to accompany the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4649, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995, AND DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

*Resolved*, That all points of order against consideration of the bill (H.R. 4649) making appropriations of 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, are waived. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

The SPEAKER pro tempore (Mr. OBERSTAR). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 466 is an open rule which provides for the consideration of H.R. 4649, the District of Columbia appropriations bill for fiscal year 1995.

The rule waives all points of order for violations of clause 2 of rule XXI against all provisions in the bill. Clause 2 of rule XXI prohibits legislation and unauthorized appropriations in a general appropriations bill.

All points of order are waived against consideration of the bill for failure to comply with clause 7 of rule XXI which requires committee hearings be printed and available to Members for at least 3 calendar days prior to House consideration.

Finally, the rule waives points of order against consideration of the bill for violating section 302(F) of the Budget Act. The Appropriations Committee adopted an amendment which exceeded the subcommittee's 602(B) allocation by $10 million. Chairman DIXON will offer an amendment to strike that section of the bill and correct this violation.

I want to compliment Chairman JULIAN DIXON and ranking Republican JAMES WALSH and their staff for all of their hard work. Each year the subcommittee must address varied and difficult issues within the subcommittee's jurisdiction and provide funding for the District of Columbia's departments and programs, all with increasingly limited resources.

Mr. Speaker, I urge my colleagues to adopt this open rule.

□ 1320

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

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

Mr. Speaker, I strongly oppose this rule because of the principle that seems to have been shoved aside by the Democrat leadership and a majority of the members of our Committee on Rules. That principle is, very simply, fairness. If it is appropriate to waive points of order against all or part of an appropriations bill, then amendments to all or parts of the appropriations bill should be granted the same treatment. This rule provides a blanket waiver of rule XXI prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill.

Yet when the ranking minority member of the District of Columbia Subcommittee, the gentleman from New York [Mr. WALSH], asked our Committee on Rules to grant his amendment the same treatment given to the bill, he was told that only Democrat chairmen can operate outside the rules of the House. Incredibly, the amendments that Mr. WALSH sought to have debated are based on recommendations by the General Accounting Office in response to a request by the chairman of the District of Columbia Committee and his counterpart on the Committee on Appropriations for information on the financial status of the District of Columbia Government. That report concludes that the city is in such a financial state of disarray that when astronomers thought they discovered a black hole in space, their telescopes were actually pointed at the city treasury.

Mr. Speaker, the appropriators have been coming to the Committee on Rules and asking to waive clause 2 of rule XXI so often that they refer to these waivers as routine. The reality is that our budget process is broken and the House leadership continues to do business as if nothing is wrong.

The authorizing committees do not seem to legislate anymore; much of it is done right here in these appropriations bills.

Mr. Speaker, we have reached the point where ignoring rules of the House has become standard operating procedure. The authorizing committee chairmen bypassed the deliberative process that we once called the committee system and they cut their deals with the Appropriations Committee. Then the Rules Committee structures a rule that conveniently shuts out virtually every Member of the House from participating in major legislative decisions.

Mr. Speaker, it is time to bring this House of Representatives out of the dark ages; it is time to reform the convoluted budget process; it is time to reform the stifling bureaucracy that exists in this institution.

The leadership may be unwilling to move this institution forward, but at least we can restore some semblance of fairness to the legislative process, if we simply defeat this rule.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE TO H.R. 4649, DISTRICT OF COLUMBIA APPROPRIATIONS, FISCAL YEAR 1995, TUESDAY, JUNE 28, 1994

1. Walsh (NY) No. 1—An amendment to establish a separate account from the federal payment designated for the city's pension fund. Vote (Rejected 4-5): Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Gordon. Not Voting: Frost, Hall, Wheat, Slaughter.

2. Walsh (NY) No. 2—An amendment to prohibit the city from offering 2 cola's for police & fire pensioners; and No. 3 an amendment to require the mayor to develop a new pension plan for prospective employees. Vote (Rejected 4-5): Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Gordon. Not Voting: Frost, Hall, Wheat, Slaughter.

3. Adoption of Rule—Vote (Adopted 5-4): Yeas—Moakley, Derrick, Beilenson, Bonior, Gordon. Nays—Solomon, Quillen, Dreier, Goss. Not Voting: Frost, Hall, Wheat, Slaughter.

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

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

Once again it seems that my friend from California's only consistency is inconsistency. On the one hand he says he wants an open rule; this is an open rule. But it is not good enough. Sometimes he says he wants a waiver. It seems that when he wants a waiver and he gets it, that is fair; but when he does not want a waiver or if he does want a waiver and does not get it, that is unfair. So it seems that fairness is determined by whether he gets what he wants every time.

Make no question about it, this is an open rule.

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

Mr. GORDON. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding to me.

Mr. Speaker, let me explain this issue of fairness. We would not have made a request for any waivers whatsoever on Mr. WALSH's three amendments that I offered upstairs that did require waivers, if the bill itself that was coming out of the Appropriations Committee was not. We were not asking for any different treatment for Mr. WALSH than we are for the bill as it is treated in the way it has been submitted before us.

So what we are saying is if it is fair for you, it should be fair for us too. That is the only concern that we have.

I thank my friend for yielding.

Mr. GORDON. Once again, this is an open rule. When my friend from California wants waivers, then you need to have waivers or it is not fair. When my friend from California does not want waivers, then if you do not have waivers, it is not fair. So I think we need to make it very clear this is an open rule. I hope folks will understand that and vote for that accordingly.

Mr. DREIER. Mr. Speaker, would the gentleman yield for a question?

Mr. GORDON. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I appreciate his thoughtful statement, and I would like to inquire of my friend if he would agree to waive, that is, to come down with a full open rule that would not provide protection for any parts of the bill coming out of the Appropriations Committee, I would be more than happy to not make the request for the three Walsh amendments that I submitted upstairs. Would my friend be agreeable to that?

Mr. GORDON. I would be happy to address it if the gentleman would repeat it.

Mr. DREIER. If my friend would further yield, I would like to state to my friend that we would be more than happy on this side to relinquish our request for the waiver on the three Walsh amendments that I submitted upstairs if the gentleman will insure that no parts of this rule, this bill that is coming down, the D.C. appropriations measure, are protected at all.

Mr. GORDON. Once again, this is the rule that the gentleman wants on this one; on something else, the gentleman would want something else done. The fact of the matter is this is an open rule.

Mr. DREIER. All we are asking for is fair treatment on both sides of the aisle here.

Mr. GORDON. Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the gentleman for yielding to me.

Mr. Speaker, my colleague is absolutely correct.

Mr. DREIER. Your California colleague?

Mr. DIXON. No, I am referring to the gentleman from Tennessee.

The fact of the matter is that an open rule refers to amendments and not to the content of the bill. But let us get to the content of the bill. There are waivers on the content of the bill. Who is the author of the waivers? Mr. WALSH. Mr. WALSH had five amendments. I went to the Committee on Rules and supported him on waiving points of order on two of them.

I think that was reasonable. These were not the chairman's amendments that were put in the bill; these were Mr. WALSH's amendments. As it relates to the open rule, we do have an open rule and anyone can offer an amendment within the House rules. I do not know how—when the Republican ranking member has offered amendments and we asked that they be protected, but not all of them—how then you can say that there is any inequity in this situation.

Mr. DREIER. If my friend from Tennessee would yield so that I might ask a question of the distinguished subcommittee chairman.

Mr. GORDON. I am happy to yield to the gentleman from California.

Mr. Speaker, the gentleman has time of his own. I will yield mine. I assume that if we run out of time, the gentleman will yield some back. I know we will work the time situation out.

I am happy to yield at this time.

Mr. DREIER. I thank the gentleman for yielding.

If I could inquire of my friend from California: I understand there were a total of five amendments that were proposed here and that the gentleman accepted two of the five amendments. Was there a reason that the other three amendments could not have been incorporated?

Mr. DIXON. If the gentleman would yield, in my judgment they were not good amendments for this bill.

Mr. DREIER. The concern that I have, as my friend from Tennessee has raised in response to the issue of fairness which I brought up, this rule waives points of order against the bill in general. It seems to me, if we are going to do that on any aspect of the bill, we should treat all Members in an evenhanded way. That is all we are requesting.

Mr. DIXON. If the gentleman would yield further, we can have this dialog and debate this issue. But it gets down to this: Mr. WALSH came to the Rules Committee and asked for a waiver of points of order so that he could offer on the floor three amendments he offered in our committee but were not adopted.

□ 1330

Those amendments had been turned down in the subcommittee, and—just let me finish; it is on our time—turned down in the full committee. I did not support his request for a waiver when we were before the Rules Committee. But I was not rigid about it. On two of them I said, "I will go with you and support the waiver."

That is exactly where we are, no matter how much we discuss it and shape it in some other way. He had five amendments. Two of them I accepted. They would be subject to a point of order, but the committee thought they were good amendments.

I asked the Rules Committee to "Please protect them."

He is saying, "What about the other 60 percent? It's unfair because you are not allowing me to offer them on the floor."

Now we can talk about it all day, but that is the sum and substance, and I think anyone looking at it will see that our committee and the Committee on Rules have been equitable on this issue.

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

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

Mr. DREIER. Mr. Speaker, in responding I will say to the gentleman that I will be happy to yield some time to him if it is necessary.

Let me say to the gentleman from California [Mr. DIXON] that all we are asking for is fair treatment here. As my friend knows, appropriations bills are privileged resolutions which can come straight to the House floor, and under the operating rules of the House they should come directly to the House floor unless waivers are requested, and what we are saying is, you came before the committee and made that request for protection of your bill. All we're saying is that that same kind of courtesy should be extended on this side of the aisle to the ranking member of the committee, the Subcommittee on Appropriations.

Mr. GORDON. Mr. Speaker, let me make very clear that the gentleman from New York [Mr. WALSH] is a valued Member, I am sure, of the committee, and I know of the House as a whole, and it is my understanding that he had a chance to offer these amendments both at the subcommittee and at the committee level. So, he has had an opportunity to offer these amendments, and once again, Mr. Speaker, let me make clear this is an open rule so that all matters that are relevant to this bill can be brought before this Chamber for amendments.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, if I might, to respond briefly to the statement my friend has made. I simply want to say that because a Member has had an opportunity at the subcommittee level and at the full committee level, that should never preempt their right to have the full membership's consideration of a proposal that they might have.

Mr. Speaker, I yield 6 minutes to my very distinguished friend and classmate from Richmond, the gentleman from Virginia [Mr. BLILEY].

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

Mr. Speaker, I am taking this time to alert the Members to a pair of motions I will offer during consideration of H.R. 4649. As soon as the bill is open for amendment, I will offer a motion for the Committee of the Whole to rise and report the bill back to the House with a recommendation that the enacting clause be stricken. If that motion is successful, I intend to offer a motion to refer the bill with instructions to the Appropriations Committee. The instructions will be to wait for the District government to revise its budget and then to report the bill back with an amendment to take into account the revised District budget.

Last year the District government passed a revised fiscal year 1994 budget during the congressional appropriations process. The House had already approved the original budget and we did not get to act on the revised budget until the conference report. That process is unacceptable because we perfected a meaningless bill and never got a chance to perfect the real one. The District government is already working to revise the budget that will be before us today. For example, I have a June 16, 1994, letter from the District announcing that it is currently revising the budget by $75 million simply because of the recent settlement with the retirement board. This revision should increase as the District figures out how to deal with the new court order to repair the 5,600 fire code violations in the schools before they can be

opened in September. More changes will surely follow. We should simply wait for the District to complete its process. That is what my motions are intended to accomplish.

To accomplish my purpose of sending the bill back to the Appropriations Committee for revision I must offer two separate motions. The first motion—to have the Committee of the Whole rise and recommend that the enacting clause be stricken is frequently used as a maneuver to secure more debate time. I will not be using the motion for that purpose. Rather, I hope to win that vote so that we will not go through the amendment process on this bill. As I have already pointed out, the amendment process is pointless since the District government is currently working on revising the budget that is in this bill.

We have a significant amount of new information from the GAO report requested by the chairmen of the District Committee and the Appropriations Subcommittee on the District. The District Government needs time to review this report and act accordingly.

I want to give the District government a reasonable opportunity to make its own choices and not have those decisions made by Congress and handed down to the District. In turn, we must not go forward with this budget until the District acts. We must not come to the end of this session facing a choice of this budget or no budget. We must have an alternative.

If my motion for the Committee to rise is successful, I will offer another motion to refer the bill back to the Appropriations Committee. What I want the committee to do is wait for the District government to complete its budget revision process and then for the committee to consider that revision. After any committee amendments to the updated District budget, the committee will report the bill back to the House with an amendment revising the budget as necessary.

This procedure is the only way in which this House will have the opportunity to examine, perfect, and work its will on the ultimate District budget. Any action that we take on this flawed bill will serve no useful purpose.

I also want to take just a moment to respond to some of the comments of others on the action I am taking on this important issue. I have heard my actions described as a ploy to defeat the District budget. I am taking this action specifically so that we will not defeat the District's budget. The only ploy that I see in this process is the flawed spending plan the chairman and ranking Republican of the Appropriations Subcommittee received from the District just last night. I can assure everyone that this so-called new plan is being introduced only to confuse Members. Members must also understand that this plan which may be brought up in this debate has nothing to do with the fiscal year 1995 budget before us today. If justification cannot be found for the purported savings or revenues then we will be witnessing not a step forward in good faith but a leap backward into more unreality.

I urge all Members to support my motions to send the bill back to the Appropriations Committee for further work, pending action by the District government which surely must be taken eventually.

□ 1340

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON], chairman of the subcommittee.

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

Mr. Speaker, let me first say that I rise to serve notice to this body that I intend to resist the motions that will be offered by the gentleman from Virginia [Mr. BLILEY]. However, I would like to point out to the Members that the gentleman from Virginia has been very constructive in this debate and has kept me advised of what he intended to do, and I know he thinks his proposal is constructive. I just disagree with him and will make the case for my position on the merits at the appropriate time.

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

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

Mr. DREIER. Mr. Speaker, may I inquire of the Chair as to how much time remains on both sides?

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The gentleman from California [Mr. DREIER] has 20 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 19 minutes remaining.

Mr. DREIER. Mr. Speaker, I am happy to yield 6 minutes to the Member whose name has been mentioned throughout this day, the gentleman from New York [Mr. WALSH], the ranking Republican on the Subcommittee on the District of Columbia.

Mr. WALSH. Mr. Speaker, I thank the gentleman from California [Mr. DREIER], the distinguished member of the Committee on Rules, for protecting my interest in these amendments as regards our efforts before the Committee on Rules.

Mr. Speaker, I rise in opposition to the rule. I appreciate the fact that it is an open rule, but we did, in fact, ask for the same waiver that the chairman of the subcommittee had asked for, and I do agree and admit that the chairman asked for a waiver to accept two of the amendments we had offered in committee. The difficulty was that the other three were very consistent with those first two amendments. But we were denied.

During the general debate I will speak to the GAO report which shows clearly how desperate the District's condition is. The District's operating budget is not balanced, nor has it been balanced for the past 2 years.

Under this rule I would like to focus on the unfunded pension liability of the District of Columbia. Currently the Federal pension obligation of the District government is $4.4 billion underfunded. This is a monumental amount of money. The cost of this obligation to the District for 1995 is $300 million. Things have gotten so bad that the Mayor this year, in order to present a so-called balanced budget, decided to renege on the pension payments this year. This sent shock waves through the community and to the financial markets, and it scared the heck out of the pensioners. The Pension Board was forced to raid the fund to meet its commitment. Thus future pensioners will be denied the interest that would have accrued on that money.

This was a terrible decision, but Ms. O'Connor, the Chief Financial Officer for the District, said it was a choice between funding the pension or maintaining the Metro System. What a terrible position they have put themselves in. And let us not forget, Mr. Speaker, that in just 1991 the Congress gave the District an additional $100 million and allowed them to borrow an additional $300 million in 1991, 3 years ago, to get their fiscal house in order and set up a rainy-day fund.

Well, the wolf is at the door again, just 3 years later, and neither the District nor the Congress is willing to make the tough decisions.

We will hear today that we must pay homage to home rule, but the District must make its own decisions. But they have not, and they will not. Therefore, we must. Besides, the District government knows we will stand aside again and wait for them to make the hard decisions, which means that no decisions will be made.

Mr. Speaker, under home rule and under the agreement, the law requires that the District present us with a balanced budget. They have not. The GAO report shows they have not. They ended 1993 short and will again in 1994 wind up short by over $58 million in their cash reserves. I refer to the GAO report, Financial Status for the District of Columbia, and I read this on page 13: "The District estimated its cash balances would dip to $65 million by September of 1995."

This estimate assumed deferring a $74 million pension payment in 1995 until 1996. However, the District entered into an agreement with the Pension Board to make all payments in 1995, which includes an additional $74 million payment. With an estimated $65 million in the fund prior to that agreement, that shows it will finish the year with at least a $9 million deficit. Part of that agreement with the Pension Board requires that the District

pay them accrued interest and penalties amounting to another $13 million. They will end the year at a minimum of $22 million in deficit in cash funds.

According to the GAO audit, the actual cash on hand at the end of 1993 was a minus $31 million, and as forecasted in 1994, a minus $58 million.

The Washington Post reported just this week, based on this GAO report, that the District could conceivably wind up with a minus $200 million shortage in 1995 and have to go to the U.S. Treasury to bail itself out.

Mr. Speaker, I asked to be allowed to present several amendments that would make a positive impact on the pension and the budget. Chairman DIXON, to his credit, accepted two of them. The first amendment would appropriate $250,000 to audit the Pension Board, and the second would require the District to give us quarterly reports on spending and revenue projections. The Board asked for and received a waiver from the Committee on Rules. I did not.

We asked for three amendments, first, to set aside $295 million to make sure the pension obligation would be met this year; second, to cut a double cost-of-living allowance from two a year down to one; and, third, to develop a new pension system for prospective hiring so that this obligation can be met. All were disallowed.

The committee should be consistent and should have supported my request for a waiver. I say to my colleagues that the time has come for all good men and women to come to the aid of their Nation's Capital.

For that reason, Mr. Speaker, I ask for a "no" vote on the rule, and I myself will vote "no" on this rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to ask my colleagues to support the rule that is before us. It is a perfectly fair rule.

Mr. Speaker, there has been much reference to the GAO report. The GAO report was commissioned by the two chairs of the appropriate committees and has laid the predicate at last for an appropriate action by the District and by the Congress.

This is a precarious moment for the District, and I ask my colleagues to respect the appropriations process that has produced this rule and is finally producing action in the District.

The District of course, has become fair game this year because of the possibility of insolvency. About the worst thing we could do to make it worse, of course, would be to attempt blind micromanagement from the Hill. It is a dangerous game. We do not have the full chessboard before us. I assure the Members that if we start manipulating the parts of the budget on the chessboard that most concern us, some of the pieces will fall off. Precipitous cuts or, for that matter, sending the budget back where it came from are examples of actions destined to take the District down.

□ 1350

For example, the District needs to restructure its government, not simply to cut its government. It does not need to slap together something on paper that will please the Congress.

As we speak today, the City Council is holding hearings on the GAO report which, after all, was just issued within the past week or 10 days. I have spoken with both the mayor and the chair of the city council and impressed upon them the seriousness of the situation from the point of view of Congress.

I was pleased at how serious they took the situation and the report and am pleased that today, the first opportunity the council has had, it is itself holding public hearings on the GAO report, to which I expect the appropriate response.

What will not get the appropriate response, what we cannot do during this budget period, is to somehow turn this situation on its head. This situation needs a deliberative process. That process begins with the GAO report. It continues with hearings in the city. It cannot be manufactured from the Congress. I ask my colleagues to support this rule in all fairness.

Mr. GORDON. Mr. Speaker, I have no further requests for time.

Mr. DREIER. Mr. Speaker, actually I am very pleased that my friend from Culver City has joined us again and my friend from Tennessee. I would like to engage in a colloquy, if I might just for a moment, on this issue we were discussing earlier.

We have spent a great deal of time talking about the waiver for these two amendments that were protected of the gentleman from New York [Mr. WALSH]. Then I referred to the fact that three of them were not.

I wonder if my friend might tell us how many other items were protected in this measure in all? We have talked about these three. I know we have blanket waivers for a number of provisions. I just wondered how many.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

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

Mr. DIXON. Mr. Speaker, I cannot tell the gentleman the number. I can tell the gentleman the waivers that I joined in as it related to actions that we took. Two offered by the gentleman from New York [Mr. WALSH], one offered by the gentleman from Maryland [Mr. HOYER], dealing with the wharf, and, at that point in time, one offered by the gentleman from Virginia [Mr. MORAN], which the gentleman from Tennessee has indicated, because of a scoring problem, I will in fact offer an amendment to strike.

So there are basically three, two by the gentleman from New York [Mr. WALSH] and one by the gentleman from Maryland [Mr. HOYER].

But I would point out that the budget, as sent up to us, did have some requests from the District which really do not relate to our conversation nor did any harm.

Mr. DREIER. Mr. Speaker, reclaiming my time, I understand that really is a subjective assessment, that they did not do any harm. I will say in the name of fairness, our count over here, and I wanted to see if it meshed with yours, shows there are 51 items that are protected in this measure under the total provided to me by the ranking member of your subcommittee. You have referred to a couple of Democrat amendments, the gentleman from Maryland [Mr. HOYER] and the gentleman from Virginia [Mr. MORAN].

All we are asking is that while we have had these two protected for the gentleman from New York [Mr. WALSH], out of a total of 51, it seems to me we ought to maybe have 51, or, if we do it based on the breakup of the configuration of this House, a 60–40 ratio might be more balanced.

It seems to me when there are 51 items in here that are protected, that it really is not fair, and that gets back to my opening statement.

Mr. DIXON. Mr. Chairman, if the gentleman would yield for a response, I am not sure that there are 51, but I would accept that. I do not think that is correct.

Mr. DREIER. Mr. Chairman, I am using the report the gentleman submitted.

Mr. DIXON. I accept that. But the real issue is how many waivers were made based on Members of Congress or the committee's request. Let me point out to the gentleman that the large majority, except for those three or four, are language that have been placed in the bill.

Let me give an illustration of that. On page 21, line 16, section 113, no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy, including boycotts designed to support or defeat legislation before Congress or any State legislature.

That is something that this body has accepted in the past, that they would not use money for propaganda or otherwise lobbying.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, just to say to argue that no Member has made this request, when in fact the chairman of the subcommittee has made this request to put these items in order here, it seems to me as we look at this, if you are going to continue to do this, why do we have an authorizing committee on

which the gentleman from Virginia [Mr. BLILEY] has worked so diligently over the years, if all of these items are going to be taken care of in this appropriations process? It has not simply been three Members who made this request. The majority leadership of this committee has, maybe at the request of the city here, the District of Columbia, included these items. But, frankly, a Member has done it.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Sanibel, FL [Mr. GOSS], who has spent a lot of time thinking about and living in the District of Columbia when he is up here and not in Sanibel, FL.

Mr. GOSS. Mr. Speaker, each year I rise with great regret during consideration of the District of Columbia appropriations bill—regret I feel for the lost opportunity the people of the District of Columbia have suffered because their local elected leaders and public officials have failed in their management of the Nation's Capital City.

I am a true champion of home rule. I have a deep disappointment as a champion of home rule that after 20 years of home rule here, there is really only a worsening crisis of function after function of the city government.

The headlines this past year have told an incredible story of corruption and fraud, mismanagement, abuse of privilege, inept leadership, and virtually criminal abuse of the public trust; and I'm not talking about Mayor Kelly's cosmetician. We had a scandal at the District of Columbia Housing Agency involving bribery and misuse of public housing funds at the same time as more than $1.3 million was spent for renovations at the Housing Agency. There is the ongoing financial crisis involving a dangerous shortfall in the District's budget—a crisis that has been detailed in an eye-opening GAO report which portends a Federal bailout in the near future and an imperiled pension fund. There were the scandals of District of Columbia police officers conspiring to assist a drug ring, corrections officers found guilty of accepting bribes and smuggling drugs, and the forced resignation of the city's director of campaign finance because of drug charges. Violent crime is up, child welfare and productivity are down, and the Nation's Capital continues to prove that it cannot effectively manage itself.

Meanwhile, Mr. Speaker, this House is asked to approve funding for the District of about $720 million—without any serious requirement for changes in the way this city is being run. We have a disastrous financial situation—and a city government that has bounced from one scandal to the next. Yet, when Mr. WALSH of New York sought, in good faith, to offer concrete measures to head off the financial crisis—he was shut out. Mr. Speaker, I urge a "no" vote on this rule. For 20 years we've been told it'll be better next year—turns up. It's time for the District to clean up its act and face the music.

Chairman DIXON said we need to fix things. Well, no rule can fix what is wrong with the District of Columbia government. Frankly, this legislation does not fix it either, and that is why it should not be approved. This bill just shuffles money, another three-quarters of a billion dollars, on a problem that does not have a fix. No fix is even called for in this legislation.

I am told if you compare with other cities, they have problems too. And, yes, they do, the large urban metropolitan areas. I am aware of that. The fact of the matter is, Congress has a very special relationship with the District of Columbia, and has a very special responsibility. It seems to me that if we have this special responsibility, and that is what the problem is with the District of Columbia, then Congress had better get to work and find out what the fix is right now, because we cannot just keep doing what we have been doing before.

I am going to be offering cutting amendments to make a point. They certainly are not going to improve the situation. They may save the taxpayers some money.

We had a vote here on statehood. It did not pass because statehood is not defensible. We are having a referendum right now on home rule, and that may not sustain, because that no longer may be defensible. Certainly wasting taxpayers' dollars is not defensible. I think the District has been told repeatedly, the management, the government, that they have got to shape up, and every year we are told it is going to get better, and every year it gets worse.

Okay, where is the fix? It is not in this rule. It is not in this legislation. I suggest we go back to the drawing board and try and do what is right for our Nation's Capital.

□ 1400

Mr. DREIER. Mr. Speaker, I yield 2 minutes to a member of the Committee on Energy and Commerce, the gentleman from Ennis, TX [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, at the appropriate time under consideration of H.R. 4649, the D.C. appropriations bill, I will offer an amendment to prevent any funds from being expended to enforce the Domestic partners Act that the District of Columbia passed in 1992.

The Barton amendment is identical to an amendment that was offered 2 years ago by the gentleman from Texas [Mr. DELAY] and last year by the gentleman from Oklahoma [Mr. ISTOOK.] It passed in 1992 with 235 votes. It passed in 1993 with 251 votes. Had the committee seen fit to include the language in the pending legislation, there would not be a need to offer it as an amendment on the floor this year.

However, the committee did not do that and so there is a need for this amendment. Under the D.C. Domestic Partners Act, there is a tax preference given to domestic partners, it allows homosexual marriages to be registered. It defines domestic partners as a homosexual couple, heterosexual couple living together and any roommate. The Barton amendment basically continues, if adopted, the language that has been approved by this House and the Senate the last 2 years. It is supported by the Concerned Women for America, the Christian Coalition, the Family Research Council and Traditional Values Coalition.

I would strongly urge all Members to support the Barton amendment this year, when it is offered.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Lincoln, NE [Mr. BEREUTER].

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

I serve on the housing subcommittee of the Committee on Banking, Finance and Urban Affairs. I have been attempting to focus some attention upon an entity of the District of Columbia called the Department of Public and Assisted Housing. This is the housing authority for this District of Columbia in which we now are located.

Since HUD has begun to describe troubled housing authorities in the late 1970's, DPAH has always been listed as one of the troubled housing authorities. HUD has recently declared it to be the most troubled or the worst housing authority in the United States of America.

I gather that most of my colleagues have noticed something about the latest scandal that has racked DPAH, the latest one being the voucher problem. Some time ago, a special master was appointed to consider the problems of DPAH. The special master made the recommendation that Judge Steffen Graae should, in fact, put the housing authority into a receivership.

This latest scandal that has racked this housing authority is not only a waste of taxpayers' funds, it is really hurting the people who can least afford to be hurt in our society, particularly in this city.

To have to pay bribes to get housing vouchers, the routine practice at DPAH which apparently went on for years and years, is just outrageous. I do not know what we can do to move Judge Graae along, but it is a rare opportunity to take the floor on this relevant issue affecting an element in the District of Columbia's government, DPAH. This Member will continue pushing for action on DPAH through votes on this issue in the Banking subcommittee and committee. In addition, Mr. Chairman, I would like very much to see the problems of DPAH addressed somehow in the appropriation process

in the future through this appropriations subcommittee.

If Judge Graae is unwilling to act upon this special master's recommendation, then I think the Congress has a responsibility to put DPAH in receivership and to require a whole host of our necessary reforms.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute just to close.

Mr. Speaker, we have just decided here that we are going to ask for a vote on the previous question. We have concluded that with 51 items that are protected in this measure, we should, in fact, have a real open rule to bring about the kind of fairness that I know my friend from Tennessee would like to have. I will ask my colleagues to vote to defeat the previous question and then I will insert an amendment which will simply ensure that this is an open rule without any protections whatsoever, whether they are for the majority Members or the items that we discussed from the gentleman from New York [Mr. WALSH]. It is the only way that we can bring about true fairness and an open rule.

Mr. Speaker, I yield back the balance of my time.

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

In conclusion, let me just say that many of us have serious concerns about the management of the District of Columbia. I am certainly one of those Members here. So I think it is important that we get on and debate this bill and address these serious matters.

At the risk of creating an echo in this chamber, let me say, once again, as my friend from California knows, this is an open rule. The fact of the matter is that all relevant amendment were allowed at the subcommittee level, debated, and voted upon. All relevant amendments were allowed at the committee level, introduced, debated, and voted upon. And all relevant amendments today on the House floor will be allowed, debated, and voted upon.

This is an open rule. This is an open rule that is supported by the chairman of the authorizing committee, and I would request that this body approve this open rule.

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

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

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

I picked up this open rule that my friend has referred to. It is House Resolution 466. It is very brief. It makes no mention whatsoever of an open rule. All it does is waive points of order. So I would like to ask the gentleman, he about six times described this as a great open rule. All it does is waive points of order on 51 items protecting items that the majority has raised and just a couple of items that have been raised by the minority here. That is why I hope very much that we can vote to defeat the previous question to ensure that we will be able to have a true open rule and eliminate all of these items in here which are protected.

Mr. GORDON. Mr. Speaker, reclaiming my time, as my friend from California knows, and he frequently asks for an open rule, an open rule applies to an amendment process. All amendments that were relevant were allowed in this committee.

Mr. Speaker, I yield to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman from Tennessee for yielding to me. I would just like to engage in a colloquy with my good friend from California, who is a member of the Committee on Rules. First, I do not understand the rationale for turning down the previous question on an open rule.

As I understand what the gentleman is saying, an open rule would not prohibit a Member from making a point of order. An open rule would allow the amendments that the gentleman from New York, Mr. WALSH, offered, and that were agreed to by our committee and that I am trying to protect through this rule to be struck on a point of order. It would not allow the gentleman from New York, [Mr. WALSH] to offer his amendments because they are still subject to a point of order.

If I understand, and perhaps I do not understand it, that would be the situation.

Finally, as it relates to the other 47 that the gentleman refers to, those are policy issues that both sides of the aisle agree with. They would be subject to a point of order.

An open rule, as the gentleman is saying it, does not move us forward at all. It is counterproductive. I thought the gentleman from New York, [Mr. WALSH] wanted to have summary reports every quarter. I agree with that. But there may be Members here who do not want to move that far. It would mean that that would be struck on a procedural matter. I do not think that the member of the Committee on Rules wants to do that.

Mr. GORDON. Mr. Speaker, reclaiming my time, I think we need to move forward with this bill. This is the conclusion of the time. We need to move forward with this bill. I do not want to cut the gentleman off.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. DREIER] to conclude. Then we will move forward with this resolution.

□ 1410

Mr. DREIER. Mr. Speaker, I was simply going to respond to the questions raised by my friend, the gentleman from Culver City, CA [Mr. DIXON] and say that it is under the standard rules of the House that the open amendment process is in order. In light of that, there is no necessity to go to the Committee on Rules whatsoever, if it were not for the protection of these 51 items.

Mr. Speaker, my amendment that I hope to offer when we defeat the previous question simply strikes all after the resolving clause and inserts in lieu thereof nothing. Basically, this is not necessary whatsoever, because this rule says nothing about an open amendment process. All it does is provide waivers protecting items that have been raised by the majority.

Mr. Speaker, I thank the gentleman for yielding to me, and urge a no vote on the previous question. The material referred to is as follows:

HOUSE RESOLUTION 466—AN AMENDMENT OFFERED BY MR. DREIER

Strike all after the resolving clause and insert in lieu thereof, nothing.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to Clause 3, rule XXI of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which might be construed, under some circumstances, as directly or indirectly changing the application of existing law.

1. Under "Governmental Direction and Support", there is language which provides that program fees collected from the issuance of bonds or other debt instruments shall be available for the payment of expenses of the District's debt management program. Section 490 of the Home Rule Charter (Public Law 93–198, as amended) authorizes the District government to issue revenue bonds for a number of specified purposes and was amended by Public Law 95–218 specifically to enable the District government to act as a conduit for the issuance of revenue bonds for private colleges and universities. This language will allow the District government to be reimbursed for the costs of issuing bonds on behalf of third-party beneficiaries.

2. The bill includes language under "Governmental Direction and Support" appropriating funds to pay legal, management, investment and other fees and administrative expenses of the District of Columbia Retirement Board. Section 121(f)(1) of the District of Columbia Retirement and Reform Act (Public Law 96–122) states that all administrative expenses incurred by the Board are to be paid out of funds appropriated for such purposes. The language recommended by the Committee appropriates the total amount required for the operation of the Board and specifies that the total amount is to be from the investment income of the pension funds. The language also clarifies that all expenses of the Board are to be paid from this appropriation. A requirement for quarterly reports as well as timely submission of budget data and audit information is also included in the language.

3. The bill includes language under "Economic Development and Regulation", requiring that any profits associated with the operations of the District of Columbia Housing Finance Agency be used to reimburse the general fund for the costs involved in issuing mortgage revenue bonds. The language also provides that upon commencement of debt service payments such payments shall be deposited into the general fund.

4. Under "Public Safety and Justice", language provides an exemption for two classes

of passenger motor vehicles from 31 U.S.C. 1343(c) which states, in part, that:

(c)(1) Except as specifically provided by law, an agency may use an appropriation to buy a passenger motor vehicle (except a bus or ambulance) only at a total cost (except costs required only for transportation) that

* * * * *

(C) is not more than the maximum price established by the agency having authority under law to establish a maximum price; and

(D) is not more than the amount specified in a law.

The classes of motor vehicles exempted from the price ceiling are vehicles used for police, fire fighting and fire prevention activities. Because of the special requirements for those types of vehicles the costs exceed the maximum set for passenger motor vehicles for regular use.

5. Language is included under "Public Safety and Justice" authorizing the Mayor to reimburse the National Guard for expenses incurred in connection with emergency services performed by the Guard at the request of the Mayor. The language also provides that the availability of these funds is to be considered as constituting payment in advance for the emergency services involved.

6. Language included under "Public Safety and Justice" provides that funds appropriated for expenses under the Criminal Justice Act of 1974 (Public Law 93–412) for fiscal year 1995 shall be available for obligations incurred under that Act in each fiscal year since inception of the program in fiscal year 1975. This language is necessary due to the long time lag, for various reasons, between the time attorneys are appointed and the time vouchers are presented to the District for payment.

7. Language under "Public Safety and Justice" provides that funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985.

8. Language under "Public Safety and Justice" provides that funds appropriated for expenses under the Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1989.

9. Language is included under "Public Safety and Justice" providing $500,000 for the Police Chief's confidential fund in fiscal year 1995 in accordance with the Police Chief's estimates.

10. Language under "Public Safety and Justice" requires the Police department to provide quarterly reports on its efforts to increase efficiency and improve the professionalism in the Department.

11. Language under "Public Safety and Justice" gives the Metropolitan Police Department independent authority to make purchases up to $500,000 and provides that the District of Columbia government may not require the Department to submit to any other procurement review process, or to obtain the approval of any other official or employee.

12. Language is included under "Public Education System" authorizing the District of Columbia Public Schools to accept not to exceed 31 motor vehicles for exclusive use in the driver education program.

13. Language is under "Public Education System" requiring the Board of Trustees of the University of the District of Columbia to establish a tuition rate for nonresident students at a level no lower than the rate for nonresident students at comparable public institutions of higher education in the metropolitan area.

14. Under "Human Support Services", there is language providing that appropriations available solely for employees' disability compensation shall remain available until expended. 31 U.S.C. 1301(c)(2) provides in part, that:

(c) An appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation—

* * * * *

(2) expressly provides that it is available after the fiscal year covered by the law in which it appears.

15. Language under "Human Support Services" prohibits the District from providing free government service to private nonprofit organizations if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act.

16. Language is included under "Public Works" providing for the rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia.

17. Language under "Repayment of General Fund Recovery Debt" provides funds to reduce the District's accumulated general fund deficit.

18. Under "Capital Outlay", there is language that provides that the amount appropriated shall remain available until expended. This language is needed to provide an exemption to 31 U.S.C. 1301(c)(2) to allow the funds to remain available beyond fiscal year 1995. The exemption is needed because of the length of time required for the design and construction of capital projects.

19. The Committee has included language under "Capital Outlay" requiring that funds appropriated for capital outlay projects shall be managed and controlled in accordance with procedures and limitations established under the financial management system and that all such funds shall be available only for the specific project and purpose intended.

20. Language under "Lottery and Charitable Games Enterprise Fund" requires the use of non-Federal funds to finance the operations of the Lottery Board and directs the District to identify the source of funding from its own locally-generated revenues.

21. Section 101 of the "General Provisions" requires that all expenditures for consulting services obtained through procurement contracts be open for public inspection.

22. Language under section 104 grants the Mayor the authority within rates prescribed by Federal Travel Regulations, to establish mileage allowances for privately owned automobiles and motorcycles used for official purposes.

23. A proviso is included under section 105 of the bill permitting the Council of the District of Columbia and the local judiciary to expend funds for travel and payment of dues without authorization by the Mayor.

24. Section 106 appropriates funds for refunding overpayments of taxes collected and for paying judgments against the District of Columbia government.

25. Section 107 of the "General Provisions" provides an exemption from the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effect April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44).

That section states that:

Such amount as referred to in subsection (a) of this section shall not be less than the full amount determined as necessary on the basis of the minimum needs of such person as established by the Council.

Because of financing constraints, the District has regularly budgeted for a percentage of the public assistance payment standard, rather than for the full amount as required by Sec. 3–205.44 of the District of Columbia Code.

26. Language is included in section 110 of the "General Provisions" requiring the annual budget for the District of Columbia government for fiscal year 1996 to be transmitted to the Congress no later than April 15, 1995. The District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198) does not provide a specific date for the transmitting of budgets to the Congress.

27. Language in section 112 of the "General Provisions" has been carried since 1979 and allows the payment of a percentage of taxes collected to individuals who provide information to the District resulting in the collection of taxes.

28. A proviso is included under Section 114 requiring the Mayor to develop an annual plan for borrowing capital outlay funds and to submit quarterly reports to the Council to the District of Columbia.

29. Language in section 115 of the "General Provisions" requires the Mayor to obtain approval from the Council of the District of Columbia prior to borrowing funds for capital projects.

30. Section 116 of the "General Provisions" prohibits the Mayor from paying operating expenses with funds borrowed for capital projects.

31. Language in section 117 prohibits the obligation or expenditure of funds by reprogramming unless advance approval is obtained in accordance with established procedures set forth in House Report No. 96–443 as modified in House Report No. 98–265.

32. Language in section 118 prohibits the use of Federal funds in the bill to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

33. Language in section 119 prohibits the use of Federal funds in the bill to purchase passenger automobiles as defined in 15 U.S.C. 2001(2) with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon.

34. Language in section 120 authorizes the Mayor to set the salary of the City Administrator at a rate not to exceed the maximum statutory rate established for level IV of the Federal Executive Schedule under 5 U.S.C. 5315, and provides that this salary may be payable to the City Administrator during fiscal year 1995. The language also authorizes the Mayor to set the per diem rate for board members of the Redevelopment Land Agency in the same manner consistent with their authority to set these rates for members of other boards and commissions of the District government. The Major does not have this authority at the present time.

35. Language under section 121 clarifies the pay setting authority for District employees as the District's Merit Personnel Act rather than title 5 of the United States Code.

36. Language in section 122 exempts the District from provisions of section 322 of the Economy Act of 1932 concerning expenditures for office leasing, alternations, improvements and repairs. This exemption was recommended by the General Accounting Office and was first carried in the fiscal year 1985 bill.

37. Language in section 124 extends for one year the District's authority to sell its general obligations bonds through negotiated sales.

38. Language in section 125 prohibits the District government from renewing or extending sole source contracts without opening them to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1984, effective February 21, 1986 (D.C. Law 6–85).

39. Sec. 126 requires any sequestration pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) to be applied to each of the Federal fund appropriation accounts rather than to the aggregate total of these accounts.

40. Language in section 127 provides that in the event a sequestration order is issued after the amounts appropriated to the District have been paid to the District, the Mayor is required to pay the Secretary of the Treasury, within 15 days after receipt of a request from the Secretary, the amounts sequestered by the order provided the sequestration percentage is applied to each of the Federal appropriation accounts and not applied to the aggregate total.

41. Section 128 makes permanent section 133 of the D.C. Appropriations Act, 1990, Public Law 101–168; 103 Stat. 1280–1282, which provides means by which the District of Columbia government is paid for water and sanitary sewer services furnished to any department, agency, or independent establishment of the Federal government.

42. Language under section 129 requires the District to pay interest on payments to the Federal Bureau of Prisons made more than 60 days from receipt of an itemized statement.

43. Language in section 130 prohibits the expenditure of funds for programs or functions for which a reorganization plan is required but has not been approved by the Council.

44. Language under section 131 allows the District of Columbia government to accept and use, with the Mayor's approval, donations received for public purposes authorized by law. The language also requires that accurate records be maintained by the agency or entity administering the program and that the records be available for audit and public inspection. The language also allows the Council of the District of Columbia and the Board of Education to accept gifts and donations without the approval of the Mayor.

45. Language under section 132 imposes a hiring freeze District-wide except for essential positions and requires the Council to enact implementing legislation.

46. Language under section 133 continues current law as it relates to the prohibition on the use of Federal funds for salaries, expenses, or other costs associated with the offices of D.C. Senator for representative.

47. Language under section 134 continues current law that prohibits the use of Federal funds in the bill for abortions except to save the life of the mother and in cases of rape or incest.

48. Language under section 135 requires an independent audit of the D.C. Retirement Board.

49. Language under section 136 relates to the Municipal Fish Wharf.

50. Language under section 137 relates to quarterly financial reports.

51. The Committee has approved language under the Water and Sewer Enterprise Fund relating to capital borrowings by the Secretary of the Army for the Washington Aqueduct.

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

Mr. Chairman, as I conclude this debate, we talked about a lot of parliamentary gobbledygook. The fact of the matter is, this is an open rule that allows all relevant amendments to be offered, debated, and voted upon.

Mr. STARK. Mr. Speaker, I rise in strong support of this rule providing for consideration of the District of Columbia appropriations bill for fiscal year 1995. I commend my colleague, JULIAN DIXON, for seeking this rule and Rules Committee Chairman JOE MOAKLEY for offering it.

This rule is both fair and reasonable. What makes this rule fair is that it allows for consideration of any amendment that complies with the Rules of the House governing consideration of appropriations bills. What makes this rule reasonable is that it defers to the authorizing committee decisions about such matters as the District's pension system and the use of the Federal payment.

Mr. Speaker, the House District Committee has before it legislation affecting the District's retirement system and unfunded pension liability, as well as reauthorization of the Federal payment. In those contexts, the committee will address the findings of the recently released GAO report on the financial condition of the District of Columbia.

I urge my colleagues to support this rule.

Mr. GORDON. Mr. Speaker I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi) The question is on ordering the previous question.

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

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote. It will be followed by a 5-minute vote, if ordered, upon adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 251, nays 177, not voting 6, as follows:

[Roll No. 305]

YEAS—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook

Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Chapman
Dicks
Machtley
Reynolds
Schumer
Washington

□ 1430

Messrs. McKEON, EVERETT, LEWIS of California, and McCANDLESS changed their vote from "yea" to "nay."

Mr. BARCA of Wisconsin and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

□ 1433

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 188, not voting 10, as follows:

[Roll No. 306]

AYES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—188

Allard
Archer
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Armey
Chapman
Dicks
Machtley
Maloney
Reynolds
Schumer
Swift
Volkmer
Washington

□ 1438

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall 306 because I was in a meeting with constituents and arrived in the Chamber just after the vote ended. Had I been present, I would have voted "yea."

## GENERAL LEAVE

Mr. GORDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 466, the resolution just considered and agreed to.

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

There was no objection.

□ 1440

## GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4624, that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. STOKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and the offices for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LEWIS] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

□ 1442

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4624, with Mr. BEILENSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

Pursuant to the unanimous consent agreement, the gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

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

Mr. Chairman, we bring before the House today the 1995 VA, HUD, and independent agencies appropriations bill. Coincidentally, it is exactly one year to the day since we appeared before the House, last year with the bill.

As always, this is a very difficult bill to prepare. It requires tough, difficult choices. But in making those choices, what we as a committee attempted to do, I believe, was to be balanced and fair.

Our section 602(b) allocation was approximately $400 million in outlays below the President's request. The budget authority allocation is approximately $450 million above the 1995 request. But it is the outlay allocation that is the most constraining—and the question quickly becomes "what programs should be reduced to meet the outlay allocation?"

This problem is not unique to the VA-HUD Subcommittee. All discretionary spending is being squeezed as the budget caps continue to shrink the money available. And I think I can predict that next year we will be facing a discretionary cap that will force further spending cuts. And frankly, the outlook beyond 1996 appears equally grim.

As I mentioned, the outlay allocation is approximately $400 million below the President's request. To that deficit in outlays, the committee added approximately $350 million in outlays for high priority programs in the Departments of Veterans Affairs and Housing and Urban Development.

For example, VA's medical care account was increased to maintain the current services level. Medical and prosthetic research was increased to maintain the 1994 level. Additional funds were provided to address the increasing backlog in processing of veterans' claims. And operating subsidies for public housing projects were increased so as to provide for the well-being of low-income families.

That brought the real outlay shortfall to approximately $700 million. This amount was offset by outlay enhancers of approximately $300 million. These savings primarily result from including language to increase the Federal Housing Administration's mortgage floor and upper limit for high-cost areas, and expanding the Government National Mortgage Associations' real estate mortgage investment conduit program.

In order to bring the bill within the section 602(b) outlay allocation, reductions were required in the requested increases for the Environmental Protection Agency, the National Science Foundation, and the Corporation for National and Community Service. A reduction was also required in the amount requested for the National Aeronautics and Space Administration. However, each of these agencies received approximately one-half—or more—of its requested increase above the 1994 appropriation level, despite reductions in the amounts requested.

Let me stress this point because I believe it is very significant. EPA, the Science Foundation, and the Corporation each received approximately one-half—or more—of its requested increase.

Mr. Chairman, the VA-HUD Subcommittee has received letters from each of the heads of the major agencies funded in the bill supporting the subcommittee's recommendations.

There is another point I would like to mention—the President's investment proposals. The VA-HUD Subcommittee accounts for approximately $13 billion of the $90 billion in the investment package. This bill, as reported to the House, includes more than $12 billion for those investment proposals. That means the bill funds approximately 90 percent of the President's investment package.

Before going on to specific recommendations for the major agencies in the bill, let me explain the ground rules we used regarding legislation in the 1995 bill.

With a few exceptions—the previously mentioned outlay enhancers being the main ones—there is no legislation in this bill. Funding is provided for ongoing programs for which enabling legislation presently exists—although there is no authorization for a specific amount of funds for fiscal year 1995. This practice is not different from the way we have proceeded in past years.

Funds are not provided for a number of new programs in HUD, VA, and EPA for which there is no existing legislation. But, let me assure the members, the subcommittee will consider funding for all new programs, including those in HUD, VA, and EPA, in conference—after enactment and review of the authorizing legislation—and within the availability of funds in the subcommittee's allocation.

Let me turn now and highlight a few of the subcommittee's major recommendations.

For the Department of Veterans Affairs medical care account, we have provided a total of $16.2 billion—an increase of $111 million above the 1995 request. This increase represents the amount the VA estimates is needed to maintain the current services level in 1995.

The increase in funds recommended, together with an increase of approximately $300 million requested for contract employment, will permit the VA to maintain the 1994 hospital staffing levels. It is the committee's intention that the Secretary have the discretion to determine whether the FTE level is 201,508, as proposed in the budget—205,188, as provided in 1994—or some level in between. Any reduction below the 1994 FTE level will be offset with increases in contract employment. This places the responsibility for determining the proper mix of federal employees and contract employees where such an administrative decision should be—with the Secretary.

Under housing, we are recommending $26.8 billion—which is an increase of $915 million above the president's request. The recommended amount is also an increase of $1.8 billion above the 1994 level.

Where did that increase above the 1994 level go? Of the recommended amount, an increase of $279 million above the 1994 level is for homeless programs—the Secretary's number one priority.

The bill also includes the following increases above the 1994 level: $200 million for the community development grants program; $280 million for public housing operating subsidies; and $1.3

billion for 30,000 units of section 8 rental assistance.

Turning to the Corporation for National and Community Service, the Committee is recommending a total of $490 million in 1995. This is an increase of $120 million above the 1994 level and a decrease of $120 million below the 1995 request.

For EPA, the Committee is recommending a total of almost $7 billion in 1995 for activities of the Environmental Protection Agency. This is $368 million above the 1994 level and $170 million below the 1994 request.

Turning next to NASA, we have included $14 billion for the National Aeronautics and Space Administration in 1995. That is a reduction of $240 million below the budget request and $527 million below the 1994 level.

Included within the recommended amount is the full request of $2,120,900,000 for the space station program.

For the National Science Foundation, the bill includes $3.1 billion. This is an increase of $88 million above the 1994 level and $93 million below the 1995 request.

□ 1450

Mr. Chairman, I want to thank all of the members of the subcommittee for their active and interested participation in the hearings and deliberations that resulted in the development of this bill. I want to especially thank the ranking minority member of the subcommittee, the gentleman from California [Mr. LEWIS] for his cooperation and assistance. It is a pleasure working with him. I also want to express my appreciation and that of our subcommittee members, to our hard-working staff: Paul Thomason, Michelle Burkett, Robyn Bason and our detailee, Doug Reber. They have done an outstanding job.

Lastly, Mr. Chairman, crafting this bill would not have been possible without the hard work and long hours expended by the members of this subcommittee. I want to thank the gentleman from California [Mr. LEWIS], the gentleman from Texas [Mr. DELAY], and the gentleman from New Jersey [Mr. GALLO] for their work on that side of the aisle; and the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Texas [Mr. CHAPMAN], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from California [Mr. TORRES], and the gentleman from Arkansas [Mr. THORNTON] on this side of the aisle. They are good Members, and we have produced a good bill.

I urge the Members to support the bill.

Mr. Chairman, at this point I will include a table with the Committee's recommendations compared to the 1994 levels and the budget estimates.

| Department or agency | Appropriated, 1994 | Budget estimates, 1995 | Recommended in bill | Bill compared with— | |
|---|---|---|---|---|---|
| | | | | Appropriated, 1994 | Budget estimates, 1995 |
| [1] | [2] | [3] | [4] | [5] | [6] |
| American Battle Monuments Commission | $20,211,000 | $20,265,000 | $20,265,000 | +$54,000 | |
| Cemeterial Expenses, Army | 12,738,000 | 12,017,000 | 12,017,000 | −721,000 | |
| Chemical Safety and Hazard Investigation Board | | 4,250,000 | | | −$14,250,000 |
| Community Development Financial Institutions | | 144,000,000 | | | −144,000,000 |
| Consumer Information Center | 2,074,000 | 2,008,000 | 2,008,000 | −66,000 | |
| Consumer Product Safety Commission | 42,286,000 | 40,009,000 | 43,486,000 | +1,200,000 | +3,477,000 |
| Corporation for National and Community Service | 365,000,000 | 611,388,000 | 491,388,000 | +126,388,000 | −120,000,000 |
| Council on Environment Quality | 675,000 | 997,000 | 997,000 | +322,000 | |
| Court of Veterans Appeals | 9,159,000 | 9,429,000 | 9,289,000 | +130,000 | −140,000 |
| Department of Housing and Urban Development | 24,966,681,000 | 25,901,078,000 | 26,815,784,000 | +1,849,103,000 | +914,706,000 |
| Department of Veterans Affairs | 36,665,953,032 | 37,105,920,061 | 37,283,863,061 | +617,910,029 | +177,943,000 |
| Environment Protection Agency | 6,619,797,900 | 7,158,095,000 | 6,988,017,000 | +368,037,100 | −170,078,000 |
| Federal Deposit Insurance Corporation [1] | 1,178,000,000 | 842,000,000 | 842,000,000 | −336,000,000 | |
| Federal Emergency Management Agency | 786,289,000 | 702,000,000 | 831,322,000 | +45,033,000 | +129,322,000 |
| National Aeronautics and Space Administration | 14,527,399,000 | 14,240,684,000 | 14,000,684,000 | −526,715,000 | −240,000,000 |
| National Credit Union Administration (limitation on direct loans) | (600,000,000) | (600,000,000) | (600,000,000) | | |
| National Science Foundation | 3,017,797,000 | 3,198,909,000 | 3,106,063,000 | +88,266,000 | −92,846,000 |
| Neighborhood Reinvestment Corporation | 32,000,000 | 38,667,000 | 38,667,000 | +6,667,000 | |
| Office of Consumer Affairs | 2,159,000 | 2,166,000 | 2,166,000 | +7,000 | |
| Office of Science and Technology Policy | 4,450,000 | 4,981,000 | 4,981,000 | +531,000 | |
| Office of National Service | 160,000 | | | −160,000 | |
| Resolution Trust Corporation; Office of Inspector General | 34,314,000 | 32,000,000 | 32,000,000 | −2,314,000 | |
| Selective Service System | 25,000,000 | 22,930,000 | 22,930,000 | −2,070,000 | |
| Budget scorekeeping adjustments | −6,323,000 | 15,565,000 | 15,746,000 | 22,069,000 | +181,000 |
| Total | 88,306,001,932 | 90,109,358,061 | 90,563,673,061 | +2,257,671,129 | +454,315,000 |

[1] Included such sums as necessary for losses under the Savings Association Insurance Fund.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first respond to the gentleman from Ohio [Mr. STOKES] and express my gratitude, not only for his expression of friendship and the pleasure we have had working together, but to say to the Members of the House that LOU STOKES is not just one of the finer members of the Committee on Appropriations, he is one of the best chairmen to have to work with. I look forward to continuing this newly developed partnership that is doing so well.

My colleagues, I rise to express my strongest support for H.R. 4624—the fiscal 1995 VA–HUD appropriations bill. In 1980, I read an editorial in the Los Angeles Times regarding the conclusions reached in the public policy process regarding land planning for desert wilderness in California—a subject, most of you know, that has my foremost attention these days. It concluded: "It's a good compromise. None of the principals can be totally satisfied with the final result."

That's precisely the way I would describe our VA–HUD appropriations bill. Almost every conceivable interest has to accept some pain or sacrifice in order to balance the competing interests in this bill.

The Clinton administration supports the bill but it has paid a price. In return for station and the substantial reinvention of the U.S. Department of Housing and Urban Development, the President and Director Panetta have had to surrender $170 million from their requested investment initiatives at the Environmental Protection Agency. The anticipated ramp up in the first full year of the Corporation for National and Community Service has been cut in half. And although total HUD funding is substantially more robust than this Member would like to see, pending concrete progress in resolving the Department's chronic management deficiencies, this bill defers funding of six new housing initiatives totalling $1.049 billion.

It is hoped that the veterans service organizations and those who serve on the authorizing committee will join us in support of the decisions reached regarding discretionary veterans programs. We provide the funds which make it possible for Secretary Brown to avoid a reduction of nearly 3,700 employees in this Nation's largest Government run medical care delivery system. While that runs counter to Vice President GORE's recommendations in the National Performance Review, it is a direct reflection of the will of this House.

We have restored a proposed cut of $41 million or 16 percent for VA medical research. The price for these decisions is that we have severely reduced VA major construction. We are, for the moment, $302 million or 73 percent below last year's enacted appropriations level. Additionally, we have increased total medical care funding by $611 million. while that's no small chunk of change, the subcommittee has traditionally added at least $1 billion above the previous year's appropriations. We no longer have the flexibility to provide such increases and address the bill's other challenges.

I want to take just a few moments to describe what has become the foremost controversy in our bill. And let's get it right. It's no longer Freedom or Alpha and it most certainly is not MIR II. It is truly an international space station. My chairman has had his doubts but he's nothing if not loyal and determined. And I am not just enthusiastic about the progress which NASA has made, I am deeply impressed by the level of enthusiasm of the current administration for this program.

So the chairman and I are here today in unified support of continuing America's program of manned exploration of space and pleased to be able to tell you that we welcome Russian participation in America's space station with open arms. Let me drive the point home.

The two most frequently asked questions are: What will it cost and when will we see concrete results from America's collaboration with the Russians? As of last week, NASA and the Russian space agency have a fixed price $400 million contract. With that we will be buying hardware. With that we will have a common airlock and docking module. We will have access to the existing Soviet space station. American research will be conducted on Russian research modules.

Much more importantly, next year when we have this debate an American astronaut will have flown in space for 3 months on a Russian station. He will arrive on the Russian Soyuz vehicle and return on the shuttle after it has docked with the Soviet station. Our astronaut will be in space for 90 days—breaking the previous American record of 84 days on Skylab. That is a most concrete result and we will have it with your help when we debate this bill next year.

I have already told you the price this administration is paying in other investment priorities. You should know that NASA is paying the price as well. In this bill NASA has an overall funding cut of $526 million or −4 percent from last year. It will sustain this cut, and contrary to the rhetoric we will hear from others, will do so with a fully funded space science budget and without the cancellation of any major science initiative.

We present you with a bill which spends $70.4 billion in Federal domestic discretionary dollars.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR], a member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, as a member of the subcommittee, I want to commend the distinguished chairman of our committee, the gentleman from Ohio [Mr. STOKES], for his cordial but disciplined handling of this very, very complicated bill, and also the ranking minority member, the gentleman from California [Mr. LEWIS], for his vigilance throughout.

Let me say this is a very hard committee to serve on, because we have so many different departments and agencies under our jurisdiction. We were not able in this budget because of the constraints we are working under to fully fund all requests for the Environmental Protection Agency. We know across this country there is unfinished cleanup business in every corner of the Nation.

We were not able to fully fund the National Science Foundation, where so much of our future is tied to basic research. And we were not able to fund the Corporation for National and Community Service at the level requested by the President.

We made cuts in HUD's housing program, in EPA's water treatment grants, and in the Superfund program. This coming year we are going to be able to only fund about 5 percent of the sites on the national Superfund priority list. So much work remains to be done.

We consider it a victory that we were able to keep the VA medical research budget at its current level of $252 million, a victory just to keep the current research programs going, no new programs added. We were able to do a little bit more for the homelessness problem that has plagued this Nation for well over a decade. And we were also able to pay particular attention to housing for chronically mentally ill veterans and to support rehabilitation services for disabled veterans, as this Nation promised them when they put their lives on the line for the Nation.

In terms of welfare reform, I think the additional funding in the bill for the family self-sufficiency centers that will help public housing residents access jobs and educational opportunities, was a real progressive step.

One of the most important steps we took in the bill in concert with the authorizing committee was to enhance FHA's maximum mortgage limit to $172,678, which will help to aid the recovery across our country.

I have to say in closing, that one of the most difficult aspects of serving on this committee is that the manned space station takes so much money that we have to put constraints on every other single program under our jurisdiction. This was extremely difficult for me as a member of the committee, as I watched other priority programs taking a second place, really, to the manned space program, which we all know is important, but, in essence, put a lock on every other single program under our jurisdiction.

So although we could not fully fund other programs, I think our bill accommodates in a reasonable way congressional and Presidential priorities.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Chairman, I thank the ranking member, the gentleman from California [Mr. LEWIS], for yielding time to me.

Mr. Chairman, I want to begin by congratulating both the chairman, the gentleman from Ohio [Mr. STOKES], and also the ranking member, for a masterful job in crafting this bill.

Our subcommittee was faced with a very difficult task. Their strong, effective and cooperative leadership has enabled us to bring this bill to the floor, and it merits your support.

I want to express my strong support for the subcommittee's restoration to last year's level of funding for the section 202 elderly housing program.

This program has created more than 250,000 affordable housing units for low-income seniors over the last 30 years.

Yet, demands remain great. In my district alone, more than 2,500 seniors are on waiting lists for affordable housing.

This year the President's budget contained an 87-percent cut in this important program.

This is the second year in a row that our subcommittee has had to restore major cuts to this worthy program.

I hope the White House and HUD finally understand the strong support senior citizen housing enjoys in this Congress.

Also in the area of senior citizen housing, I want to express my continued concern about the problems facing seniors who live alongside substance abusers in mixed population housing.

The committee expressed its concern in the report, and I hope that HUD Secretary Cisneros will take the action needed to ensure that those seniors do not live in fear.

I also believe that the subcommittee has met its obligation to our veterans. Our country owes an enormous debt of gratitude to the men and women who have defended us, both in war and in peace. I am pleased that this bill recognizes that fact through its funding for veterans' programs.

I also would like to express my support for the subcommittee's appropriation for NASA. The bill supports the international space station without short-changing other important NASA efforts. I am confident that under the

direction of NASA Administrator Dan Goldin, the station will be brought in on-time and on-budget.

This bill also funds the Environmental Protection Agency. In that context I want to express my frustration with EPA's decision to issue regulations mandating the use of ethanol in reformulated gasoline.

This mandate is in direct violation of the Clean Air Act. Congress specifically directed the EPA to issue fuel-neutral guidelines for reformulated gasoline. The EPA has overstepped its bounds, and Congress is letting them get away with it.

The States should have the right to be able to pick the mix that they want. As it is, those that are not going to be able to reach the attainment levels can expect a 7- to 15-cent-per-gallon gas increase.

The State also has lost its prerogatives as a result of EPA's action in dealing with mandating that 30 percent ethanol has to be utilized in their mix.

It does another harmful thing. There are a lot of companies out there that are dealing with alternative fuels. What it says to them is, forget it. The Federal Government has made a decision that ethanol is going to be the mix, and that is it. And I do not really have a fight with any of the alternatives. I just think that the States should have the prerogative to be able to figure out what blend they want in their mixture.

□ 1510

And it should not be mandated. I have sent a letter to the President indicating that I would hope that he would rescind the EPA's regulations, because I do not feel that they are proper. I think that they penalize and take away the flexibilities that the States need.

With that, Mr. Chairman, I stand ready to support this bill. I again want to thank my ranking member, the gentleman from California [Mr. LEWIS], and the chairman, the gentleman from Ohio [Mr. STOKES], and all of the Members that participate as members of the subcommittee for their hard work in bringing this bill to the floor.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this bill and especially as it relates to veterans programs, which provides funds for the Department of Veterans Affairs and the American Battle Monuments Commission. Millions of Americans who saw the commemoration of the Allied landing at Normandy also saw the serene beauty of the American cemetery located in Colleville, France, just above Omaha beach. I would like to commend the ABMC for the superb job it does in maintaining these overseas cemeteries.

I want to commend the chairman of the subcommittee, Mr. STOKES, for his support of veterans programs, and I thank Mr. LEWIS of California also for his help.

Chairman STOKES and the ranking minority member, Mr. LEWIS of California, have been very fair in their treatment of veterans in this bill. Although there are differences between the budget levels our committee recommended several months ago and the amounts provided by the bill, the bill provides increases above the President's recommended budget in three key areas.

The veterans health care system is beginning to make changes necessary to make it a customer-driven organization. This bill provides $16.2 billion for medical care in 1995. This is $111 million more than requested by the administration. It provides stable funding support for a system that will provide treatment to almost 3 million veterans next year.

The subcommittee also restored the administration's $41 million proposed cut in medical research. Although I believe that we could and should provide more funds to carry out this important work, the amounts provided by this bill will allow VA to fund about the same number of research projects next year that are being funded this fiscal year. The current level of 4,100 FTEE could be continued during fiscal year 1995 under this bill.

Finally, I want to mention the increase in funds included in the bill for the regional offices which process veterans' claims for benefits. There is a huge backlog of claims at many offices throughout the country, and the additional $10 million provided in the bill, along with implementation of the much-delayed modernization and management-reform efforts by the VA, will help address this major problem.

In closing, Mr. Chairman, I thank the committee for funding the Selective Service system.

Again, I want to thank the subcommittee chairman and all members of the subcommittee and full committee for the work they have done on this measure as it relates to veterans.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the committee.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, I rise today in support of the VA-Housing appropriations bill. I feel that the committee has made improvements to the President's request, especially for veterans programs. Unfortunately, the current administration fumbled the ball on the needs of our veterans. Luckily, the committee has picked up the ball and that means a touchdown for the veterans. Nevertheless, I am still concerned about the administration's value of the veteran. While the Department of Veterans Affairs talks a good game, the veterans in the northern part of my State of Nevada are still waiting for improvements to a medical facility they were promised many years ago. It is time to stop delaying this project, changing plans midstream, and just get it done. I appreciate the help that the chairman, Mr. STOKES and ranking member Mr. LEWIS have provided me on this issue and I will continue to work with them through conference of this bill. Veterans in Nevada feel talk is cheap, it is time for the administration and Congress to put our money where our mouths are.

Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for his help and assistance to me.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I rise in support of this Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill and I commend the gentleman from Ohio and the committee for their efforts.

I am pleased with the substance of the bill as it pertains to programs in the jurisdiction of the Committee on Science, Space, and Technology. I am pleased that it is relatively free of the kind of legislative language that should be left to the proper authorizing committees—but that nevertheless appears all too often in appropriations bills. And I am pleased that there appears to be no substantial erosion in the efforts begun by the committee last year to keep inappropriate academic earmarks out of the appropriations bill.

With respect to the substance of the bill, I want first to commend Mr. STOKES and the committee for their efforts to produce a bill that fully funds the space station while preserving a balanced civil space program that includes a viable science program. As many of my colleagues know, I withheld my support for the space station this year until I was convinced that we would continue to have such a balanced program. The committee has done a good job of meeting my concerns and I am now vigorously supporting the space station.

I am also pleased that the committee has produced funding for the National Science Foundation that is broadly consistent with the investment goals of the administration and the NSF authorization bill.

Although the committee has not specified a funding total for research and development at the Environmental Protection Agency, I am pleased that they have expressed their support for the research and development function

at the EPA in report language. However, I am concerned that report language on priority setting at EPA with regard to statutory and court-ordered mandates could be read to indicate that research funding should be reduced. I want to emphasize that this interpretation would be very shortsighted on the part of the Agency and I hope we could clarify the meaning of this language in the conference report. Also, the Committee on Science, Space, and Technology looks forward to working with the Appropriations Committee in helping EPA improve its peer review process.

Mr. Chairman, although I am pleased with the efforts of the committee to fund science, space, and technology investments under very tight budget conditions, I think it is important to recognize that the overall trend in such investments is disturbing. In 1995, Federal support of R&D will fall below 1 percent of national income for the first time since 1958. The President's objective of a 50–50 split between defense and civilian Federal R&D investments by 1998 is in jeopardy if the intention was to shift real resources from defense R&D to nondefense R&D rather than simply to cut defense R&D. And our major international competitors are devoting a larger share of their national income to overall R&D investments—public and private—than we are.

These trends are not the fault of the Appropriations Committee, which is faced with increasingly tight budget caps and spending allocations. It is very difficult to make sound longer term investments in such a budget environment. This is certainly true for R&D investments, which, although critical to raising the Nation's productivity and standard of living, 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.

This squeeze on R&D investments is aggravated by the practice of congressional earmarking. I wish I could say the report accompanying this bill is entirely free of earmarks. It is not. But I would commend Mr. STOKES for his efforts to keep academic earmarking under control at levels well below those prevailing when I and others on the Science Committee and in the House first began investigating this practice. And I would remind the various department heads that report language is not binding on their agencies and they are free to fund the programs they originally intended to fund. I am including a list of earmarks with this statement.

Mr. Chairman, notwithstanding the concerns I have expressed here, this is a good bill and I urge all Members to support it.

ACADEMIC EARMARKS FISCAL YEAR 1995 VA/HUD HOUSE APPROPRIATIONS REPORT

| Agency and academic of institution | Project description | Dollar amount |
|---|---|---|
| EPA: | | |
| Clark Atlanta Univ | Hazardous Substance Center | 3.5M |
| Colorado Sch. of Mines | Natl High Altitude Heavy Duty Engine Rsch. and Technology Ctr. | 250K |
| Colorado State Univ | Natl. Ctr. for Vehicle Emissions Control and Safety for emissions training activities. | 150K |
| Florida International Univ | Florida Keys Marine Sanctuary | 155K |
| Lamar Univ | Gulf Coast Hazardous Substance Waste Ctr. | 2.5M |
| Minority Health Professions Schools Association[1]. | Hazardous substance investigations. | 4.0M |
| Penn State & West Virginia Univ. | National Mine Lands Reclamation Center—acid mine drainage from abandoned mines. | 450K |
| Rensseleaer Polytechnic Inst. | Fresh Water Institute | 500K |
| Saginaw Valley State Univ | Earthvision activities | 1.2M |
| S.W. Center for Environmental Research[2]. | Environmental issues affecting U.S.-Mexico border region. | 1.5M |
| Univ. of Arkansas-Little Rock. | Toxicological research | 300K |
| Univ. of Colorado-Boulder | Environmental Ed, Research and Demonstration Center. | 225K |
| Univ. of Detroit Mercy | Ctr. for Excellence in Polymer Rsch, and Environmental Study. | 600K |
| Univ. of Minnesota-Duluth | Study of the uptake of environmental mercury by fish populations. | 165K |
| Univ. of Minnesota-St. Paul. | Studies of potential detrimental effects of the European Ruffe, a non-indigenous fish to Lake Superior. | 70K |
| U. of North Dakota | Nat. Ctr. for Excellence of Air Toxic Metals. | 120K |
| Univ. of Northern Iowa | Small Business Pollution Prevention Center. | 300K |
| West Virginia U | Small Flows Clearinghouse | 1.240M |
| Wilkes Univ | Susquehanna River wetlands project. | 300K |
| NASA: | | |
| Ohio State Univ | Super Computer Center | 3.0M |
| Total | | 20.5M |

[1] Tuskegee Univ., Charles Drew Univ., FL A&M Univ., Morehouse Sch. of Medicine, Xavier Univ. of Louisiana, Meharry Medical Col, and TX Southern Univ.

[2] NM State Univ., AZ St. Univ., San Diego St. Univ., Univ. of TX at El Paso, and Univ. of Utah.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania, Mr. GOODLING.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I had planned to offer an amendment to the appropriation bill now under consideration which would have eliminated $120.4 million from the funding allocated to the Corporation for National and Community Service and would have held that corporation's funding at the fiscal year 1994 level. I would have offered it for two reasons.

No. 1, to get the attention of the Members of Congress who have oversight responsibility and, No. 2, to get the attention of the administration. I believe I have gotten both without having to offer the amendment.

I will offer that amendment at this time, but I will work actively to ensure that sufficient oversight of the National Service Program is conducted to guarantee that taxpayers' dollars devoted to this program are as wisely spent.

□ 1520

Mr. Chairman, I remember Mr. Ziegler, who was responsible for setting up Head Start, saying that the big problem that he had was the fact that he tried to move too rapidly with the program. This is the same thing that I tell the committee all the time in relationship to WIC, even though I am a strong supporter. We have to make sure that we do not just pump a lot of money out there, if there is not the infrastructure or the quality personnel to carry out the kind of programs that we want to carry out. Otherwise we get a black eye in the Congress of the United States.

Mr. Speaker, when the National Service Trust Act was enacted last summer, the vision of the Corporation for National Community Service was that it was going to be a different kind of government actor. In trying to win over the support for the creation of a new and quite expensive Federal program, the White House assured many of us that increased funding would be sought only to the extent that the corporation proved its worth.

In fact, when Bruce Babbitt, the Secretary of the Interior, testified before the Committee on Education and Labor prior to the passage of the National Service legislation, he indicated that the administration wanted, "to see the program grow at the right pace, even if that is not the fastest".

Despite these assertions, the administration's budget request for the corporation asked for an increase of almost 65 percent. Although the Committee on Appropriations cut the request to increase in half, the $409.4 million allocated the corporation in the VA–HUD bill still represents an almost one-third hike in funding. I do not believe we have enough information about the efficiency of the corporation or the effectiveness of its program to justify such a large increase.

The Corporation for National Community Service is a newly created Government entity that is still not fully formed. My understanding is that the board of directors for the corporation has not yet formally been appointed and the regulations determining how corporation grant programs will be administered were just issued in this spring.

Although the short-term Summer of Safety projects are under way, the first full-scale National Service effort operated by the corporation will not happen until the fall. In fact, just last week the corporation announced the grantees for the service programs it will fund directly. Both the corporation and the State commission have put forth a mighty effort to ready themselves for full operation, but I think all parties would admit that the pace has been quite hectic.

I simply feel we should gather some evidence about the effectiveness of the program before we vote on large increases. This is particularly true when many worthwhile programs that are already proven are experiencing sharp decreases in funding. I hate to bring up the whole issue of how expensive it is

for the National Service Program to try to give educational opportunities when at the same time we are cutting programs like Pell grants, which we know are effective and work well.

The question has been put, Mr. Chairman, why raise the lack of information about the effectiveness of the National Service Program in terms of increased funding, when the same can be said of many other Federal programs?

First of all, I would be the first to admit the amount of oversight conducted by the Congress over Federal spending is insufficient. This program is very different.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, first of all I would like to recognize our distinguished chairman of this subcommittee and the Committee on Appropriations, and say that I cannot say enough good, fair things about him. I think Kennedy defined courage as grace under pressure, and certainly our chairman is the epitome of that grace.

Certainly the gentleman from California [Mr. LEWIS], with his knowledge, experience, and bipartisanship, is also a real tribute to this bill.

In addition, Mr. Chairman, I would like to thank the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from New York [Mr. SOLOMON] for allowing the Roemer-Zimmer amendment to be protected and come to the floor today.

I would like to thank the gentleman from Pennsylvania [Mr. GOODLING] for not offering the amendment to cut further the National Service Program. That program has experienced a $120-million cut in this bill, and I do not think that we should cut further one of the crowning jewels of the achievements that we have had as a Congress in putting National Service together.

Finally, Mr. Chairman, on the space station, an amendment that I will offer with the distinguished and capable gentleman from New Jersey [Mr. ZIMMER] later on this afternoon, we will have plenty of debate on it. I try to call them like I see them, Mr. Chairman, and work together with the Republicans. I started to hear from some of the Republicans that there might not be deficit reduction in this amendment.

Let me be very clear and very fair and try to explain to Members on both sides of the aisle, when they vote for the Roemer-Zimmer amendment, they are eliminating a project that will cost the taxpayers $71 billion. The National Taxpayers Union and Citizens Against Government Waste both support this amendment.

There is no innuendo, no rumor, or no rhetoric that can confuse people. When we cut a program like the space station, there is deficit reduction potential and opportunity in that. There is no doubt that when we cut $71 billion, we do something for the deficit.

Mr. Chairman, I look forward with a great deal of anticipation to this space station debate.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Nebraska, DOUG BEREUTER.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4624 and thanks the distinguished chairman of the subcommittee, Mr. STOKES, and the distinguished gentleman from California, Mr. LEWIS, and all the members and staff of the subcommittee for their work in bringing this measure to the floor today.

First, this Member is most pleased that this measure includes funding for the Indian Housing Loan Guarantee Program, which this Member authored last year with the bipartisan help of my colleagues on the Banking Committee. The $3 million appropriation for this program will finance the costs for loan guarantees to leverage a much larger amount of loan dollars for this loan program aimed at Indian reservations. This is a fiscally conservative, progressive program which will bring new opportunity to native Americans living on Indian reservations at a very low cost to the Federal Government.

Second, this Member is also pleased, Mr. Chairman, that H.R. 4624 includes funding of $263 million for Indian housing new construction. The shortage of safe, decent, affordable housing in Indian country is a tragedy. While programs like the aforementioned Indian Housing Loan Guarantee Program will bring the private sector into the provision of housing on Indian reservations, there is still a great need for Federal assistance, and this Member is pleased that this measure matches last year's funding level for Indian housing new construction. Third, this Member is also pleased that the measure includes $500,000 for the National American Indian Housing Council. This funding will make training and technical assistance available to Indian housing authorities across the Nation.

As a fourth and fifth note of appreciation, Mr. Chairman, this Member wants to express his support for the inclusion in this measure of $6 million for rural water assistance activities and $70 million for public water system supervision grants. These are two very important programs for rural communities. The supervision grants directly fund State programs which implement the Safe Drinking Water Act. Without this funding, States would face another unfunded Federal mandate.

Again, Mr. Chairman, this Member thanks the distinguished chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee, Mr. STOKES, and the distinguished ranking member of the subcommittee, Mr. LEWIS, for their efforts and assistance, not only for our large metropolitan areas but for Indian reservations and the Nation's smaller communities as well. Most of the appropriation items I have mentioned are very small, but they leverage much larger private sector dollars and benefits.

I urge my colleagues to support H.R. 4624.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. MOLLOHAN], a member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, first I want to thank the chairman of the subcommittee.

Mr. Chairman, I rise in strong support of the fiscal year 1995 VA, HUD, and Independent Agencies appropriations bill. As a member of the subcommittee, I can attest to the quality of this legislation.

Under the able leadership of the chairman and the ranking member, we have crafted a bill which is responsive to the broad constituencies it serves. In this tight budgetary climate, we have managed to make room for some of the President's important investment initiatives while still maintaining our commitment to proven programs. And in the toughest of years, Chairman STOKES has exhibited strong leadership in effecting compromise, and has conducted the business of the subcommittee with the utmost fairness.

The subcommittee provided almost $1 billion over the President's request for HUD. By providing this increase we were able to address several issues of concern to Members on both sides of the aisle:

We restored the President's proposed cut to the section 202 program for the elderly, a public-private partnership with proven results;

We provided increases for the CDBG and Home Programs, two initiatives which give our communities flexibility to address local concerns;

We restored funding for critical public housing programs, providing an operating subsidy level at 100 percent of the performance funding system; and

We were able to provide a significant increase—close to $300 million above last year's level—to homeless assistance programs.

It has truly been a pleasure to work with someone as committed and visionary as Secretary Henry Cisneros, and I believe this section of our bill is reflective of his efforts.

Additionally, this bill provides $37.3 billion for programs and benefits for the Department of Veterans Affairs. This total is $618 million, or 2 percent, more than we provided in fiscal year 1994. Nearly half of these funds, $16.2 billion, are appropriated for medical care.

Undoubtedly many of you have been contacted by your constituents who

are concerned about funds for VA medical and prosthetic research. I am pleased to tell you that the Appropriations VA-HUD Subcommittee has restored the funding cuts proposed by the administration in this area and has kept funded this research at a current level of $252 million. VA medical research is improving the lives of our Nation's veterans and we must continue the important work being done in this area.

We have provided a total of $14 billion for the National Aeronautics and Space Administration, and we have fully funded the President's request for $2.1 billion to continue the Space Station Program. No one in this body can rightfully claim that funding for space activities is taking critical funds from other agencies. In fact, NASA takes a 4-percent cut from last year's funding levels. Within that austere budgetary constraint we have not only provided full funding for the space station but we have also fully funded the President's request for science, aeronautics, and technology programs. NASA is responding very impressively to the difficult task of cutting its programs under the able leadership of administrator Dan Goldin. The agency deserves this body's support for the funding levels recommended in the bill.

Our committee has been as generous as we could to the Environmental Protection Agency and the National Science Foundation, given our budget outlay problems. Both of these agencies received approximately one-half of the requested increases above 1994 appropriations levels.

In closing, Mr. Chairman, I commend my colleague from Ohio for his fine work on this bill and ask that it receive the support of the membership.

□ 1530

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, yesterday I learned the hard lesson of how difficult it is to cut or even suggest cutting a social program here.

Today for the sake of our country's future and to help ensure greater opportunity for our children and future generations, I hope the Congress exercises better judgment in regard to the space station.

The space station is probably too—to coin a phrase "governmentalized"—and parts of it like any government-based program have been wasteful.

But rarely do we have before us a better opportunity to create jobs, promote research and development, and create better opportunities for our future.

Let me say that my support for the space station is based on that hope for the future.

I know of no other project before this Congress that offers more promises for high-paying jobs in the private sector for now and the future.

This chart shows that high-paying manufacturing jobs are on the decline while government and public sector jobs have passed by manufacturing private sector employment. What promise does that hold for the future?

Even more frightening is the fact that part-time jobs are now growing faster than any other segment of employment in our economy. What hope does that hold for the future?

These charts, show that over the last 5 years, that the largest area of increase in jobs in our economy are part-time, low-paying jobs. This chart shows that the number of manufacturing jobs created in the past 2 years are now exceeded by government public sector jobs—what promise does that hold for the future.

Manufacturing jobs, including those in our space industry, are higher paying jobs. We cannot expect people to live on low-paying, part-time jobs. We need projects like the space station to help provide higher paying jobs for the future.

My colleagues, let me tell you what happens if we lose the space station:

The United States loses competitive edge in the global market.

Fifty-five thousand U.S. jobs lost by 1997 and real gross domestic product down $14 billion by the year 2000.

Little, if any, significant deficit reduction.

Studies demonstrate that for every $1 spent by NASA, $7 is returned to the U.S. economy.

In 1987, for example: NASA's budget equalled $7.887 billion. This investment yielded: $17.8 billion total industry sales; $2.9 billion business profits; $5.6 billion government tax revenues; and 209,000 private sector jobs.

An investment in the space station is an investment in our economy.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong support of the H.R. 4624, the fiscal year 1995 VA–HUD–Independent appropriations bill.

Of special importance to me is the provision contained in this measure which would increase the current limit on single-family loans insured by the Federal Housing Administration in high-cost areas to $172,675 from the current level of $151,725.

This provision is identical to an amendment I offered during the full Banking Committee markup of the Housing and Community Development Act reauthorization legislation which the full House is scheduled to consider now that it has been reported out.

I want to thank Chairman STOKES and ranking member JERRY LEWIS for agreeing to incorporate this provision into the bill we have under discussion today.

In so doing, they have given middle-income working families in high cost areas like northern New Jersey the opportunity to purchase their first home by taking advantage of the lower down payment requirements of the FHA program.

In areas like mine, where the average home costs $179,000, many young families have been frozen out of the housing market simply because they do not have enough cash on hand to meet the minimum down payment and closing costs associated with a conventional loan.

Mr. Chairman, increasing the ceiling makes good sense. Home buyers in high cost areas can finally participate in the FHA loan program and, indeed, everyone will benefit because lower cost houses can benefit from a mortgage insurance fund that is more financially stable and stronger. Indeed, it will help the economy by spurring housing construction.

Finally, this particular provision is revenue-positive. It will produce at a minimum $40 million more dollars for the Government.

I urge my colleagues on both sides of the aisle to support this legislation and to support the increase in the FHA loan limit.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the distinguished ranking member for yielding me the time.

Mr. Chairman, I would like to engage the chairman of the VA–HUD Subcommittee in a colloquy concerning the cleanup of dioxin at a Superfund site in Times Beach, MO.

Mr. STOKES. Mr. Chairman, if the gentleman will yield, I am familiar with the interest of the gentleman from Missouri in this issue and would be happy to engage him in a colloquy.

Mr. TALENT. As the gentleman is probably aware, the EPA is moving forward with plans for incineration of the dioxin waste at the Times Beach Superfund site in the St. Louis suburbs. This is not a new issue to the residents of the area; in a non-binding referendum vote in 1990, the residents of St. Louis County overwhelmingly rejected EPA's proposed incineration project.

There are alternatives to incineration, which EPA has examined in other sites around the country. Clearly, EPA is willing to consider alternatives to incineration. In several meetings with agency officials and in a May 9 letter to EPA Administrator Carol Browner, I asked EPA to consider alternatives to incineration at Times Beach. The answer I received 2 days ago was inadequate for this enormous problem.

Mr. STOKES. It appears to me that the people of St. Louis and other areas should be afforded an opportunity to

test alternative technologies in their communities.

Mr. TALENT. I am well aware of the chairman's strong record of environmental protection and hard work to ensure that these areas are cleaned up as soon as possible. It is because of my faith in the chairman's dedication that I have decided not to offer an amendment to strike or restrict EPA's funding.

Mr. STOKES. I thank the gentleman and understand his concerns. As the gentleman may know, there is a study underway to review alternative technologies and the incineration issue at the request of this subcommittee. I would be happy to have the General Accounting Office include the Times Beach site in its study.

Mr. TALENT. I thank the chairman and appreciate his action on this issue. I would also appreciate if the chairman would include report language in the statement of the managers accompanying the conference report on this bill requesting that EPA carefully consider the findings and recommendations from the GAO/OTA study.

Mr. STOKES. I would be happy to accommodate the gentleman's request by including report language to that effect.

Mr. TALENT. Mr. Chairman, I thank the chairman of the subcommittee for his expeditious work on this issue and would also thank the staff for their fine work.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, today we will be deciding in this piece of legislation whether or not we will continue building the space station. This decision is not a reversible decision. If we decide that the space station will be part of our past or we will not continue our expenditures, we will not be recovering from this in any time period during the time that any of us are alive. We will be making the decision for the United States of America to retreat from space, to retreat from the frontier that stands before us.

□ 1540

I will be voting to support the space station. I will be doing so for a number of reasons. No. 1, I believe that the future of mankind lies in conquering frontiers, and especially in developing commercial applications for space, and the space station is our means of coming to that point where we can commercialize space.

But more importantly, Mr. Chairman, perhaps for the people who are struggling to make ends meet now, for those of us in California who are trying to bring an economy that is so in such horrible shape under control and to bring prosperity to our people.

We have a situation at the end of the cold war in California where people are being put out of work; the space station also serves as a transition out of the cold war into a time period when our economy will have adjusted for the fact that we had so much government spending and aerospace spending for all of these years. It will help us adjust and bring the American economy through, because America's economy is dependent on California, into a time when the aerospace industry can function in a competitive marketplace and be developing utensils, and different projects like the SSTO program, that will give us a chance to explore and utilize space for a profit.

Turning around now and saying no to the space station will hurt our economy right now, but will also be a retreat for the future that we will never recover from.

It is time to say yes to the space station.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I would like to engage in a brief colloquy, if I may.

I want to thank the committee for providing $250,000 for the Environmental Protection Agency to carry out a study of alternative revenue sources for water project funding. The State revolving fund program has been and will be important in helping communities finance the multimillion dollar treatment facilities required by the Clean Water and the Safe Drinking Water Acts, but, as the chairman is aware, it does not come close to meeting the need.

For clarification, is it the intent of the committee the EPA look at alternative revenue sources for both wastewater treatment and drinking water treatment facilities.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I would say to the distinguished chairman of the Merchant Marine and Fisheries Committee that it is the intent of the committee for the study to include drinking water as well as wastewater project funding needs.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it is important for the Members to know that while this bill is a sizable one, it includes a total of some $90 billion in appropriations. The bill itself is a relatively tight measure. In veterans' funding, for example, the increase in this bill for the 1995 fiscal year is limited to 1.7 percent. In housing programs we will provide $26 billion; an increase of 7.4 percent. This is more than I might have advocated myself, but nonetheless represents a very serious effort on the part of the chairman to cut back requests for funding.

EPA is increased by 5.6 percent. NSF is limited to 2.9 percent. NASA's funding, a total of $14 billion with approximately $2.1 billion going to station, has an actual decrease from last fiscal year of 3.6 percent.

This has been a very, very difficult appropriations year for the VA, HUD, and Independent Agencies Subcommittee.

I would like to close my remarks by asking the Members to give their support to this legislation and express once again my appreciation to my chairman, the gentleman from Ohio [Mr. STOKES], for his cooperation.

Mr. VENTO. Mr. Chairman, I rise in support of most of the funding in the VA, HUD, and Independent Agencies appropriations bill for HUD housing and community development programs, for the Environmental Protection Agency, for our important veterans programs, for basic science and research programs, and for other independent agencies. Nonetheless, Mr. Chairman, I continue to oppose the NASA space station program which is generously maintained through this appropriation legislation, effectively ransoming other domestic interests here on spaceship Earth. I've noted the past administration and the Clinton administration support for an evolving space station program as one concept is found faulty or too costly another takes its place only to be found deficient in turn.

As always, there are good reasons to support this overall HUD–VA measure. The bill before us today addresses many of the issues and proposals presented to the Congress by the able new Secretary at HUD, Henry Cisneros, that are in the various stages of being written into law. The HUD–VA appropriation measure is a significant undertaking and I respect the work the Appropriations Committee has shared with the legislative committees and the policies we are working on together. While I retain certain reservations regarding the overall discretion the bill appears to give the Department of Housing and Urban Development with regard to the key changes we are writing into reformed McKinney homeless assistance law, I am pleased at the level of funding commitment that this measure provides.

I am hopeful that this discretion will help assure continued funding of the activities of the important Interagency Council for the Homeless, in the absence of a specific authorization. The Banking Committee is reauthorizing this valuable Council in order to ensure continued accountability and responsibility for better services for homeless persons from the array of national departments and agencies who have primary ongoing responsibility to outreach to the homeless population.

I am pleased that this bill maintained a separate FEMA Emergency Food and Shelter Program, whose work is exemplary in our local communities. They have done a good job and as such, what isn't broken, needs no repair.

I am disappointed that this bill continues to cloud the issue of a required statutory earmark of funds for the Veterans' Community Based Organization grant program. Unfortunately, although report language references the issue,

the text of the bill does not specifically appropriate $10 million in funds. This will continue the quagmire for this community-based organization and oriented program and possibly result in little or no services for homeless veterans flowing through this program.

I am pleased that the subcommittee and committee have restored funding for senior housing and public housing and that the bill continues to pay attention to community development and housing needs through the host of programs available, including the CDBG program, the HOME program, and others. Federally assisted housing, section 8 assistance, and public housing are key to moving beyond the McKinney homeless programs to permanent housing for our citizens. We need the mix of programs to fully complement the varied needs of our communities and the people.

Mr. Chairman, I would like to note several areas in the Housing and Community Development Act where we are moving in different directions that is disjunct and some programs where we are on the same song sheet in concert.

With regard to the vital FHA mortgage insurance program that enables so many Americans to become homeowners, we are fundamentally in the same place on the floor and ceiling loan limits—with slight differences in the paths we take to get to the same point—the base loan limits adjustments so much needed to make FHA fully relevant in the 1990's.

I am also interested in the expansion of the drug elimination grants in public housing, today revamped as COMPAC, and must point out to my colleagues on the Appropriations Committee that their conclusion in report language that the funds for this program should be disproportionately weighted to large public housing authorities was not approved in the bill being reported by the Legislative Committee. I hope we can continue to work together on this matter and live within the bounds of what is authorized in the end and the preferred positive policy.

I must also comment on initiatives we are pursuing in committee and that I believe are important to support in appropriations. In particular I refer to the attempts to assist HUD and communities in providing equal opportunity and choice in housing. Facilitating mobility of section 8 housing to new areas and with less concentration of lower income people, and improving options for people is essential and a worthy objective of our national housing policies.

I am unable to point out all the specifics concerning this proposed appropriation today, but suffice it to note that these programs of HUD, EPA, and VA respond to commitments to people and real needs. I strongly urge support for the amendment to cut funding for the space station and would hope we could redirect funds to deserving programs like the national community services programs.

I thank Chairman STOKES and his staff for their work in crafting these spending priorities and am hopeful that we will, with this measure, continue to address human deficit through the many commitments to our communities and cities.

Mr. SKAGGS. Mr. Chairman, I'd like to commend Chairman STOKES for his outstanding work in producing a bill which covers so well such a diverse range of programs as housing, veterans issues, environmental and consumer protection, and science and technology policy—and for doing so under severe budget constraints. These decisions are never easy, particularly when they involve such critical needs.

While this bill covers many important programs, I'd like to mention three of specific interest to the people of Colorado. All three involve testing or monitoring of exhaust emissions at high altitude, and all have been developed in conjunction with the Environmental Protection Agency [EPA] to address special problems caused by vehicles operating at such altitudes.

Carbon monoxide is emitted in larger amounts and is even more of a health threat at higher altitudes than at sea level. Yet the performance of engines at high altitudes is not well understood.

The 1990 Clean Air Act Amendments authorized the National High-Altitude, Heavy-Duty Research and Technology Assessment Center. This facility contains engine and vehicle testing systems for measuring emissions associated with gasoline, diesel, and alternative fuels. Data collected by the center indicates that emissions of carbon monoxide at higher altitudes are 50 to 70 percent greater than at low altitudes.

The development of a data base, which will be used to modify heavy-duty engines, is critical to addressing pollution peculiar to high altitudes. Cities all along the Rocky Mountains will benefit from this data and the committee has provided $250,000 for the center.

The National Center for Vehicle Emissions Control and Safety [NVECS] at Colorado State University was established by the EPA in 1976 to study alternative fuels, and vehicle inspection and maintenance, and to test emissions reduction devices. It was designated a high-altitude research, testing, and training center by the 1990 Clean Air Act Amendments. NVECS has contributed substantially to the EPA's Vehicle Maintenance Initiative which is training and retraining automotive technicians who are currently not qualified to inspect, diagnose, and repair today's vehicles. This bill designates $150,000 for the NVECS program.

Finally, the bill provides $150,000 for high-altitude exhaust emissions compliance testing conducted by the Colorado Department of Health [CDH]. As a result of tests performed by CDH, in conjunction with EPA, 778,000 vehicles have been recalled since 1989 for repairs to assure compliance with Federal standards. CDH has the only facility officially designated by the EPA Administrator for high-altitude, in-use compliance testing.

I thank the chairman and the subcommittee for their support of these valuable programs which will help address pollution problems particular to high-altitude States like Colorado.

Mr. FAWELL. Mr. Chairman, I rise in opposition to this bill, H.R. 4624, VA/HUD Appropriations for Fiscal Year 1995. What Members may not be aware of as we consider this legislation is the large amount of money which is earmarked for projects included in the committee report which accompanied this legislation. I refer, Mr. Chairman, to the funds for the Environmental Protection Agency [EPA] for fiscal year 1995, in which a great number of projects are specifically delineated for funding without prior congressional hearings, debate, or authorization.

Mr. Chairman, we all know that this is a year of limited budget resources. Every Federal agency, every department, every congressional committee is being forced to make very difficult decisions as they prioritize funding for different accounts. Many accounts within the EPA are funded at this year's level or below. These concerns are familiar to most Members. There has been a great deal of prior debate over issues like this on the floor.

An issue that has not been debated enough is the effect that the earmarking of funds will have on the national needs which are attended to by Federal agencies. I know that most Members are aware of the many environmental issues that must compete for Federal funding. I refer to issues such as the need for cleaner water, and air, and more funding for important environmental priorities like Superfund—the cleanup of polluted areas. What Members of Congress may not be aware of is that in almost every account that Congress funds for the EPA, several million dollars are earmarked for projects of local interest, projects which have not been authorized, and projects which have had absolutely no congressional debate.

If we take for example, the Research, Prevention, and Program Activities Account in this bill, we will see that it has been funded at $90 million below the 1994 level. When we progress further in the report, we will see that there is over $42 million earmarked for specific projects—projects that have not been requested by the EPA and are not national priority. These projects are funded at the expense of higher priority items, and the funding for these projects will actually take away from some of the major environmental initiatives for today's Congress. In effect because $42 million is specifically earmarked in this account, it is actually $130 million which will not be available for EPA environmental initiatives.

I am enclosing for the record a list of several examples of congressional earmarking for academic research which are in this bill. The studies funded in this list have not been specifically authorized and no hearings have been held to determine whether or not they merit funding in a time of such limited resources.

Mr. Chairman, Congress cannot continue to spend money in such a careless fashion. As stewards of limited resources, we must watch with a careful eye to see that Federal moneys are spent efficiently and wisely. This starts with following the rules of congressional procedure which probhit appropriations without authorization. Until we begin to adhere to these standards wich produce fiscal responsibility, we will continue to see our national debt increases. We cannot afford to see needed Federal programs suffer because of congressional earmarks.

As representatives of taxpayers, concerned about the future, we must have zero tolerance continue.

ACADEMIC EARMARKS—FISCAL YEAR 1995 VA/HUD HOUSE APPROPRIATIONS REPORT

| Agency and academic of institution | Project description | Amount |
|---|---|---|
| EPA: | | |
| Clark Atlanta Univ | Hazardous Substance Center | $3.5M |
| Colorado Sch of Mines | Natl High Altitude Heavy Duty Engine Rsch & Technology Ctr | 250K |
| Colorado State Univ | Natl Ctr for Vehicle Emissions Control & Safety for emissions training activities | 150K |
| Florida International Univ | Florida Keys Marine Sanctuary | 155K |
| Lamar Univ | Gulf Coast Hazardous Substance Waste Ctr | 2.5M |
| Minority Health Professions Schools Association [1] | Hazardous substance investigations | 4.0M |
| Penn State & West Virginia Univ | National Mine Lands Reclamation Center-acid mine drainage from abandoned mines | 450K |
| Rensselaer Polytechnic Inst | Fresh Water Institute | 500K |
| Saginaw Valley State Univ | Earthvision activities | 1.2M |
| S.W. Center for Environmental Research [2] | Environmental issues affecting U.S.-Mexico border region | 1.5M |
| Univ of Arkansas-Little Rock | Toxicological research | 300K |
| Univ of Colorado-Boulder | Environmental Ed, Research & Demonstration Center | 225K |
| Univ of Detroit Mercy | Ctr for Excellence in Polymer Rsch and Environmental Study | 600K |
| Univ of Minnesota-Duluth | Study of the uptake of environmental mercury by fish populations | 165K |
| Univ of Minnesota-St Paul | Studies of potential detrimental effects of the European Ruffe, a non-indigenous fish to Lake Superior | 70K |
| U of North Dakota | Nat Ctr for Excellence on Air Toxic Metals | 120K |
| Univ of Northern Iowa | Small Business Pollution Prevention Center | 300K |
| West Virginia U | Small Flows Clearinghouse | 1:240M |
| Wilkes Univ | Susquehanna River wetlands project | 300K |
| NASA: | | |
| Ohio State Univ | Super Computer Center | 3.0M |
| Total | | 20.5M. |

[1] Tuskegee Univ, Charles Drew Univ, FL A&M Univ, Morehouse Sch of Medicine, Xavier Univ of Louisiana, Meharry Medicial Col. and TX Southern Univ.
[2] N M State Univ, AZ St Univ, San Diego St Univ, Univ of TX at El Paso, and Univ of Utah.

Mr. PACKARD. Mr. Chairman, as we take up the fiscal year 1995 VA-HUD Appropriations bill, I would like to congratulate Subcommittee Chairman STOKES and ranking member JERRY LEWIS for their leadership on this important legislation. Their efforts to institute a strict level of criteria to fund VA-HUD projects signals their commitment to fiscal responsibility.

I especially appreciate the consideration of Southern California's special waste water treatment needs with the inclusion of funding for the international treatment project in Tijuana. I know that residents of the Southern California region will reap tremendous benefits from this program.

As a former member of the Committee on Science, Space, and Technology, I have closely followed the progress of the Space Station. I wish to commend Chairman STOKES and ranking member LEWIS for crafting a bill that takes the Space Station, and thus America's space program forward and rise in opposition to the Zimmer/Roemer amendment which would eliminate funding for this vital program.

The Space Station is the centerpiece of NASA. It focuses many divergent programs and projects on the single, unifying goal of expanding our knowledge about our universe and the earth. In a year in which we face so many domestic priorities competing for funding, it is important to underscore the importance of this project for our future standard of living.

For example, the life sciences medical research conducted in space yields knowledge that improves our computer technology and increases our ability to manufacture drugs to cure illnesses on earth. The American space program has generated many other advances in American technology like weather satellites, lasers, CATScans, and Pacemakers.

Furthermore, support for Space Station Alpha signals a commitment to the progress of one of the most successful sectors of our economy. In 1992, when America's economic engine seemed stalled, the United States aerospace industry continued to drive forward, maintaining a $31 billion dollar surplus and accounting for $44.5 billion worth of exports to more than 135 countries around the world.

The Space Station employs many of the most highly skilled workers in the country—providing more than 70,000 jobs. As California continues to suffer the impact of defense downsizing, residents of my State realize the importance of Space Station Alpha as a vehicle for protecting one of California's precious resources—our highly skilled employee base.

While, some may argue that cutting space station dollars from this bill is a move towards solving our budgetary crisis, I remind my colleagues that money cut from this vital program will not be allocated towards deficit reduction. Instead, NASA would be required to shift the space station money to lower priority programs within NASA's purview—a foolish move indeed. Furthermore, eliminating the space station program will serve only to remove the single unifying element for NASA's research and the nexus for experimentation and results.

Thus, I urge my colleagues to defeat the Zimmer/Roemer amendment and retain funding for space station *Alpha*. The bottom line is that it is a fiscally responsible approach to funding a project that will provide generations of benefits to Americans.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, amendment No. 1 printed in House Report No. 103–563 may be offered only by a Member designated in the report, may amend portions of the bill not yet read for amendment, shall be considered as read, shall be debated for 2 hours equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The Clerk will read.

The Clerk read as follows:

H.R. 4624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $17,626,892,000, to remain available until expended: *Provided*, That not to exceed $25,750,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, and in the Veterans' Benefits Act of 1992, Public Law 102–568, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That $6,000,000 of the amount appropriated shall be transferred to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992, Public Law 102–568.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,286,600,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance,

and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,760,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $59,371,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during 1995, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $1,020,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,061, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,034.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $767,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 38, U.S.C. chapter 37, subchapter V, as amended, $218,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,232,756,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $771,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1995, and shall remain available for obligation until September 30, 1996.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1996, $252,000,000, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,386,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activites not charged to project cost; and research and development in building construction technology; $69,808,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 1732), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1996.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $887,909,000, of which $25,500,000, for the acquisition of automated data processing equipment and services to support the modernization program in the Veterans Benefits Administration, shall not become available for obligation until September 1, 1995, and shall remain available for obligation until September 30, 1996.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,663,000.

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, $32,219,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $101,965,000, to remain available

until expended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1995, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1995, and (2) by the awarding of a construction contract by September 30, 1996: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $153,540,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), $1,400,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131-8137), $37,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $5,378,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1995 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1995 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1995 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year *1994*.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1995 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

Of the budgetary resources available to the Department of Veterans Affairs during fiscal year 1995, $20,742,000 are permanently canceled. The Secretary of Veterans Affairs 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. 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 service and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

Mr. STOKES (during the reading). Mr. Chairman, I ask unanimous consent that title I through page 17, line 5, 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 Ohio?

There was no objection.

The CHAIRMAN. Are there any points of order against title I of the bill?

Are there any amendments to title I of the bill?

Mrs. ROUKEMA. Mr. Chairman, I rise in reluctant opposition to the fiscal year 1995 VA, HUD, independent agencies appropriation bill. I do so in large part to the continued funding for the space station program.

However, as the ranking Republican on the authorizing Subcommittee on Housing I want to take this opportunity to personally commend Chairman OBEY and ranking member MCDADE as well as Chairman STOKES and ranking member LEWIS of the VA-HUD Subcommittee for their efforts with respect to our Nation's housing programs.

With respect to this bill, I appreciate the difficult job the members of the Appropriations Committee face in trying to provide a fair distribution of very limited funds.

I want to commend the committee for rejecting the administration's budget requests for several programs including the HOME Program, section 202 Elderly Housing and the Public Housing Modernization.

The increased funding levels for the HOME Program, the 202 elderly, the section 811 disabled program and the public housing programs included in this bill are consistent with the actual need for these housing programs.

Finally, to Chairman STOKES and ranking member LEWIS, I want to again thank you for taking the authorization committee's concerns into consideration with respect to the funding of unauthorized housing and community development initiatives.

As my colleagues know, the Banking Committee just recently reported out the fiscal year 1995 authorization for HUD programs which we hope to have on the floor after the July recess. The Appropriations Committee should be commended for setting aside sufficient funds for the programs we will authorize.

There are, however, three exceptions. The first is the $265 million increase in the HUD Pension Demonstration Program created last year. We have yet to receive any report on how the demonstration is proceeding and therefore the authorization committee was reluctant to increase the funding for that program much beyond the fiscal year 1994 level.

The second, involves funding for the Homeless programs. Again, the funding for McKinney in this bill is about $200 million over the authorization level.

Finally, the Appropriations Committee included an increase in both the FHA floor and high-cost area loan limits. While the authorization committee has recommended similar increases, this action does constitute authorizing on an appropriations bill and should not have been included in this legislation.

The spirit of cooperation between authorizers and appropriators up to this point has been very much appreciated and I hope will continue into the future.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise not on title I, but I have had for some time concern about the Federal Emergency Management Agency.

Just when do they decide to help a community? I have had questions for quite some time, but it became very real last April 27 when West Lafayette,

IN, experienced a tornado that killed 3 people; 74 trailers were totally destroyed; a factory, about one-third of which was destroyed; more than a dozen homes were destroyed; a church mission, a service station, a police barracks was partially destroyed, countless damage done.

The Governor of Indiana applied for assistance under the Federal Emergency Management Agency and was turned down. We did not like that. Appeal was made, and again it was turned down on the basis there was no large enough loss. It did not involve enough people. The ability of the local community should have been sufficient to take care of this loss.

Then about 2 weeks ago I read where the District of Columbia received help through FEMA for an ice storm back in March. Now, I was here during March. I do not recall any major losses, any loss of life because of the ice storm.

My inquiry today is: Has this committee ever asked FEMA, is there any rule or regulation or a formula that they apply to losses like this?

To the people of Indiana, my little community, those individuals, and I think there are 70-some families still homeless living in tents, living in temporary shelters without any help, yet here in the District of Columbia because of an ice storm, and to my knowledge, well, there are homeless here, probably not because of the ice storm. But there was the loss to those 70-some families, and more than that, but 70 are still homeless, is just as great to those individuals in Indiana as they are here in the District of Columbia. Yet the District was approved.

Has the committee ever inquired if there is a formula or how FEMA decides to help someone or not? I know California had a big earthquake, and when we have had the other national disasters, it has helped. But how about smaller communities? Again, to the individuals out there it is just as great.

Can anyone answer from the committee? Mr. Chairman, has there ever been inquiry? Does the committee understand when they apply? I know you and I have talked about it. I appreciate very much your willingness to help, and I am not blaming the committee, but I do wonder about FEMA.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Me. MYERS of Indiana. I yield to the gentleman from Ohio.

Mr. STOKES. As the gentleman has stated in his remarks, you and I have discussed this matter, and per our discussion, I shared with you the fact that I had a very similar situation in the State of Ohio. I have had several of the Members of the House who have come to me and discussed very similar problems. Problems where their Governors have declared a disaster, and yet FEMA has not been able to recognize it as a disaster and have the President declare it a disaster.

This situation creates a real hardship for these local communities. But even after review, we have found that there is very little that we can do under the circumstances.

So the gentleman is not alone in facing the problem he has presented. There are many of us who have undergone a very same or a similar situation.

Mr. MYERS of Indiana. I have talked to colleagues who have had a similar experience. I wonder if they have ever explained what formula they use. Is there a formula? or is it just an administrative answer yes or no? How do they decide? Do we know how they make the decision? Is there a dollar figure? Is there a numbers figure about how many people have suffered losses?

The ice storm here really rattled my cage again. I read about this ice storm, and I remember some ice hit here back in March, but, my goodness, nothing on the proportion of three people being killed in my district in Indiana and all this disaster, trailers just totally destroyed. It is fortunate only three people were killed. It happened about midnight.

□ 1550

But the loss to these individual families is just as great. I do not know of any family who had any losses here in the District.

Mr. Chairman, I would be glad to yield to the chairman of the subcommittee if there is any answer to my question. Maybe there is not.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding they do operate using certain criteria. I am unable to tell the gentleman precisely all the elements that are a part of this formula criteria. However, I do know that economics is a part of it, and that demographic data, threat to health and safety of the people, and several other factors enter into it. But I cannot, much beyond that, tell you exactly or precisely what makes up the criteria. Certainly the problem that he raises is one that is shared by many of us. Perhaps this is something we ought to inquire further into. I certainly am available to work with the gentleman from Indiana [Mr. MYERS] to engage in any further discussions he would like to have with the agency or any further appeals to be made to the agency officials.

Mr. MYERS of Indiana. I appreciate the gentleman making that offer. I appreciate it. I would be glad to work with him. I am not asking for special attention. It is too late to help my district in Indiana. But this would apply to the future.

Again, these families had losses which were just as great as those that happened to others.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(By unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. MYERS of Indiana. The losses to these individual families is just as great because they are part of a small piece, a small pie, as they were in the larger California disaster. The losses to the individual families is just as great. Are we here to help just big communities or people who are really in need of help? Most of these trailers, most of them had no insurance whatsoever. Of course, that is not the way we should operate our homes, but we found a lot of these trailers had no insurance, no way of recovering from this, and a lot of them were senior citizens, unless they could get some kind of help.

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

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Indiana raises an important question. I frankly do not think there is a clear formula that is responsive in a direct way. But both the gentleman and I know that when an emergency occurs or a disaster occurs, a local community may request a disaster declaration by the Governor. The Governor will normally respond in a way that makes some evaluation, by what formula I do not know, but he makes some evaluation or declaration, and the President will consider that. The President on the other hand does not seem to have a dollar amount by which they judge it is a disaster that justifies a Federal declaration, but rather they try to determine whether the State or the locality has the funds themselves before they declare that a disaster. But there is no formula, as I understand it.

In the meantime, the question asked is do all Americans get fair consideration in this process? I certainly hope that the answer is positive, that we should not just live with the hope but rather try to be more responsive as we go forward in our discussions in the months ahead.

Mr. MYERS of Indiana. Again, when the District got that ruling, I saw no evidence of that, so I have to raise questions.

I note on page 67 of the report the committee urged FEMA to come forward with a study, and I hope that the study will include something like this so that we will all understand how they make these decisions. I hope and urge them to include the formula so we will all understand whether we are being treated fairly or not. In the meantime I have to say there is a cloud over this program as far as I am concerned.

Mr. LEWIS of California. I think the gentleman is raising a very important

question, particularly as it affects districts like his own, which raise very serious problems. We sometimes wonder whether people know that small communities exist and most obviously urban centers get a lot of attention.

Mr. MYERS of Indiana. The gentleman from California has it down pat, he seems to know how to do it. Of course, the gentleman also had big losses, too.

The CHAIRMAN. If there are no amendments to title I, the clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For homeownership and opportunity for people everywhere (HOPE grants) program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitles A, B, and C of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $100,000,000, to remain available until expended, of which up to one and one-half percent may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this head as authorized under subtitle E of title I of the Housing and Community Development Act of 1992.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnership program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, $1,275,000,000, to remain available until expended.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $11,473,019,000, to remain available until expended: *Provided*, That of the total amount provided under this head, $263,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); and $598,000,000 shall be for the development or acquisition cost of public housing, of which up to .67 per centum shall be available for technical assistance and inspection of public housing agencies by the Secretary: *Provided further*, That of the total amount provided under this head, $3,600,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to .54 per centum for the inspection of modernization units and provision of technical assistance by the Secretary and contract expertise to assist in the oversight and management of the public and Indian housing modernization program, including an annual resident survey: *Provided further*, That of the amounts provided under this head for modernization of existing public housing projects, $85,000,000 may be used for the Tenant Opportunity Program: *Provided further*, That of the total amount provided under this head, $2,643,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b), 8(o), and 8(e)(2) shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the total amount provided under this head, $17,300,000 shall be available for fees for coordinators under section 23(h)(1) for the family self-sufficiency program (42 U.S.C. 1437u): *Provided further*, That of the total amount provided under this head, $1,202,100,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, and $555,000,000 shall be for section 8 assistance for property deposition, and $100,000,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intention to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Emergency Low-Income Housing Preservation Act of 1987, as amended: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the total amount provided under this head, $156,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; $150,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992; and $30,000,000 shall be for service coordinators in public housing pursuant to section 9(a)(1)(B)(ii) of the United States Housing Act of 1937; and $30,000,000 shall be for service coordinators in project-based section 8 housing, pursuant to section 8(d)(2)(F)(1) of the Act, tenant-based section 8 housing, pursuant to section 8(q) of the Act and, for service coordinators in multifamily housing assisted under the National Housing Act, pursuant to section 676 of the Housing and Community Development Act of 1992: *Provided further*, That of the total amount provided under this head, $149,000,000 shall be for moving to opportunity.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 18, line 18, delete "$598,000,000" and insert "$150,000,000".

Page 19, line 10, delete "$2,643,000,000" and insert "$2,822,653,400".

Mr. SMITH of Michigan. Mr. Chairman, the question that this amendment addresses is whether we should go along with the President's and the administration's request for funding of new construction and major reconstruction of public housing and the Government telling these people what kind of a house they should be living in and what part of the city that should be built in, or we let those individuals decide what kind of a house they want to live in with income rental vouchers.

My amendment would cut funding for new construction and major reconstruction of public housing by $448 million and would adopt the administration's request of $150 million. It would then increase funding for rental assistance, section 8 vouchers, by $180 million to serve the same number of households, 5,240 as reduced under the public housing program.

My amendment would increase the number of section 8 vouchers funded under this bill from 69,000 to 74,000.

As a result, in addition to serving the same number of households, there would be $268 million in savings for the Federal Government.

It becomes a philosophical debate, partially: Should we provide vouchers to low income individuals so they can decide where to live and let market forces start working to fix up those old houses and build new houses, or should we continue the process of public housing in this country, allowing most of our Federal money to go to developers? I know the developers have a strong voice in saying we need more housing; but I would suggest with all humility to my colleagues that it is important that we use Federal money as cost effectively and as efficiently as we can and that we really target our assistance, aiming limited housing resources at the poor people in need of this help.

Historically, the cost of building and maintaining public housing is twice as much as providing rental assistance. Under this bill, each public housing unit costs $85,500. We can serve the same number of low-income families with section 8 vouchers for $34,300.

So, No. 1, it is more cost efficient. No. 2, this is the recommendation of the administration. It brings it back to that level of $150 million for new housing construction.

The Committee on Appropriations raised this requested level to almost four times this amount.

Of the 4.6 million HUD-subsidized households, nearly 3 million are section 8 rental assistance subsidies. The number of public housing units number 1.4 million. It seems to me, in concluding, Mr. Chairman, that vouchers for housing provide the greatest freedom of choice for our low-income population. By working through the market process, vouchers are also the most efficient means of providing housing for the poor. Instead of tax dollars going

to assist developers to produce housing which concentrates low-income families and therefore segregates them, vouchers allow recipients to choose any housing which they can afford in combination with their own resources. The market assures efficient use of resources in the sense that if a landlord does not maintain the dwelling or provide adequate service, the tenant can then take his or her voucher to another landlord and another building. It lets the market system work, it does not have Government saying that we are going to concentrate the poor, the low-income in one section, and segregate them and therefore deprive them of the chance, for encouragement, ideas and support necessary to succeed.

The history of Government construction subsidies for developers in Government-owned housing in my State of Michigan has been checkered. The city of Detroit, in particular, has had a number of problems with its housing projects. Many of these problems could have been avoided if low-income tenants had the option of choosing among all existing low-rental private housing.

Mr. STOKES. Mr. Chairman, I rise in strong disagreement to the gentleman's amendment. If I understand the gentleman's amendment correctly, he takes $598 million out of the Public Housing Program and he transfers $180 million over to the Voucher Program.

□ 1600

What we did in our bill was to provide for public housing at the 1994 level. In doing so, we did disagree with the administration who wanted to cut this particular program. But we felt that as a result of the hearings we conducted and the testimony that was taken during the course of our hearings from the Department of HUD, there was a great need for public housing. We felt it was our responsibility to provide funds for public housing which, as all of us know, is for poor people and low-income people who are unable to obtain any other type of housing.

Our Government does provide what is supposed to be decent housing for people in a decent environment in order to try and care for them because they are unable to care for themselves. But let me just point out a couple of things.

The gentleman made the statement that vouchers are the most efficient means of providing housing for poor people. I do not know what the gentleman relies upon in making such a statement. I do not know of any basis for that. I do know that vouchers are only good for 5 years, and I do know that public housing is available almost forever.

For instance, Mr. Chairman, in the city of Cleveland, public housing, which my brother and I grew up in, was built in 1938. That housing is still good housing in Cleveland and continues to provide an opportunity for poor people to have a place to live.

So, Mr. Chairman, I think we made the right decision in terms of what appears in our bill.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the gentleman indicated that I took all of the money out of that construction. That is incorrect. I left $150 million in. That is the same amount that the administration, the President, recommended.

Mr. STOKES. Mr. Chairman, I stand corrected; the gentleman is correct. I said the gentleman took out $598 million; he took out $448 million. So, I stand corrected in that respect.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I hope the House will stand by the appropriations subcommittee. As someone who has worked on housing for all of the time that I have been here, I think this is a terribly important issue.

The gentleman from Michigan [Mr. SMITH] says this is better for the poor people, to not build anything or to build very little and to give them vouchers. But I know of no organization representing tenants, or the poor or elderly people, that has come forward to the housing subcommittee and said, "Change this." The overwhelming majority of housing groups have come, those representing tenants, and said to build them because, as the gentleman from Ohio has pointed out, we are talking here about temporary versus permanent housing in our hands, and let me add one other important issue.

Many have asked us to be able to tear down existing public housing. People have said we have got this problem, we want to be able to tear down some of the existing public housing. The law requires that, if public housing is torn down, it be replaced, because otherwise we get a net diminution. If we take away the money that is in the bill of the subcommittee, we are going to make it very difficult for our communities to replace public housing that has become so deteriorated or abandoned that it is an eyesore because the law has, and nobody has been pushing for total change of that successfully, the law still requires some replacement. I say, You need what the gentleman from Ohio has done if you're going to have that replacement. This is the most flexible way to do housing.

Finally, Mr. Chairman, there are parts of the country where the vouchers do not work because the housing market is so tight that the poor people cannot find places to live, and, if we do not do some construction, this is all our elderly housing, housing for people with handicaps. It just does not work.

Mr. STOKES. Mr. Chairman, I would hope we would defeat the amendment offered by the gentleman from Michigan [Mr. SMITH].

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, if public housing is destroyed by the tenants and it becomes dilapidated, I think it is a shame that we tear it down, rebuilt it, and go through the same exercise again. That is the law, as the gentleman said, but we ought to change that because it costs so much money.

I remember when we had the White River project in Indianapolis. We had these high-rise buildings that cost tens of millions of dollars to build. They had elevators. It was public housing. It was going to solve the problem in Indianapolis. It was totally destroyed inside, and we ended up, after years of losing taxpayers' dollars, turning it over to a private entrepreneur to redevelop that, using those structures, and selling it on the open market to individual purchasers.

Mr. Chairman, public housing simply has been a disaster in many parts of the country, and this section 8 voucher program is a good constructive alternative to solving the problem, plus it saves the taxpayers $268 million. Instead of $448 million for this program, we put $180 million into the Voucher Program. These poor people can choose where they want to go live. They do not have to live in a ghetto in the middle of the city if they do not want to. They can take that voucher and go out and find a place where there is decent housing and live the kind of life that they want to.

But what do we want to do? Keep creating these public housing projects in parts of the country where there is a terrible crime problem, and, when it becomes dilapidated, what do we do? We tear it down and rebuild it with taxpayers' dollars. What a waste of money, what a waste of money.

This is a good amendment, it is a sound and reasonable amendment, and it is going to save the taxpayer $268 billion, and that is probably why it is going to fail.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman form Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the gentleman from Massachusetts argues there is not enough vacant housing, but we already have the low-income housing tax credit that is building over a hundred thousand homes every year. In addition, the section 811 program for the elderly and the handicapped will provide another 11,600 new homes. Other new construction funds include the assistance available under the home investment partnerships program, funded at just slightly over $1.2 billion in this bill.

Mr. Chairman, my question to the gentleman is: If you were low income and had a choice of living where you wanted to or where the Government built this low-income housing in the deprived area, where would you want to go?

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Michigan [Mr. SMITH] for the question, and there is no question. I say to the gentleman, if you look at many parts of this country, you'll see these families saying, "My kids are being shot, there's a terrible crime problem, there is a drug warlord in this public housing project that's threatening my kids every day. I want to get out of here." The way this bill is written, they'll never get out of there, but, if we go to the voucher program, they can leave that project, go to someplace else, and it will save the Government $268 million in the process.

Mr. Chairman, this makes sense. It is a good amendment. I urge my colleagues to pass it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Indiana [Mr. BURTON] and the gentleman from Michigan [Mr. SMITH] have argued that this is for the poor, to give them more choice. I would repeat, as a member of the Housing Subcommittee, that we have not had organizations representing low-income tenants, representing the poor, telling us to come and do this, and the reason is that they do want some choices, and choice is what they have in the current bill, and we will lose under this amendment because this amendment will reduce to a very, very low number the amount of new public housing construction. There was some confusion here. When the gentleman talks about the home program or about the low-income tax credits, there are a range of incomes for which we provide housing assistance. Many of those go for mixed income developments. Many of them go for people of moderate income. This, as the gentleman from Ohio pointed out, goes to the poorest of the poor.

Mr. Chairman, public housing is for the people who have nowhere else to go, and to say in many parts of this country, in the crowded housing markets of many metropolitan areas, that we can replace this with vouchers is a joke on them because I can tell my colleagues we know this is a fact:

There are parts of the country where vouchers simply cannot be used by people. The housing market is such that these people are turned away. They do not want to deal with the government. They cannot do it in the private market, and they will not take these people.

The gentleman from Indiana [Mr. BURTON] says, "If the public housing is bad, you're just going to replace the same thing." Of course not. That is caricature that no one thinks. What we are saying is that, because the society did build some public housing units unwisely in some cases, we do want to tear down parts of it, or all of it, but not reduplicate the mistakes.

□ 1610

We do better now with public housing. This argument that all public housing is a terrible thing, most of you know is not true. Elderly housing, for instance, and there are two types of elderly housing, 202 elderly housing, that is a different program, and many of them cost more. There are people who are not wealthy enough as the elderly to live in some of the 202 housing. And the gentleman should understand that much of what you think of as public housing for the poorest of the poor elderly, will be cut from this bill.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, still again, that is why you are exactly right. You are right on that point, and that is why we leave $150 million there, because there is need in some areas. This is what the President recommended.

Mr. FRANK of Massachusetts. Reclaiming my time, I wish we could make one rule: We should do it when the President is a Republican, you do it when the President is a Democrat. This extraordinarily temporary fealty to the President is so silly and it just wastes time. For Members on the other side, like the gentleman from Michigan, to make a sudden conversion to a Presidential loyalist and want anyone to believe that is part of this reason, really is not persuasive. I do not understand why anybody would do that.

The point is, we will not be able to build the level of housing for older people that are looking for it. The gentleman is cutting it from $600 million to $150 million. Yes, the President proposed an unwise cut in this regard. But the housing that is needed for the poorest of the poor, our ability to replace housing, will not be there.

Again, the argument that this is in favor of the poor, I think, is wrong. We need a mix. In some markets and in some situations, the voucher system works well. In other cases and for some people, you need construction.

There are, for instance, a shortage of units in many cities for large families, for families with five, six, or seven children. One of the things we have to be able to do in public housing is to build those units. Tell people with five children that they have to do out on the private market with vouchers, and it may be impossible to do.

We are still going to be doing a lot with vouchers. But if you accept the amendment and undo what the gentleman from Ohio has done, you will leave the poor worse off, with fewer options, and the society less able to respond.

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield further, still, there has got to be some area of common agreement that when we build more housing we put more pressure on the inner city to further dilapidate it.

Mr. FRANK of Massachusetts. Mr. Chairman, I reclaim my time. That is simply nonsense. There is nothing in this law that says they can only build in the inner city. That is a product of the gentleman's own misconception. When someone says public housing, why do you automatically think inner city? I do not represent any major city.

Mr. SMITH of Michigan. Mr. Chairman, I think I misspoke.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman has now made it very clear why he is so mistaken. He equates public housing with the inner city. I do not have what we call an inner city in my district. I have 35 communities as large as 98,000 people, and public housing is an important resource for them.

It simply is the core of the error to think that all public housing is currently inner city, not that that is a terrible thing, and that is an indication of why the gentleman is wrong.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(At the request of Mr. BURTON of Indiana and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I just have one question.

Mr. FRANK of Massachusetts. I do not believe you will have just one, but I will take the one.

Mr. BURTON of Indiana. Does the gentleman believe that the poor people who live in public housing ought to have the right to choose where they want to live like anybody else?

Mr. FRANK of Massachusetts. I do, but I believe in many parts of this country you cannot give them an effective choice with a voucher, because the housing market is so constrained the market for large families is so constrained, the unwillingness of certain private landlords to deal with the Government is so low, that unless you have a mix of choices that includes some public housing and some vouchers, they will not have an effective choice. And anyone who thinks that a voucher gives a large poor family complete choice is mistaken. And for the elderly, they very often prefer to live in elderly-only buildings. For the elderly, many of them, given a choice, would not want a voucher in the private market. They would want a unit built only

for the elderly, potentially with elderly services, and many elderly would prefer to go that way.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had some experience with the voucher program, because Green Bay, WI was one of two sites selected a number of years ago as a pilot project for the voucher program. I have had a chance to meet with many of the people who have benefited from the vouchers program.

I want you to know that people appreciate the voucher system, and we have had excellent experience with the voucher system.

You see, what the voucher system does is treats people more like intelligent human beings. A voucher gives people an opportunity to pick the area where they want to live. They pick the community they want to live in. And it gives them a choice which they do not have when we have all government housing.

Basically, what I have found over the years debating this issue is that it is really not whether the politicians want to help the people who do not have adequate housing or give them a better place to live, it is really a question of political philosophy. I see it as a question more of ideology rather than economics.

If you believe the Government can best provide for housing and do a better job than the private sector, and so on, you say we have to have more and more government housing. But you know something? The taxpayers pay through the nose, because there is no housing as expensive as government housing. All of you know that, because all of you have had experience with government housing.

Vouchers get away from the stigma. Unfortunately, there is a stigma attached to government housing. With vouchers you get away from that stigma. Plus people have more pride and keep up their house when they have a voucher system. The people feel they are renting a place, it is not given to them. They feel this is part of me, this is my home. This is my home. I know that because I visited many of the people when we were debating this issue in the voucher program some time ago.

Now, you also give people, in my opinion, more options. I do not know what takes place in Chicago and some of these other areas, but I know the place we had it in Indiana and the other pilot project we had in Green Bay, WI, it worked out very well. The surveys done with the people that lived in these homes and housing dealing with vouchers show they were very happy with vouchers, and they asked us to continue the program.

So from my experience and my background, this is a good amendment, because it gives people basically what people are looking for, and that is what we are trying to do with this legislation.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentions the success of the voucher program in his city. I do not question the fact that such a program was a success. However, did they take money out of the public housing program in your city in order to do it? Because that is what this gentleman's amendment does. It takes money out of public housing and transfers it over to the voucher program for that purpose.

Mr. ROTH. Mr. Chairman, reclaiming my time, what the gentleman is doing is not taking away housing, because he is giving them a voucher, which is saving the taxpayers money plus giving the people a better place in which to live.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, the gentleman is taking $448 million out of the public housing account, and he is transferring only $180 million over to the voucher program. At the same time, the gentleman is not doing anything about the fact that there are still people waiting in line who need public housing, who are being deprived of it, because of the gentleman's amendment.

Mr. ROTH. Mr. Chairman, I thank the chairman, and there isn't a Member in this House I have more respect for than the gentleman from Ohio [Mr. STOKES]. But I must say this in rebuttal. Sure, he is only using $180 million, but he is doing with $180 million what others can do with $480 million. So he is saving the taxpayer money plus taking care of the people that need help. That sort of initiative should be praised rather than scoffed.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman makes one mistake though. He is doing that for a 5-year period only. The public housing that would be built will last 50 and 60 and 70 years. The gentleman's housing lasts only for a 5-year period versus permanent units.

Mr. ROTH. My friend from Massachusetts, if you had a sense of humor, you would be dying laughing at yourself. Public housing lasts 50 years?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, let us look at this budget for how much we provide existing public housing. Do we each know we provide additional funds for public housing units? We have 1.4 million public housing units in the inventory under HUD. This bill provides $2.5 billion for operating subsidies. That's $1,800 per unit. This bill provides $3.6 billion for modernization. That's $2,500 per unit.

Building more houses is not the solution. Saying we are going to build more public housing to give this money to developers and contractors is not the way to help people who need housing in this country.

□ 1620

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. This is a good appropriation bill with regards to the housing, urban development budget, and funding that the chairman brings to the House. The fact is, we do not get anything for nothing.

What this Smith amendment purports to do is say we can house all the same people with a rental voucher for 5 years as we could if we constructed the units of housing. Naturally, the truth is, at the end of this day, at the end of the period for the vouchers, we end up with a bunch of rent receipts, as opposed to real public housing.

Some of the gentlemen from the other side of the aisle suggested that public housing does not last for 5 years. I can point out numerous public housing projects in my own district of St. Paul, MN, that, in fact, are close to 50 years old, in very good shape because of the modernization funds that are in this bill and will help other housing authorities do the same thing, and working and dynamic public housing, meeting the needs today and in the future. Not all public housing has the problems that occur in a city or in some of the troubled projects that the gentleman has talked about.

Housing, public housing is one of the most successful programs that we have in the Nation, that is a matter of fact.

Of course, we can concentrate on the problems but we are missing the main point in terms of how this program works. The fact is that the General Accounting Office and others have done studies and analysis for the Congress on this particular purpose. And they found out and they demonstrated for the Congress that it gave us the most housing per dollar. The fact is, this public housing will last 30, 40, 50 years. Obviously, it has to be maintained and properly managed. If we have a poorly constructed or designed building, it will not last that long.

The truth is, of course, that we do not need either public housing or voucher rather; we need both of these programs. Obviously a section 8 voucher and the improved program that exist

today, worked on by the various committees, does serve a very, very important function. It serves a need. Obviously, in various markets, there is not the vacancy rate that occurs in other markets. Some markets have a very large vacancy rate. Others have a very small one. Besides that, the type of public housing units we have may have two, three, four bedrooms in them in order to accommodate the size of the families that are experiencing difficulty for a short period of time. That has to be recognized. Most apartment buildings and other types of housing do not accommodate that type of family.

They have rules dealing with children. They have rules dealing with a variety of other activities that obviously do not accommodate public housing residents.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to point out again, with regard to choice, because the gentleman has helped make this clear, certainly people who suggest that public housing only lasts 5 years or does not last 5 years are so wrong and so inaccurate as to show that what we are talking about here is using caricatures that kind of just degrade the whole operation.

In many cities in this country the private rental market is so expensive that this argument about choice is simply wrong. If we want to have any degree of social integration in those communities, in effect, we will have public housing because the rules for the voucher program, the rent levels which it holds to, rule out many many communities. I represent some. I know of others even in large cities, if we wanted to do this in Manhattan, if we want to do it in San Francisco, we simply will not be able to build at a rental market situation for rents that vouchers can meet. So having some mix, rather than mischaracterizing public housing as only for the inner city, as not even lasting 5 years, those kinds of degradations of public housing and the people who live there are what is behind this amendment. And they are wrong.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his contribution. The point is that public housing saves the taxpayers money. We have done studies on this. The GAO has done studies. It saves money. Is every individual project a success, no. But by and large, they are. That is why we have these projects remaining.

Furthermore, as we eliminate or replace public housing, we are losing some of the units. It is necessary, therefore, to have a modest program of reconstruction to maintain an adequate level of public housing. We have in this country serious problems with regards to housing. At the request of the Speaker, I led a task force on which the gentleman from Massachusetts and others served dealing with hopelessness. It pointed out that 7 percent of the people in this country, sometime during their life, had been homeless.

We have a serious problem with regards to adequate shelter in this Nation. Public housing plays a key role. The gentlemen are simply mistaken in trying to portray this section 8 voucher-program as a savings to the taxpayer. This is not a savings to the taxpayer at all. The public housing gives us the best for the buck in terms of housing and meeting the needs of people, Mr. Chairman. The amendment cuts over one-quarter of a billion dollars from public housing for the poor—that doesn't help, that hurts the people who have real need.

I would urge the Members, therefore, to reject this amendment. I think it is ill-considered and ill-conceived.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by asking that I be disassociated with the remarks of the previous speaker. I want to also take a moment to thank the gentleman from Michigan [Mr. SMITH] for bringing this amendment to the floor.

I have been involved in this issue of public housing and how to handle public housing since I first came here in 1985. I had the privilege of working for several years on this issue. It seemed like every summer, with Jack Kemp. And I think we made some progress. We have made some progress, but I am afraid there are some areas in which we have not made progress.

The American people give us a privilege to be in this body. That privilege very often is the extraordinary privilege where we get to represent the extraordinary compassion of the American people for people among themselves who are less fortunate. One of those areas in which we get to represent that compassion is in the provision of housing for people of low income and economic hardship.

I believe that it is our duty to represent that compassion with understanding. I think the gentleman from Michigan [Mr. SMITH] is doing that today.

I do not believe it is within our right, as Members of Congress representing the compassion of the American people, to link that compassion with power and dependency. No, ours should be a compassion that is linked with a devotion to freedom and with respect to the people for whom we offer this helping hand. If, in fact, we construct politics and policies of power and dependency, we will most certainly, in fact, develop and create in our community the pathologies of dependency and the pathologies of power.

My colleagues, I am sad to report that despite the very many good public housing projects we can find scattered around this country, we have too many housing projects in America today that are marked by these pathologies. We all know the hard, cruel, mean conditions under which too many American citizens who deserve our respect and deserve our compassion end up living because, in fact, we have decided to serve power and we are willing to accept their dependency as the price for our power.

Let us not make any mistake about it and let us not kid ourselves. The people with a vested interest in public housing are the public housing authorities who gain control over the lives of other people, the politicians that find people that are as easy to put into buses to drive to the polls as their children are to put into buses and drive to school. And just as those children are deprived of the freedom and the joy of walking through their neighborhood with their friends to a safe school on safe streets, those voters are deprived of the freedom and the joy of casting their own independent vote.

No voter in America today should be compelled by a feeling that their vote must be cast as their only means to security for one or the other of a politician that has the gall to promise them security and not the devotion to duty to promise them liberty. That is what public housing gives us. That is a pathology we should stamp out.

□ 1630

Section 8 vouchers give people a sense of freedom, of independence, of self-sufficiency, of neighborhood.

It gives little boys and little girls the right to play in their neighborhood, knowing they are safe to walk to school with school children, their friends, to walk down to the corner drug store, to be safe, to be in fact integrated with people of different income experiences, different races, different cultures, different experiences, and to not live with a stigma of living in the projects.

Mr. Chairman, I cannot tell the Members the pain that I have seen in the face of a little girl who said that her goal in life was to not have to be ashamed that she lived in the projects. Let us have the decency to give people the liberty that comes with section 8 vouchers. Can we be that decent in this body?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 269, not voting 8, as follows:

[Roll No. 307]

AYES—162

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (KY)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOES—269

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—8

Andrews (NJ)
Chapman
Dingell
Faleomavaega (AS)
Machtley
Reynolds
Schumer
Washington

□ 1650

Mr. MEEHAN changed his vote from "aye" to "no."

Mr. GRANDY and Mr. PAYNE of Virginia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1653

The CHAIRMAN. Are there other amendments to this portion of title II?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 19, line 10, delete "$2,643,000,000" and insert "$2,378,725,000".

Mr. STOKES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 10 minutes, and the gentleman from Ohio [Mr. STOKES] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if it would help, I would like to call to the Members' attention that I do not intend to ask for a recorded rollcall vote on this amendment.

I offer this amendment in order to question why we are appropriating funds for the Pension Fund Program at a level higher than authorized. It reminds me of the man that had gangrene in one leg, and he went to the doctor, the doctor said, "We have got to cut it off," and after the surgery, the doctor said, "I've got good news and bad news." He said, "Well, give me the bad news first." He said, "Well, we cut off the wrong leg." He said, "My gosh, what is the good news?" He said, "Well, the gangrene was not as bad as we thought, and I think we are going to be able to save the other leg."

Mr. Chairman, that applies to this amendment, because the Committee on Banking, Finance and Urban Affairs will soon come out with an authorization for this Pension Fund Program less than this appropriation.

I would like to ask the chairman, the gentleman from Ohio [Mr. STOKES] if he would consider a colloquy to answer some of my questions. I am concerned that the authorization for this program will be $150 million while this appropriation is $414 million.

Can you tell me why the committee made a decision to bring this up to $414 million when the Committee on Banking, Finance and Urban Affairs is authorizing this at a level of $150 million?

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I am happy to yield to the gentleman from Ohio.

Mr. STOKES. The gentleman is correct. That is what we did. But we did that because of the request to us, and we were simply responding to the President's request.

Mr. SMITH of Michigan. Well, my concern is that it is a 15-year program. It obligates the taxpayers of this country to spend additional funds over the next 15 years and it seems to me there is considerable risk involved. Has there been an evaluation of the soundness of this idea? When the Committee on Banking, Finance and Urban Affairs authorizes it at $150 million and we jump this up to $414 million, it seems reasonable that we should be concerned. This is especially true at a time when the Government is jumping into a public debt load approaching $6.3 trillion within the next 5 years and we

are looking at ways to cut money. It seems to me there needs to be overwhelming justification if we are going to appropriate at a greater level than what is authorized.

Mr. STOKES. If the gentleman will yield further, I will try to answer the gentleman's question.

First, the authorization bill assumes $150 million of the $2.7 billion for section 8 rental assistance for the Pension Program.

I would say to the gentleman that it is unknown at this time how this issue will come out in conference. The point is we are providing funds for the section 8 Rental Assistance Program, which is within the amount in the recommendation of the Committee on Banking, Finance and Urban Affairs.

If an authorization bill is enacted that only provides $150 million for the Pension Fund Program, then that would be the amount of funds that would be available. But additional funds could be available for regular section 8 units.

The gentleman's amendment only addresses one part of the section 8 rental assistance recommendation. It does not address the point that additional funds are assumed in the authorization bill for regular incremental units.

Mr. SMITH of Michigan. Let me follow up with one more question. Has there been any evaluation of risk as we expand this demonstration pension fund money in relation to these housing developments? Has there been an evaluation of risk as we jump this money up to this level of $414 million?

□ 1700

Mr. STOKES. Will the gentleman yield? I think, as the gentleman knows, this program is just beginning. There is no way for us to have that type of data available at this time. We are reacting to the authorizing committee's actions here. At some point, I assume that type of data evaluation will be accumulated.

Mr. SMITH of Michigan. Mr. Chairman, allow me to conclude by saying I would hope that my colleagues would return the funding level of the Pension Program to $150 million, which, as I understand, is the authorized amount.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 4624, the VA-HUD-Independent Agencies Appropriations Act for fiscal year 1995, but in opposition to the gentleman's amendment.

This amendment would have a devastating effect on a program that has just been started called the Community Investment Demonstration Program, also known as the Pension Investment Program. The Investment Program, as established in the HUD Demonstration Act of 1993, sets aside section 8 project-based subsidies for multifamily rental and limited equity co-op housing projects whose construction or rehabilitation will be financed with pension fund capital.

This new program is designed to build bridges to pension fund managers and forge new investment partnerships for affordable housing. The AFL-CIO Housing Investment Trust helped conceive and refine the idea based on their experience investing in affordable multifamily housing. The idea is simple. HUD makes available to pension funds, on a competitive basis, Section 8 project based rental assistance to support construction and rehabilitation of affordable multifamily housing. The subsidy reduces the risk by ensuring more predictable cash flows from project rents. Thus, making pension fund financing more secure both for portfolio yield and more liquid for sale to secondary market investors such as Fannie Mae and Feddie Mac.

HUD has already received applications from throughout the country. Other pension funds participating in the program are: California Public Employees Retirement System working with the BRIDGE Housing Corp., the Board of Pensions and Retirement of the city of Philadelphia working with the Philadelphia Redevelopment Authority, and others.

HUD is currently expecting to receive numerous additional applications for the Section 8 Community Investment Demonstration funds, including from the AFL-CIO Housing Investment Trust. The trust solicited project proposals to package investments for its own application to HUD, including one for a housing project in the city of El Paso. The trust received 191 proposals to build or rehabilitate over 21,000 affordable housing units, more than half of them to be for Section 8 tenants. These proposals cover 34 States and 110 cities, from California to Florida, Maryland to Massachusetts, Virginia to Wisconsin, New Jersey to Illinois, Texas to Michigan, and more.

Therefore, Mr. Chairman, I urge my colleagues to defeat this amendment and support these types of initiatives in the future. With housing dollars becoming more scarce, this is the best method to proceed.

The CHAIRMAN. Is there further debate? If not, the question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Of the total amount provided under this head, $1,158,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959: *Provided*, That $22,000,000 shall be for service coordinators pursuant to section 202(q) of the Housing Act of 1959 and subtitle E of title VI of the Housing and Community Development Act of 1992, other than section 676 of such Act and section 8(d)(2)(F)(i) of the Act.

Of the total amount provided under this head, $387,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(INCLUDING TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $3,705,000,000, to remain available until expended: *Provided*, That to the extent the amount in this appropriation is insufficient to fund all expiring section 8 contracts, the Secretary may transfer to and merge with this appropriation such amounts from the "Annual contributions for assisted housing" appropriation as the Secretary shall determine, and amounts earmarked in the foregoing account may be reduced accordingly, at the Secretary's discretion: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the public housing agency or Indian housing authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, $800,000,000, to become available for obligation on October 1, 1995, and to remain available for obligation until expended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1995 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $66,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 1995.

HOMEOWNERSHIP ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For payments under section 235(r) of the National Housing Act, as amended (12 U.S.C. 1715z) for incentives to mortgagors to refinance mortgages that are insured under such section 235 and for closing and other costs in connection with such refinancing, $6,875,000, to remain available until expended: *Provided*, That up to $50,000,000 of recaptured section 235 budget authority resulting from reducing the interest rate on such refinanced mortgages shall be reused for payments under this heading: *Provided further*, That up to $184,000,000 of additional recaptured section 235 budget authority from refinancing section 235 mortgages shall be rescinded in fiscal year 1995.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations

for congregate services programs, $6,267,000, to remain available until September 30, 1996, in accordance with the provisions of the Congregate Services Act of 1978, as amended.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,900,000,000.

SEVERELY DISTRESSED PUBLIC HOUSING

For the revitalization of severely distressed public housing program, as authorized by section 24 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $500,000,000, to remain available until expended, of which up to one-half of one percent may be used for technical assistance under this program, to be made available directly, or indirectly under contracts or grants, as appropriate.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901–11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $265,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $1,500,000 shall be for grants for an after school demonstration program in public housing projects, run by the 4H Clubs of America and co-sponsored by private sector firms.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $22,388,000.

YOUTHBUILD PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For youthbuild program activities authorized by subtitle D of title IV of the Crantson-Gonzalez National Affordable Housing Act, as amended, $50,000,000, to remain available until expended. In addition, the unexpended balances from the $28,000,000 made available for subtitle D of title IV of such Act under the head "Homeownership and opportunity for people everywhere grants (HOPE Grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 shall be transferred to and merged with this appropriation.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $50,000,000.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $50,000,000, and all uncommitted balances of excess rental charges as of September 30, 1994, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1995, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1995, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $100,000,000,000.

During fiscal year 1995, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $180,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $308,846,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $302,056,000 shall be transferred to the appropriation for salaries and expenses; and of which not to exceed $6,790,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f)), $152,000,000, to remain available until September 30, 1996, of which up to $132,903,000 is to be derived from the FHA—general and special risk, negative subsidies receipt account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $20,885,072,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(d) of the National Housing Act, shall not exceed $220,000,000; of which not to exceed $200,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $197,470,000, of which $193,299,000 shall be transferred to the appropriation for salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1995, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $142,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $8,824,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $8,824,000 shall be transferred to the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; the shelter plus care program (as authorized under substitle F of title IV of such Act); and the innovative homeless initiatives demonstration program (as authorized under section 2 of the HUD Demonstration Act of 1993 (Public Law 103–120)), $1,120,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1997: *Provided*, That $46,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and $61,500,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following provisos) shall be expended for "Planning and Management Development"

and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That $35,000,000 shall be made available from the total amount provided to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note), including services for families that are homeless or at risk of becoming homeless: *Provided further*, That $10,000,000 shall be made available from the total amount provided to carry out a neighborhood development program under section 123 of said Act (42 U.S.C. 5318 note).

During fiscal year 1995, new commitments to issue guarantees to carry out the purposes of section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed $2,054,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $40,000,000, to remain available until September 30, 1996.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $33,375,000, to remain available until September 30, 1996: *Provided*, That $26,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,173,000, of which $495,355,000 shall be provided from the various funds of the Federal Housing Administration, and $8,824,000 shall be provided from funds of the Government National Mortgage Association.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,388,000, of which $10,961,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OR FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $15,451,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f).

ADMINISTRATIVE PROVISIONS

None of the funds provided under this title to the Department of Housing and Urban Development, which are obligated to State or local governments or to housing finance agencies or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

Of the budgetary resources available to the Department of Housing and Urban Development during fiscal year 1995, $3,538,000 are permanently canceled. The Secretary of Housing and Urban Development 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. For the purpose of this paragraph, 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 service and ending with contract completion and closeout as specified in 41 U.S.C. 403 (2).

Of the $150,000,000 earmarked in Public Law 102-139 for special purpose grants (105 Stat. 736, 745), $1,000,000 made available to the Pennsylvania Housing Finance Agency to complete renovation and revitalization of the Saquoit Silk Mills in Scranton into low-income elderly apartments shall instead be made available for such low-income elderly apartments on the site of the existing Lackawanna Junior College in Lackawanna County, Pennsylvania.

Notwithstanding any provision of law or regulation thereunder, the requirement that an amendment to an urban development action grant agreement must be integrally related to the approved project is hereby waived for project numbers B87AA360540 and B87AA360521.

None of the funds made available in this Act may be used in violation of section 214 of the Housing and Community Development Act of 1980 or of any applicable Federal law or regulation of the United States.

Subparagraph (A) of the first sentence of section 203(b) (2) of the National Housing Act is amended by striking clause (ii) and all that follows through "1992;" and inserting in lieu thereof the following——

"(ii) 85 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size; except that the applicable dollar amount limitation in effect for any area under this subparagraph (A) may not be less than the greater of—

"(I) the dollar amount limitation in effect under this section for the area on the date of enactment of the Housing Choice and Community Investment Act of 1994; or

"(II) the applicable average area purchase price determined under section 143(e)(2) of the Internal Revenue Code of 1986, adjusted by the Secretary to reflect a single amount using purchase prices for residences that have been previously occupied, and for residences that have not been so occupied, which amount shall be adjusted by the Secretary annually on the basis of the Constant Quality Housing Price Index;".

Notwithstanding subsection 306(g) (3) of the National Housing Act, as amended, fees charged for the guaranty of, or commitment to guaranty, multiclass securities backed by a trust or pool of securities or notes guaranteed by the Government National Mortgage Association prior to February 1, 1993, and other related fees, shall be charged in an amount the Association deems appropriate.

AMENDMENT OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Wisconsin: Page 38, after line 19, insert the following:

Notwithstanding any other provision of law, no community development grant provided in fiscal year 1994 or any succeeding fiscal year under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) may be used for any activity (including any infrastructure improvement) that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

Mr. STOKES. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, the amendment that Mr. KLECKZA and I propose would add an antipiracy provision to the Community Development Block Grant Program in the Department of Housing and Urban Development. It would prevent the use of community development grant funds from being used for any activity that is intended, or likely, to facilitate the relocation of jobs from one area to another area.

Just days ago, we learned that almost a quarter of a million dollars in Federal funds will be used to help pay for a $23 million plant relocation that will cost jobs in the Milwaukee area. This is not an appropriate use of the CDBG Program, and is an incredible misuse of Federal funds. Unfortunately, under current law, this scenario could happen in any State.

The CDBG Program is a good program that greatly assists our State and local governments in implementing effective community development plans. But these funds are supposed to be used to help communities and States promote community and economic development.

CDBG funds should not be used simply to shift jobs from one State to another. This is robbing Peter to pay Paul.

Our amendment is very similar to provisions in the Housing and Community Development Act of 1974 that prohibited the use of urban development action grants for projects intended to move jobs from one area to another area. It extends the same protections to CDBG funds and will prevent grants from being used to shift jobs from one part of the country to another area.

□ 1710

If the antipiracy language is adopted, Wisconsin taxpayers and other taxpayers across our country would no

longer be forced to pick up the tab for transferring jobs from their State. Let us work to end this misuse of Federal dollars.

The chairman of the HUD authorizing committee, the gentleman from Texas [Mr. GONZALEZ], has expressed his support for this amendment. The gentleman from Wisconsin [Mr. KLECZKA] and I will be working with Chairman GONZALEZ and hope to work with our colleagues to ensure that this language is enacted into law.

Mr. Chairman, I concede the point of order. The gentleman from Wisconsin [Mr. KLECZKA] and I offer this amendment because it is good public policy. We will pursue other avenues to deal with the misguided use of CDBG funds.

Mr. KLECZKA. Mr. Chairman, while we will unfortunately have to accede to this point of order, let me comment briefly on what the Barrett-Kleczka amendment would have done. The amendment is an effort to right a serious wrong and to ensure that Federal CDBG funds are not used for piracy.

The Briggs and Stratton Corp., of the Milwaukee area has recently announced that it will be moving 2,000 jobs out of Wisconsin in order to expand its operations into Missouri, with the help of a $209,000 Community Development Block Grant. Therefore, the said irony is that Wisconsin taxpayers have unknowingly played a role in the loss of their own jobs.

We all know the purpose of the Community Development Block Grant: to spur economic growth and improve life for low- and moderate-income residents of an area. There are many examples of the positive use of these funds in the Milwaukee area alone. In a typical year, examples include improvements to more than 4,000 housing units, job training or placement assistance to several hundred residents, and expansion or improvements to approximately 100 Milwaukee businesses.

The Walkers Point Development Corp., was recently awarded a grant to aid in housing acquisition, rehabilitation, and disposition to first-time homebuyers. The Milwaukee Christian Center was the recipient of a $500,000 Community Development Block Grant. The funds will be used to operate an owner-occupied rehabilitation program for low-income homeowners. Last year, the program was able to improve almost 50 units with CDBG funds. Journey House, a youth center in Milwaukee, was provided $85,000 for its programming for inner-city youth.

So, you can see that the Community Development Block Grant Program is indeed a worthy, commendable program that assists our communities in providing much-needed neighborhood services and clearly betters the lives of many residents. That is why it is so outrageous to me that CDBG funds could be distorted to lure jobs from State to State. The program was meant to create jobs, not to snatch them.

In fact, I have already been contacted by several constituents who will personally suffer due to this move. They are angry that Wisconsin taxpayer funds are being used to take jobs away from Wisconsin. I agree with my constituents that this is clearly not an appropriate use of this commendable program. The amendment we are offering today is a clear, honest attempt to right this wrong and to disallow future use of CDBG funds to lure companies.

What should we tell those loyal employees who will clearly suffer as a result of Federal funds being spent in this manner? What about their families who will suffer?

Mr. Chairman, we need to let our constituents know that we recognize the worthiness of the Community Development Block Grants benefitted by the program, not harmed by it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] insist on his point of order?

Mr. STOKES. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STOKES. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law. It constitutes legislation in an appropriations bill. Therefore, Mr. Chairman, it violates clause 2 of rule XXI. That rule states in pertinent part:

"No amendment to a general appropriation bill shall be in order if changing existing law."

Mr. Chairman, the amendment would modify the Housing and Community Development Act of 1974. I, therefore, Mr. Chairman, ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BARRETT] concede the point of order?

Mr. BARRETT of Wisconsin. Yes, I do, Mr. Chairman.

The CHAIRMAN (Mr. BEILENSON). The gentleman from Wisconsin concedes the point of order, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal travel regulations.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $1,730,000 are rescinded.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $43,486,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103-82) (hereinafter referred to as "the Act"), $490,388,000 to remain available until September 30, 1996, except as provided hereafter: *Provided*, That not more than $27,400,000 is available for administrative expenses authorized under section 501(a)(4) of the Act, of which not more than $13,700,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of subtitle C of title I of the Act: *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $125,900,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust Fund for educational awards as authorized under subtitle D of title I of the Act.

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, $1,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7292, $9,289,000, to be available without regard to section 509 of this Act, of which not to exceed $650,000, to remain available until September 30, 1996, shall be available for the purpose of providing financial assistance as

described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses; $12,017,000 to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH, PREVENTION AND PROGRAM ACTIVITIES

For research and development, prevention, abatement, compliance and enforcement activities, including hire of passenger motor vehicles, hire, maintenance, and operation of aircraft; purchase of reprints, library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $9,000 for official reception and representation expenses; $1,600,300,000, to remain available until September 30, 1996: *Provided*, That not more than $250,000,000 of these funds shall be available for operating expenses, including not more than $55,000,000 for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development: *Provided further*, That none of the funds appropriated under this heading shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amended offered by Mr. UPTON: On page 43, line 10, after "1996" insert: "except that none of this amount shall be available for a grant of $285,000 for a further study on methane and ruminant productivity".

Mr. UPTON. Mr. Chairman, at this point I ask unanimous consent that I be able to offer this same amendment after the debate and vote on the space station amendment.

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

There was no objection.

The CHAIRMAN. The gentleman withdraws his amendment at this point.

The Clerk will read.

The Clerk read as follows:

PROGRAM AND RESEARCH OPERATIONS

For necessary expenses, not otherwise provided for, for personnel and related costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; $935,000,000

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $44,595,000, of which $15,384,000 shall be derived from the Hazardous Substance Superfund trust fund and $669,000 shall be derived from the Leaking Underground Storage Tank trust fund: *Provided*, That not more than $41,150,000 of these funds shall be available for administrative expenses.

FACILITIES AND NATIONWIDE SUPPORT

For construction, repair, improvement, extension, alteration and purchase of fixed equipment or facilities of or for use by the Environmental Protection Agency, and for nationwide support of facilities-related activities, $174,700,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,425,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $229,391,000 during fiscal year 1995: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $69,000,000 of funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1995: *Provided further*, That no more than $308,000,000 of these funds shall be available for administrative expenses of the Environmental Protection Agency: *Provided further*, That none of the funds appropriated in this Act may be made available for program management of Alternative Remedial Contracting Strategy (ACS) contracts exceeding 11 percent of the total cost of such contract.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $70,000,000 to remain available until expended: *Provided*, That no more than $8,150,000 shall be available for administrative expenses.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $20,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,420,000 of these funds shall be available for administrative expenses.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, the Water Quality Act of 1987, and the Public Health Service Act, $2,732,000,000, to remain available until expended, of which $1,787,000,000 shall not become available until December 31, 1995: *Provided*, That of the amount which becomes available on October 1, 1994, $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; and $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act: *Provided further*, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858) for construction of a connector sewer line, consisting of a main trunk line and 4 pump stations for the town of Honea Path, South Carolina, to the wasterwater treatment facility in the town of Ware Shoals, South Carolina, shall include demolition of Chiquola Mill Lagoon, Clatworthy Lagoon, Corner Creek Lagoon, and Still Branch Lagoon.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STOKES: On Page 47, lines 17-18, strike: "December 31, 1994" and insert in lieu thereof: "authorized by law".

On page 47, line 23, after the word "amended" add: ", and shall not become available until authorized by law".

Mr. STOKES. Mr. Chairman, this amendment will delete the language in the water infrastructure/State revolving funds account stating that the wastewater funding is delayed until December 31, 1994, and instead makes the availability of such funds subject to authorization.

Further, Mr. Chairman, the amendment states that the nonpoint-source grants funding will not become available until those funds are authorized in consultation with the gentleman from California [Mr. MINETA] of the Committee on Public Works and Transportation. We have agreed to include language which would subject the availability of funds to authorizing legislation. We had included language in the

bill and the report addressing this matter, but after further consultation, we have agreed to the modification proposed by the gentleman from California [Mr. MINETA].

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from Ohio [Mr. STOKES] in a colloquy.

Mr. Chairman, as a member of the authorizing committee, let me commend the chairman of the Appropriations subcommittee for his efforts to insure that the programs he is funding are fully authorized. Let me point out, however, that this is the end of June and we are still working on clean water reauthorization. The issues before us are complex, and, despite everyone's best intentions and efforts on the authorizing committee, we have not moved the bill. We all want a bill. The gentleman from California [Mr. MINETA] wants a bill. The members of the committee supporting a bipartisan alternative to his bill want a bill. We all want to get it done as soon as possible. But to date, Mr. Chairman, we have not agreed on what the bill should look like. Given that fact, Mr. Chairman, there is a risk that reauthorization will not happen this year.

I would like the distinguished chairman's assurance that, as this appropriations bill moves forward, he will reexamine what progress has been made on clean-water legislation and do what he can to try to ensure funds for States and local governments.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. PETE GEREN of Texas. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, the gentleman has my assurance that this issue will be carefully considered in conference, that we will take into account where the reauthorization process stands at that time, what the likelihood of reauthorization is, if it has not been accomplished at that time, as well as the needs of the available communities and States. Obviously I cannot today prejudge the outcome of the conference, but those are the factors that we would take into account.

Mr. PETE GEREN of Texas. Mr. Chairman, I certainly appreciate the contribution of the gentleman from Ohio [Mr. STOKES] and his hard work in bringing this bill to the floor.

□ 1720

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think it is a good amendment, and it is in keeping with the fundamental principle that we should be authorizing appropriations before the funds are appropriated, and any appropriations should be subject to authorization.

I certainly commend the distinguished gentleman from Ohio [Mr. STOKES], the chairman of the appropriations subcommittee, for the assurances which he has given us concerning his recognition of the importance of clean water funding to be continued.

There are mandates levied upon our States and our localities well in excess of $100 billion. Therefore, for us not to continue this highly successful environmental program for clean water improvement would be very irresponsible.

Now, there are some who have argued that this is a cynical ploy to put in place the argument that States and localities must back away from their interest in seeing us reform this program, their interest in seeing us reform the wetlands problems facing this country, their interest in seeing us reform the unfunded mandates and seeing us reform the various regulations, the onerous regulations imposed upon not only our States and localities, but private institutions and people as well.

I reject the notion that that is the reason for this amendment. I reject the notion that this is simply a cynical ploy to tell the States and localities that the clean water bill will be a take-it-or-leave-it proposition. I believe, indeed, that everyone is proceeding in good faith, that everyone recognizes that we need legislation, that the Committee on Public Works and Transportation will have the opportunity to work its will on this legislation. Once we have worked our will on this legislation, that legislation will be brought to the floor, and we will have an open and fair debate.

So, recognizing and believing that indeed there is no undercurrent, sub rosa effort here to simply use this amendment as a mechanism to force States and localities to be whipped into line to support legislation that they really would like to see reformed, believing, rather, that everybody is acting in good faith and we will indeed have the opportunity to work our will on clean water legislation, I strongly support this amendment offered by the distinguished chairman of the subcommittee.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by Mr. STOKES.

This bill would appropriate nearly $1.8 billion for wastewater treatment State revolving funds and $100 million for nonpoint pollution programs under the Clean Water Act.

The problem is that neither of these programs is authorized, and under House rules they may not be appropriated unless they have been authorized.

Now I fully understand the importance of these programs. In fact one of the main reasons I and many of my committee colleagues have been working so hard to get the Clean Water Act reauthorized in a form which can be enacted is that I not only want this spending authorized, I want it substantially increased.

I would have been within my rights to insist that this spending not be protected under the rule and be knocked out on a point of order. That would have left us with no money at all for these programs. Because I recognize the importance of these programs, I did not do that. Instead, with Mr. STOKES and Mr. OBEY, I worked out a compromise under which the funding would not be knocked out and the amendment now offered would make it subject to authorization. This compromise was designed to preserve the funding as the appropriations process moves forward and to avoid a confrontation over the issue.

Anyone opposing this amendment is telling me and everybody else that we should not work out these compromises, we should just strike the funding outright and we should not reach any accommodations with anyone. It that's what you want, we can do business that way, but I would not recommend it.

I would also add that the amendment being offered is designed to help us achieve reauthorization of the Clean Water Act, and many of you have reason to hope that that reauthorization is enacted. The most important reason in my view is that the burdens of cleaning our Nation's waters now fall only on the municipalities and industries which hold discharge permits. The future burden on those permit holders will continue to increase without a bill, because they are the only ones doing the cleanup. Under our reauthorization bill that burden would be spread more evenly and more efficiently, so that those who now hold permits would not have to bear the entire future burden. Anybody who now holds a discharge permit, or who discharges to somebody who does, needs a reauthorization bill and has good reason to support Mr. STOKES' amendment.

And finally, to those who are concerned about fiscal responsibility and careful scrutiny of spending, the Stokes amendment stands for the proposition that before we spend money around here the spending ought to be fully reviewed by both the authorizing process and by the appropriations process. If we start giving a bye to a billion here and a billion there, letting spending just go through the appropriations review without going through the authorizing review, then, what we are doing is allowing the taxpayer's money to be spent in a far more casual way, with far less scrutiny and far less accountability. That is not the way to protect the taxpayer's best interests.

I therefore urge a "yes" vote on the Stokes amendment.

[Mr. LEWIS of California addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stokes amendment, and say what a refreshing change it is from last year.

Mr. Chairman, this amendment is critical to the procedural integrity of this institution. Last

year the Public Works Committee and the Appropriations Committee fought a long and contentious battle on the issue of appropriating unauthorized funds for transportation. This fall the authorization for the funding of the CWA runs out and to appropriate unauthorized funds would place us in the same awkward position we were in last year.

Chairman STOKES, to his credit, has taken a critical step in preventing a battle over unauthorized funding and has crafted an amendment that makes the appropriation of CWA funding contingent on an authorization. As the ranking member of the Water Resources and Environment Subcommittee, I applaud Chairman STOKES' efforts. It is critical to preserving the authorizing committee's role in determining the most cost-effective way to direct our Nation's limited water infrastructure dollars.

FISCAL RESPONSIBILITY

In these fiscally tough times it simply makes no sense to appropriate nearly $2 billion without giving thorough consideration on how this money can best be used to meet our Nation's water quality needs. As over 2 years of hearings before our committee have shown, we can get significantly greater bang for our buck by putting resources into reducing nonpoint source pollution instead of continuing to ratchet down on municipalities and industry. Without a new authorization we will not be applying our water resources in the most effective way.

I urge all of my colleagues to support the Stokes amendment. It is a vote for fiscal responsibility and a vote to preserve the authorizing process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION

Of the budgetary resources available to the Environmental Protection Agency during fiscal year 1995, $7,525,000 are permanently canceled. The Administrator of the Environmental Protection Agency shall allocate the amount of budgetary resources canceled among the agency'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. For the purposes of this paragraph, 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 service and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $997,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $320,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,418,000, as authorized by section 319, and $1,980,000, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $175,000,000 under section 319 and not to exceed $3,000,000 under section 417 of the Stafford Act: *Provided further*, That any unused portion of the direct loan limitation and subsidy shall be available until expended.

In addition, for administrative expenses to carry out the direct loan program, $145,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $165,000,000.

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, $4,400,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $220,345,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $130,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $14,913,000 shall be transferred as needed to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $49,229,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1996. In fiscal year 1995, no funds in excess of (1) $32,000,000 for operating expenses, (2) $253,641,000 for agents' commissions and taxes, and (3) $12,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected in fiscal year 1995 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1995 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1995.

Of the budgetary resources available to the Federal Emergency Management Agency during fiscal year 1995, $1,441,000 are permanently canceled. The Director of the Federal Emergency Management Agency shall allocate the amount of budgetary resources canceled among the Agency'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 allocate to such account. For the purposes of this paragraph, 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 service and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,008,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1995 shall not exceed $2,454,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1995 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,166,000: *Provided*, That notwithstanding any other provision of law, that Office may solicit, accept and deposit to this account, during fiscal year 1995, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further*, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,592,900,000, to remain available until September 30, 1996.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment, and ask unanimous consent that it be considered out of order, notwithstanding that the paragraph has not been read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: On page 57, line 4, delete the following, "$5,901,200,000," and insert "$5,889,200,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. STOKES. Mr. Chairman, reserving the right to object, I do so to inquire if we could have an agreement to have a limit on debate time.

Mr. HEFLEY. Mr. Chairman, if the gentleman will yield, I think a time limit would be appropriate. What would the gentleman have in mind?

Mr. STOKES. Mr. Chairman, I would suggest 20 minutes, to be divided equally between the gentleman from Colorado [Mr. HEFLEY] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado [Mr. HEFLEY] with regard to taking up this amendment out of order?

There was no objection.

The CHAIRMAN. Is there objection to the proposed time limit, 20 minutes, to be divided 10 minutes on each side, on this amendment and any amendments thereto?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 10 minutes and the gentleman from Ohio [Mr. STOKES] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

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

Mr. Chairman, the amendment before us is intended to limit spending for the Consortium for International Earth Science Network in Saginaw, MI, to $6 million. Offering this amendment has become almost a tradition with me. The reasons for offering it have not changed.

Five years ago this project, like so many others, simply appeared in the NASA budget. Over the past few years, this body has okayed nearly $100 million on a facility of questionable merit, and this year we apparently intend to spend $18 million more. That is $12 million more than NASA requested before the Committee on Appropriations began its deliberations.

□ 1730

Let me repeat that. NASA requested $6 million, the figure that I am saying we should move back to. In the bill we are offering to give them $1 million more than they requested.

I know the Michigan delegation is going to answer these remarks by saying that CIESIN is necessary to process the information NASA will receive from mission to Planet Earth. But last year, its defenders said CIESIN was meant to accomplish an exciting new mission.

Get what the exciting new mission is, Mr. Chairman. The exciting new mission was to study the impacts of environmental change on society. In its report last year the Committee on Science, Space, and Technology said CIESIN needed to refocus its mission from local economic development and university support to international data collection. This year it is being presented as one of eight distributive archives centers for the Earth observing system, the only one specializing in socioeconomic data.

What will it be next year? Mission control? Who knows what it will be. Let me read from a report by NASA's own inspector general office on CIESIN.

Initially, CIESIN conducted research in the field of earth sciences in support of NASA's EOS program. However, it has evolved into an organization specializing in the acquisition and distribution of human dimensions data. As such, CIESIN's primary focus is outside of NASA's earth science expertise, thereby affecting NASA's ability to provide adequate oversight and focus. CIESIN has also received funding through NASA to construct a $7 million facility that may not be needed, especially considering the questionable basis being used to justify the construction.

That is not something that I said. This comes from the inspector general's report, Mr. Chairman. I charge that the only purpose CIESIN has is to pump Federal dollars into Saginaw, MI. If we need a center to interpret environmental data from satellites or study interactions between society and the environment or to do any of the other missions CIESIN supporters have dreamed up for it over the years, I am sure there are existing laboratories and universities that can do the work more cheaply and efficiently than this thing can be done. I am sorry that the only way I can make this point is to cut $12 million from the science, aeronautics, and technology account. I would like to take that money and put it back into that account in some more productive way, but I cannot do that. The thrust of most of the debates on NASA has been that we are asking the space agency to do too much, that they do not have any money. In a perfect world, we could simply amend this bill to ban funding for CIESIN and let NASA use the money for more sensible purposes. Instead, cutting money is the only way I can make my point.

No one should be under any illusion that CIESIN is an integral part of NASA's mission. This is one manifestation of an insidious game. Somebody's pet scheme gets planted in appropriations not just at NASA but at a lot of other agencies, particularly the energy department. The agency attempts to humor Congress by working around the request, but it grows and grows in seemingly reasonable limiting increments.

Eventually it begins to erode the agency's ability to do the job that it was meant to do. A million here, a million there, pretty soon we are talking about a lot of money. And CIESIN is talking about a lot of money. CIESIN should not have been funded in the first place, and it does not belong in this budget. If Members care about restraining government spending, if they believe in the space program or even if we still harbor the faintest belief that government can do something right, then Members will vote for this amendment.

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

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

Mr. Chairman, I rise in opposition to the gentleman's amendment to decrease funding for CIESIN, the Consortium for International Earth Science Information Network from $18 million down to $6 million.

The committee has included $18 million for CIESIN in 1995, which is approximately the 1994 funding level.

Mr. Chairman, for a number of years there has been some disagreement about the funding level for CIESIN, but there is absolutely no disagreement about its need. As others who are familiar with the Mission to Planet Earth Program have said, "if we did not have a CIESIN, we would have to invent one."

During the 1995 budget hearings, I inquired as to NASA's position regarding CIESIN. Dr. Kennel, the associate administrator for Mission to Planet Earth stated, and I want to quote him:

> Now, for the record, I think it is important to state that we are very happy with the objectives of CIESIN, and we believe they play an important role in global change research.

The overall goal of CIESIN is to increase our understanding of the human dimensions of global change by providing a framework for the integration of social and natural science data for research. This program will facilitate the access to and use of Mission to Planet Earth data for earth science research and public policymaking.

Mr. Chairman, over the next few years this Nation will spend billions of dollars to collect data to improve our understanding of the processes in the atmosphere, oceans, and on land surfaces and the interactions between these components. This effort would generate and unbelievable amount of data. To be of any real value, this data must remain available in a readable and usable form and must be disseminated to researchers across the United States and around the world. That is what CIESIN is set up to accomplish.

I would urge the Members to support the CIESIN effort at the current level of $18 million and to defeat the gentleman's amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado. It is a misrepresentation of what CIESIN needs, and would be a blow to appropriately using the billions of dollars worth of environmental data that is stored throughout the Federal Government.

It is true that CIESIN received an appropriation of $5 million last year. It is also true that this House on three occasions voted to sustain CIESIN with an authorization and an appropriation of $18 million.

The situation last year was that when one added the $5 million appropriated in the conference agreement to the $13 million in fiscal 1993 funds that carried over to fiscal 1994, CIESIN was able to operate at an $18 million level in fiscal 1994.

The amount provided by the appropriations committee is a continuation of the current level of effort for this worthwhile program. I have talked with NASA Administrator Dan Goldin, and he has told me that the administration has no objection to the $18 million for CIESIN. I have talked with Vice President GORE, and he has told me that the administration understands CIESIN's mission and is supportive of it.

Mr. Chairman, CIESIN wants to provide one-stop access to environmental science data bases. It makes it technically possible for scientists, educators, policymakers, and the public to search diverse data bases, and for the first time permits the integration of physical science data with social science data including economic, health, and ecological data. CIESIN works with NASA, the Department of Defense, EPA, the Department of Agriculture, the Office of Science and Technology Policy, the Department of State, the Agency for International Development, and the list goes on.

CIESIN has 24 points of correlation with the stated goals of the administration on environmental policy and data management. Forty-four U.S.-based and international data holding institutions have agreed to unify their catalogs and share data on the CIESIN network worldwide, including the United Nations, the World Bank, and the World Health Organization. CIESIN has competitive applications pending with the OAS, the United Nations, the World Bank, the Soros Foundation, and several other Federal agencies.

CIESIN is good science, it is necessary science, it is cost-conscious science, and it is cost-effective science. Please oppose the Hefley amendment.

□ 1740

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, to respond to the comments that have been made.

For several years, Mr. Chairman, I have tried to cut out CIESIN altogether. The reason I have is when we first went to NASA and we said "What is CIESIN?" and they said "We do not know." I said, "Why is it in the budget?" They said, "We do not know why it is in the budget."

The gentleman who just spoke, his predecessor put it in the budget; Mr. Traxler, I believe, put it in the budget. That is why it is in the budget.

What is it supposed to do? They told us, 2 or 3 years ago when they started this, they told us one thing it was supposed to do. Last year it was something else it was supposed to do. Now it is a third thing it is supposed to do.

All people get up and talk about it being such a vital, important part of the overall NASA program. Yet NASA says, "We do not know what it is. We do not know why it is. We do not know why it is here."

As I understood it, there was a deal struck last year to provide CIESIN with $6 million a year over the coming years. Somehow that deal has broken down, because we are talking not $6 million, not twice that, not $12 million, but three times that. We are talking $18 million.

How much money, now that NASA has been reminded that there is a CIESIN and it is part of their budget, how much does NASA think they ought to have for it? NASA thinks they ought to have $6 million, not $18, not $12 million. NASA thinks they ought to have $6 million for it.

The gentleman mentioned that there was no disagreement regarding the need. There is tremendous disagreement regarding the need. This is not a unique organization, where this information flows only here. There are eight centers where this kind of information flows.

Mr. Chairman, we do not have to have this one. Let me read, if I might, from the NASA Inspector General's report on evaluation of CIESIN. Its headline is: "CIESIN Funding Could Be Reduced."

It said, "The consortium had not spent", and Mr. Chairman, I would like to emphasize this, "The consortium had not spent its entire fiscal year 1992 appropriations, and a substantial amount of 1993 operating funds, as of September 30, 1993. This occurred because NASA held up fiscal year 1993 funds until CIESIN had submitted an acceptable, revised budget proposal. At current spending levels, the unexpended funds could allow CIESIN to operate through the majority of fiscal year 1994. Therefore, NASA can significantly reduce," get this, the Inspector General, not JOEL HEFLEY, not someone who just likes to cut the budget, but NASA's Inspector General says, "Therefore, NASA can significantly reduce or eliminate CIESIN's fiscal year 1994 funding," because they have not spent all the money. There is still money there in the bank, drawing interest. We have not spent all the money.

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

Mr. STOKES. Mr. Chairman, may I inquire as to how much time I have remaining, and how much time the gentleman from Colorado has remaining?

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] has 4 minutes remaining, and the gentleman from Colorado [Mr. HEFLEY] has 2 minutes remaining.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN]

the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, first may I compliment the author of this amendment for his continuing scrutiny of earmarks and unnecessary programs in the budget. I had the same feelings about this program initially several years ago, and as Members may recall, I strenuously resisted its continuation in the form that it existed.

I have, however, working with both NASA and the gentleman from Michigan [Mr. BARCIA], who now represents this district in which CIESIN exists, been seeking very diligently to bring this program into line with the overall goals of NASA and with the proper procedures of the House.

Mr. Chairman, I would feel very badly, after we have worked so hard to have this program authorized, have it requested by the administration, have it examined by the GAO, and having found it to be now in accordance with the best standards that we have, I would feel very badly if the House would not turn on this project and say, "We are going to cut it out of the budget." I think that would be wrong.

I am going to continue to focus on earmarks, I am going to preach the gospel that we can work to authorize these programs, and we can make them better and stronger, and I hope my colleagues on both sides will agree with me that we can do that. If so, I think we can bring a much more orderly process to the House, protect good programs, and continue to support the kind of processes that are good for legislation.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am glad to yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I agree with the remarks of the gentleman from California, and would like to make this point. As a supporter of a number of the things NASA does, we need to have a downlink in this country to decipher the information collected. Without something like CIESIN we lose the capability and it is worthless, the stuff that it would otherwise be sending back.

This facility does in fact decipher that data. It allows our scientists to figure out what is going on and what we can do, and because of that, I would urge my colleagues to vote no on this amendment.

Mr. BROWN of California. The gentleman's comments are very well taken. The management of CIESIN now is in the hands of the best professionals that can be found. I have discussed the program with them. I know it is an evolving program, Mr. Chairman, but it will fit a very important need.

Mr. HEFLEY. Mr. Chairman, I yield 30 second to the gentleman from Michigan [Mr. CAMP], who is not supportive of my amendment. The gentleman is from Michigan and I think he ought to have a right to have his say.

Mr. CAMP. Mr. Speaker, I want to thank the gentleman from Colorado [Mr. HEFLEY] for yielding time to me.

Mr. Chairman, the actions of the House are at times hard to understand. Yesterday in an almost unanimous vote we supported legislation allowing the continuation of the information superhighway. Today we are faced with an amendment that can only be seen as a detour.

CIESIN, which is funded by NASA, a research institution, provides this country with the research advantage that other countries can only dream of attaining. It is a computer network filled with critical information for individuals, businesses, and educational institutions.

I have joined my friend, the gentleman from Colorado, on this floor to fight against government waste. CIESIN has maintained its operating costs.

I urge a "no" vote on this amendment.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] has 1½ minutes remaining, and the gentleman from Ohio [Mr. STOKES] is entitled to close.

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

Mr. LEWIS of California. Will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, the gentleman has been more than helpful, and I appreciate that, regardless of his position.

While I do support the statement of the gentleman from Michigan [Mr. UPTON], I think the way the gentleman from Colorado [Mr. HEFLEY] has handled himself is highly professional and very helpful to the process.

Mr. HEFLEY. Reclaiming my time, Mr. Chairman, I thank the gentleman very much. I appreciate that, particularly coming from a dear friend such as the gentleman from California [Mr. LEWIS].

Another dear friend, the gentleman from Michigan [Mr. UPTON] just made a statement that I think we ought to deal with. That is, if we lose this, the data that is coming down is worthless.

Mr. Chairman, let me point out again that we have at least eight other centers that collect this data. This is not the only one. They do not have a unique capacity that no place else has.

In fact, we cannot find any reason through NASA as to why this exists, except that a powerful member of the Committee on Appropriations wanted it in his district. That is all we can find. If we talk to some of the NASA people privately, they will not come in here and say that to us, but they will tell us, though, that that is the case.

Mr. Chairman, let me point out a second thing, and then I will close, because we do not want to prolong this too long.

The second thing is, Mr. Chairman, I am not trying to cut out the budget for CIESIN. What I am doing is asking us to exercise a little fiscal restraint, and to cut out the amount of money that NASA did not request.

□ 1750

Let us give NASA every penny they requested, but let us cut out the $12 million they did not request.

Mr. STOKES. Mr. Chairman, I yield the balance of my time, for the purpose of closing debate, to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I would just like to comment briefly with regard to the remarks of the gentleman from Colorado regarding the Inspector General's report. It is true that NASA did, in fact, evaluate the effectiveness of CIESIN and there was an interim report which I think the gentleman made reference to on the floor this evening relative to what were perceived deficiencies in the administration at CIESIN.

I do want to tell the gentleman that the final version of the inspector general's report gave what is in my opinion a glowing recommendation to the program and the necessity. I will concede the point that perhaps CIESIN is fulfilling a role that is even broader than perhaps NASA's mission. This is the actual final document that the inspector general published and all of the concerns have been answered by CIESIN. They did publish this reply to the NASA audit report. I would be happy to share that with the gentleman from Colorado [Mr. HEFLEY]. I know certainly the gentleman from Colorado is well intentioned and concerned about the expenditures. I am absolutely confident that the work that CIESIN is doing is critical to the overall mission of NASA and several other Federal agencies.

It is my hope that the gentleman's amendment will be turned down, and I pledge my cooperation in working with the gentleman to answer any unresolved questions that may have been raised by the inspector general's interim report as well as any other concerns the gentleman has.

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

Mr. BARCIA of Michigan. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to rise in support of the gentleman's statement. NASA's position regarding CIESIN funding has been talked about earlier in this debate. I must say that since that time, NASA has had reason to readjust their thinking about CIESIN and that should be noted in the RECORD as well.

Mr. BARCIA of Michigan. I thank the gentleman. Dr. Goldin has been very

supportive in recent discussions of CIESIN and I am hopeful that the climate with NASA will be much better in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 264, not voting 6, as follows:

[Roll No. 308]

AYES—169

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Coppersmith
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Deutsch
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Maloney
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCurdy
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Synar
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—264

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Bartlett
Faleomavaega (AS)
Machtley
Reynolds
Schumer
Washington

□ 1814

Messrs. BILBRAY, DINGELL, EWING, MFUME, and RAVENEL changed their vote from "aye" to "no."

Ms. SCHENK and Messrs. PENNY, BARRETT of Wisconsin, SMITH of New Jersey, and DEUTSCH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, no one comes to Congress without working very hard to get here. There are an endless variety of reasons behind all of that hard work, but I would venture to guess that a common thread is our desire to contribute a little something toward influencing the future. We each want to help build something toward tomorrow better than what we see today.

The nature of those contributions takes different forms depending on our priorities or our district's needs. Some of us seek to build a strong economic foundation; some to help the unfortunate; some to build infrastructure; some to promote and defend national interests; some to educate, and some to protect. But all of us think about the future because as President Teddy Roosevelt once said:

* * * policy rests upon the fundamental law that neither man nor nation can prosper unless, in dealing with the present, thought is steadily taken for the future.

Today's decision is about the future. Today's decision is about doing something that will be remembered as a step into humankind's destiny. Today's decision is about contributing to the never-ending quest of human exploration. Today's decision is about looking beyond our present problems and building something toward tomorrow.

The space station, like all the other vehicles that have carried us toward the future, is surrounded by controversy. Its easy to dispute, even mock, the unknown, Because what we will learn by going to the frontier is more about imagination and hope that it is about hard, cold fact, the potential of space station often defies description; and that is a problem in legislative debate.

But history, rather than science, is instructive. The easy argument against exploration always has been not here, not now because there are too many other needs which must be met first with limited resources. Invariably, throughout history, that easy argument has been wrong. Men and women who have bought the easy argument have become defenders of the status quo and their dreams have been lost. Nations which have bought the easy argument have lost their sense of destiny and declined in both power and prestige.

Between now and the year 2002, we will spend something less than two-tenths of 1 percent of our projected national outlays to build, orbit, and man a space station. In the same period, we will spend almost nine times more on food stamps. We will spend at least 12 percent of total national outlays, or more than 70 times what we spend on space station, paying interest on the national debt. Massive commitment to

debt and welfare without small investments in exploration and imagination is not the foundation on which great nations are built or sustained.

Still, putting men and women in space to live and work takes real money. We owe the American people no less than an assurance that the money will be well-spent. I believe those assurances are really apparent.

We will do completely unique scientific work aboard space station that holds the promise of new discoveries. The payoff could be enormous.

We will develop new technologies in order to build the space station which will allow us to build world-class products here on earth. The payoffs will be immediate and real.

We will forge a partnership with the Russians which will build mutual trust and respect. The payoff is a promise of peace.

We will cooperate in an international venture which may prove a model for other scientific endeavors. The payoff will be a triumph of American leadership.

Are the payoffs worth the price? For some here, the answer is obviously no. But they would have us give up a lot.

When you abandon space station, you stop 30 years of progress in human spaceflight.

When you abandon space station, you leave the space shuttle as a magnificent flying machine without its original mission.

When you abandon space station, you kill off the last major science project being done with international partners and jeopardize any future cooperative efforts.

When you abandon space station, you abandon American leadership in the arena of the future and leave the potential of space to others.

When you abandon space station, the dream is no longer alive.

"Without vision, the people perish." So states Biblical wisdom. Where is the vision in spending vastly more for debt service than we spend for dreams?

If you came to Congress to, in some small way, touch the future, here is your chance. Somewhere out there, on the endless frontier, is the destiny of humankind. We can step toward that destiny, or we can step back, away from it. I hope most of us choose to step forward. For as T.S. Eliot tells us in "Little Gidding," in exploration is fulfillment. He wrote:

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.

Your support for space station will allow Americans to know a new and unique frontier for the first time. And in knowing that frontier, America will define the future.

Mr. BATEMAN. Mr. Chairman, I rise today in opposition to this amendment and want to express my strong support for the space station. As cochair of the space caucus and the representative of a district which includes NASA's Langley Research Center, I have spent a great deal of time involved in the activities of the U.S. space program, and I believe that the space station project is essential to the future of our Nation.

Some would argue that the future of our Nation is here on Earth rather than in space. However, technology developed through the U.S. space program already benefits us in many ways and the space station will enable us to develop new and more advanced technologies that will help make life here on Earth better and safer. This spinoff technology is employed regularly in computers and communications, health and medicine, the environment, home and recreation, and public safety. For example, some rescue services are better able to monitor the exact location of their units and greatly reduce response time. Firefighters now have lighter and more efficient breathing apparatus. And, spinoff technology is used to enhance scanning devices used in hospitals and airports. There are thousands of examples of spinoff technology from which we reap daily benefits. Money spent on the space station is indeed an important investment in our future here on Earth.

Now let me turn to those who have dubbed the space station as a wasteful program that only will add to the deficit. I am extremely concerned about the deficit and believe it is essential for the Federal Government to practice fiscal responsibility to stop spending from spiraling out of control. I would like to point out that this amendment will not cut any spending from the fiscal year 1995 NASA budget—it simply will reapportion funds and bar the use of any NASA funds in this bill for the space station program. This is not a deficit reduction amendment.

In addition, the space station program recently has undergone a significant redesign effort that has produced a more streamlined and more efficient project that is operating within reduced budgetary constraints and on schedule. The reorganized project also includes the participation of the Russians, who bring with them 20 years of space station technology. While not depending on Russian technology, the program will reap the benefits of enhanced efficiency and scientific payoff.

The international space station is a project that will enable the United States to maintain its position as a world leader in technology. It also will serve as an important foreign policy initiative, bringing together countries across the globe to share in the costs and add experience and technology to the effort. Abandoning the space station will hurt the national economy and the economies of 39 States and the District of Columbia, which will gain revenue from the project. In addition, it would endanger the jobs of roughly 70,000 U.S. workers employed in space station-related activities.

Again, I express my strong opposition to this amendment. It does not reduce the deficit. it endangers the United States ability to compete in the world economy and high-tech arena. And it would send a signal that the United States is not committed to openness and cooperation in its foreign policy efforts.

□ 1820

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment, which would appear at page 75, be allowed to be offered out of order to expedite the matters this evening.

The CHAIRMAN. Does the gentleman wish to offer his amendment at this time?

Mr. TRAFICANT. Yes, Mr. Chairman, I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 75, strike lines 14 through 19 and insert the following:

SEC. 518. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a Buy-American amendment that has been on all the appropriations bills.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

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

Mr. STOKES. Mr. Chairman, I have discussed this Buy-American amendment with the gentleman from Ohio [Mr. TRAFICANT]. We would accept his amendment.

Mr. TRAFICANT. With that, Mr. Chairman, I urge an aye vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment made in order by House Resolution 465.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 56, line 16, strike "$5,592,900,000" insert "$4,653,200,000".

Page 57, line 4, strike "$5,901,200,000" and insert "$6,727,587,000".

Page 57, line 25, strike "$2,549,587,000" and insert "$2,662,900,000".

Page 60, after line 12, insert the following:

None of the funds made available in this Act to the National Aeronautics and Space Administration may be used for the space station program.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. ROEMER] will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. ZIMMER] and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

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

Mr. Chairman, we will debate for the next 2 hours one of the most serious topics that a people can debate, our future, what we decide to invest in as a Congress and as a people, and there will be tough choices, tough choices about what we come here to vote on. What we decide is important.

The gentleman from Pennsylvania [Mr. WALKER] just gave a beautiful speech quoting Isaiah from the Bible, without vision the people will perish, but with bad vision, with bad science, with bad investments, the people will perish.

I offer this amendment, Mr. Chairman, with the distinguished gentleman from New Jersey [Mr. ZIMMER], and our amendment is different from last year's amendment. Last year our amendment cut the $2.1 billion from NASA to eliminate the space station and put the money immediately toward deficit reduction. This year we cut the $2.1 billion from the space station, thereby eliminating the space station, and put the money for this year only, 1 year, $2.1 billion, back into the NASA account.

Now that, Mr. Chairman, is significant deficit reduction. That, Mr. Chairman, according to the Citizens Against Government Waste, writing their letter to us and to Congress, they say,

We strongly support and urge every Member to vote for the Roemer-Zimmer amendment to kill the Space Station. The Roemer-Zimmer amendment will save more than $60 billion in the outyears and may be the best vote for deficit reduction you will cast this year.

So, Mr. Chairman, we have significant deficit reduction in this amendment. I am not sure that we will have a more significant or serious effort to reduce the deficit than we have put together tonight and put before our colleagues. But I think it is important to talk a little bit about the space station itself, Mr. Chairman, and why we are opposed to it.

We will hear very, very grandiose claims of what the space station can do, and if it was the space station that was designed in 1984 by Mr. Reagan as President, I would vote for that space station. That space station was going to cost $8 billion. That space station was going to be finished in 1994. That space station was going to achieve eight scientific objectives. It was going to have a telescope on it to help us understand the solar system. It was going to have a telescope pointed toward Earth to help us understand environmental problems. It was going to be a stepping stone to exploring Mars and other planets. It was going to help us repair problems in space like the Hubble.

Now sadly, Mr. Chairman, that great idea that President Reagan had in 1984 has already cost us $12 billion. We are not going to be done with it in 1994 because we have not even turned the first screw on putting it together, and now projections are for the year 2002. The science has gone from eight missions to one-and-a-half, and the total cost, Mr. Chairman, has escalated from $8 billion to $71 billion.

Now, Mr. Chairman, if we had that original design and those scientific objectives, I would say this is worth the while and worth the risk. But today, Mr. Chairman, with the huge budget deficit, with us cutting $490 million out of our income for Head Start, with the other various choices that this committee has made, like a $120 cut in national service, we cannot afford this space station at this time.

I think most of the people watching this debate on TV ask, as they might ask before they invest in the stock market or buy something at the grocery store, what is the track record of this space station, and what is the future prospect of this space station? How would I want my Congressman or Congresswoman to vote on this?

Mr. Chairman, I have just told my colleagues the track record. It is abysmal.

What about the future?

There is an article that appeared this week in the front page of the New York Times by William Broad that said that there is a one-in-five chance that this space station will be hit by debris.

□ 1830

Now, I am not very good with statistics. I readily admit that. A one-in-five chance. What does that mean? How does that relate to our other space programs? How does that relate to riding on an airplane?

Riding on an airplane, there is a one-in-two-million chance that something bad will happen. For the shuttle, there is a 1 in 78 chance. For the space station, 1 in 5. That is a 20-percent chance, with $71 billion.

Now, Mr. Golden has admitted that that is a problem. He says he will spend money to shield it. That shield will weigh down the space station and make it more expensive than the $71 billion. I do not think we can risk $71 billion for a 20-percent chance.

What has changed this year from last year when we had this debate? Last year when we debated this, we had a one-vote margin. What things have changed which may add or detract from votes for or against this space station?

First of all, we now have a Russian design, and we are sending NASA dollars, $400-million precious NASA dollars, to the former Soviet Union to subsidize their space program.

What else has changed? Because we are going to hear a lot about international partnerships. The Canadians are now saying you are going to subsidize the Russian program, we are going to cut back our commitment to the space station by $700 million. So whereas the international partners are cutting back, we are blindly moving forward.

What else has changed about cost? Because the administrator, Mr. Golden, who I greatly respect and admire for the job he is trying to do at NASA, has said they are trying to save and shave costs on this program.

He says $2 billion. And in a just published report by GAO, they say this about those projected $2-billion savings:

When all space station related elements are considered, current estimates would indicate that much of the savings NASA attributes to expanded Russian participation will not be achieved. Furthermore, if only part of NASA's estimated $2 billion savings is attributable to the Russian participation, it is possible that expanded Russian involvement could result in little or no net savings.

Much of those $2 billion in savings Mr. Golden projects will come in the form of $1.6 billion. He projects that because the space station will be completed 14 to 15 months earlier, from the year 2003 to 2002. We have not completed it with a U.S. effort in 10 years, yet now we are going to expedite completing this, with the complexities of doing engineering and technology with another country? We are going to expedite this by 15 months and save $1.6 billion?

That is baloney, Mr. Chairman. There is no savings from that expedited schedule.

Finally, Mr. Chairman, let me conclude by saying this budgetary environment is very different from last year. We in the House are $527 million in this budget below the 1994 level. The Senate is $310 million below that, $800 million. Senator MIKULSKI is saying even if we can try to save Cassini or AXAF, she has said to the administrator, make your choice. Start cutting other programs if you keep the space station.

So, Mr. Chairman, we cannot afford this poorly designed and pedestrian

space station. If it had the vision, if it had the accomplishment, if it had the science of President Reagan's 1984 venture, then we might consider that. But given the reality of the budget, given the problems with the science, given the GAO report, I urge my colleagues to cast a tough vote and cut, finally, this space station.

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

Mr. STOKES. Mr. Chairman, I yield one-half of my time to the ranking minority member, the gentleman from California [Mr. LEWIS] and ask unanimous consent the gentleman be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. ROEMER] to terminate the space station—but keep those funds in NASA. I will keep my remarks brief so as to permit others to also speak in opposition to this amendment.

Mr. Chairman, the bill we have before us today includes $2,120,900,000 in fiscal year 1995 for the International Space Station *Alpha* proposed by the President.

Mr. Chairman, I support my President and intend to vote for this redesigned space station.

Let me speak for a moment regarding our cooperation with Russia. I think we will benefit from working with a nation with so much experience in long-duration space travel. Further, the Russians have a track record of honoring international agreements even through the most difficult of economic and political times. The President believes that this cooperative venture with Russia is important for foreign policy reasons. I support the President in his efforts to help stabilize the potential for technology migration.

There is concern that the space station will take funds away from other worthwhile science projects. I would remind the Members that the committee has provided the full budget request of $2.1 billion for space station—and we have done it without cutting back on space science, aeronautical research, or mission to planet Earth activities. In fact, the committee did not recommend any reduction in the science, aeronautics, and technology account which funds these activities.

The reductions to NASA's requests are in the human space flight account which funds space station and space shuttle activities and the mission support account which primarily funds NASA employees and facilities.

Earlier this year, the chairman and ranking minority member of the Committee on Science, Space, and Technology were seriously examining whether to support the space station program. After intense examination, both members now support the space station program.

I urge members to vote against the amendment to terminate the space station.

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

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

Mr. Chairman, a year ago this body came within a single vote of canceling the space station project, a project that has been grounded on the drawing board for 10 long and expensive years.

In 1993, we had an American space station with participation by several international partners. This year we have a space station that relies heavily on Russia to get it off the ground.

Although NASA has announced plans to buy the Russian control module, we will be dependent on Russian rockets to provide the fuel to keep the station aloft. Russia's Government is, as we all know, unstable. A friendly regime may not last past the elections scheduled for early 1996, much less through construction of the station and operating it for 10 years through the year 2012.

It is also unclear whether Russia's shaky economy and industrial base will allow it to live up to its commitments.

In recent years, Congress has been faced by enormous budgetary constraints, and so we have agonized over every single dollar that we have committed to foreign aid for anyone, anywhere. But the State Department has admitted in testimony to our committee, the Committee on Science, Space, and Technology, that there are absolutely no safeguards in place to assure that the money that we send Russia to pay for this program will not be siphoned off by corrupt bureaucrats or to support the Russian military establishment.

□ 1840

We are getting very little for this investment in terms of domestic improvement in the nation of Russia.

Mr. Chairman, I wrote the section of the Freedom Support Act that made it easier for us to import space hardware and technology from the former Soviet Union. I commend the idea of joining with the Russians in any worthwhile project that will help secure democracy and free markets in that country. But touting this repackaged space station as the vehicle for that effort demeans this noble objective.

Just within the past week there have been a number of very disquieting news reports about new risks that we are encountering because of Russia's involvement with the space station project.

The gentleman from Indiana [Mr. ROEMER] referred to the article in the New York Times on Monday explaining that we have doubled the risk of collision with orbital debris by our new orbital inclination that is required in order to do this project together with the Russians.

Instead of a 1 in 10 chance of a major collision, we have a 1 in 5 chance of a major collision. That is very serious. It is a new risk. It has intruded into the project because of the Russian involvement.

This week's edition of Aviation Week and Space Technology has an article about the difficulty in building the new lightweight fuel tank for more than $400 million that is going to be required to be added to the shuttle in order for us to get the full payload up into the new orbit. There are some major difficulties which will result in delays or unreliability or expanded costs or all of those things.

There is another article in the same issue headlined "Russian Management Worries Station Team." There are going to be very major difficulties in working with Russian bureaucrats in getting this project completed. And finally, in this week's Space News, there is an article that is headlined, "New Plan Poses Higher Risks For Station." In order to build the joint space station with available funds, we are cutting back on spare parts, on testing, on all the things that we need to assure the reliability of this program, increasing the risk to humans as well as to machinery, increasing the cost and, in all likelihood, stretching out the completion date.

Mr. Chairman, the United States has poured $11.4 billion into this orbiting boondoggle. We have nothing to show for all that expense except a few pieces of hardware and a decimated space program. As originally conceived, the space station was a marvelous creation that would cost $8 billion and would perform a remarkable array of functions.

It would be a staging base to launch deep space missions. It would be our doorway into space. It would be a factory in space where products could be manufactured with greater precision and quality. It would be an observatory not just for the stars but also for the Earth, so it would combine the functions now performed by the Hubble Telescope and other observatories with those planned for the multibillion-dollar Earth Observing System. It was designed to be a transportation node, a loading dock, and a spacecraft servicing center. The station was to be a facility where spacecraft would be assembled. Fuel and supplies for use in future mission would be stored in it.

Finally, its eighth function was as a research facility for life sciences and microgravity. That was the original conception. That was the dream. Now here is the reality.

The total cost has escalated from $8 billion to more than $70 billion, and the crew size has been cut from eight to six. It will no longer be a staging base. The manufacturing facility is gone. The space-based observatory is gone. The transportation node is gone. The servicing facility is gone. The assembly facility is gone. The storage facility is gone. All that is left is that eighth function, the research laboratory, doing work that is interesting but not worth $70 billion.

Mr. Chairman, the life sciences research that is part of the residual function of the space station is intended to prepare us for long-duration space missions. But NASA currently has absolutely no plans to send humans back to the Moon and beyond to Mars or even beyond Earth orbit. These programs were canceled in order to pay for the space station. And microgravity research can more easily be done at less cost on the space shuttle or on smaller, less expensive spacecraft than it can on the space station. In fact, our leading scientists in this field tell us that it is a mistake to try to do microgravity research on the same platform where you are doing life sciences research, because the presence of astronauts knocking around will interfere with the experiments being done in the microgravity module.

Mr. Chairman, it is time for this Congress to do what it should have done years ago, cut our losses and the losses of our international partners and put an end to this budgetary black hole in space.

NASA has tried relentlessly to salvage this project in the face of growing political and scientific opposition. In doing so, it has choked off a host of more cost-effective research efforts and other space programs. NASA is being forced to scale back the shuttle program. It is canceling shuttle missions and considering mothballing an orbiter. The satellite surveying Venus will be turned off while in perfect working order in order to save money because NASA cannot afford to keep operating it.

Even with modest inflation, NASA will face a 20-percent cut in science spending over the next 4 years. That means NASA will have to cancel or scale back even more programs than it has to date.

A recent study by the Congressional Budget Office verifies what I have been arguing for years, that the space station has become an enormous parasite, consuming resources from every other NASA program in order to feed its evergrowing hunger for funds. As a result, some of the space station's most devoted proponents are reluctantly coming to the conclusion that in this era of shrinking discretionary budgets, the only way we can save the space program is by killing the space station.

Mr. Chairman, if the administration's intent is truly to promote democracy and free markets in Russia and close relations with that nation, there are surely better ways to achieve that, both in space and on Earth. We have already sunk more than $11 billion into a space station that now would achieve only one-eighth of its original mission at more than eight times its original cost.

To commit even a dollar more, much less billions more, to a project whose success hinges on an unstable and unpredictable foreign government is sheer folly.

I urge this Congress to do what it came so close to doing last year, kill this space station and salvage our space program.

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

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in strong support of the space station.

Mr. Chairman, 10 years from now there is no doubt that we will be using new items invented because of the space station.

When we discuss NASA, and especially the space station, we are usually so focused on the future that we sometimes forget the past, and what it can teach us about the benefits of continuing our investment in the space program. We all remember the major events of the past 30 years, like Neil Armstrong's "Giant Leap for Mankind" in 1969, but some of the greatest, long-term benefits from the space program can be found outside of NASA, in the businesses and industries that have grown up around the technologies developed for the space program.

The need for light-weight materials for space launch technology led to the development of a composite materials industry. Medical break-throughs, like CAT scans, MRI scanning, programmable pacemakers, lasers for surgical procedures, implantable insulin pumps for diabetics, vision diagnostic equipment, and fiberoptics technology have saved thousands of lives and improved the lives of perhaps millions of patients throughout the world. And that's just a partial list of such inventions that have grown out of the space program. How do you put a price tag on that sort of benefit, Mr. Chairman?

We could spend literally hours here on the floor describing the benefits of our past investment in space research. I have no doubt that 20 or 30 years from now our successors in this body will be able to do the same, discussing the benefits and inventions and spin-offs that will by then have come out of the space station program and our ongoing exploration in space.

Let us vote today to make sure that will happen. Vote to support the space station appropriations.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the space station and in opposition to the pending amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to express my strongest support for International Space Station *Alpha*. I'd just like to stress three specifics.

□ 1850

First, we hear arguments that the scientific capability of station is not worth the investment. Let me share just one example. And its not just a possibility it's a new development that will be a concrete result of station's unique capability in microgravity research. Researchers at NASA's Johnson Space Center have developed a device called the rotating wall vessel. They have flown it on shuttle and experienced enormous success in using the vessel in a microgravity environment to grow cancer cells outside the body.

Prior to the use of the rotating wall vessel, breast tumors had never been cultured successfully outside the body. Fifty thousand women will die of breast cancer this year and another 182,000 will be diagnosed with it. The ability to watch cancer cells grow and change gives scientists insight into their genetic material. It's not a huge leap from understanding cancer cells in that form to improving the survival rate for these cancers. The key to progress in this unique microgravity research vessel, however, is the ability to expose these cells to microgravity over an extended period of time. This is just one more concrete reason to support station.

Second, I want Members to dismiss outright the argument that full funding of station is responsible for reductions in the costs associated with the shuttle.

Nothing in the current International Space Station *Alpha* has caused a reduction. Funding for shuttle operations and upgrades has been declining in real terms at about 3 percent per year since 1990. That reflects two things—an insistence by this subcommittee that NASA eliminate questionable overhead in the program and a willingness by the agency to demonstrate that it can be more cost efficient.

Opponents can not have it both ways. They would suggest that we kill station because it can not be managed within costs. Then, when a major space program like shuttle has a concrete record of reductions over a period of years, they would slyly imply that it is not cost efficiency or legislative oversight but rather reflects station putting a squeeze on the shuttle budget.

In anticipation of this argument, I asked the Associate Administrator for Space Flight—Jeremiah Pearson—to comment in writing.

I ask unanimous consent to include his letter to the subcommittee of June 27, at this point in the RECORD. I'll read only one sentence from it.

The FY 95 appropriations mark is adequate to operate the space shuttle safely and productively and keep the program on schedule to support NASA's science objectives.

Lastly, next year when we have this debate an American astronaut will have flown in space for 3 months on a Russian station. He will arrive on the Russian Soyuz vehicle and return on the shuttle after it has docked with the Soviet station. Our astronaut will be in space for 90 days—breaking the previous American record of 84 days on skylab. That is a most concrete result and we will have it with your help when we debate this bill next year. Even 2 years ago, this Member would not have imagined we could be in this position. With your help it will be a reality. Please join me in supporting this bill and in defeating the Roemer amendment.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
*Washington, DC, June 27, 1994.*

Hon. JERRY LEWIS,
*House of Representatives, Washington, DC.*

DEAR MR. LEWIS: I am writing to thank you for your support of NASA's FY 1995 budget request. Specifically, the Subcommittee on VA-HUD-Independent Agencies has allocated a mark of $5.6 billion for the Human Space Flight program. This FY 1995 appropriations mark is adequate to operate the Space Shuttle safely and productively and keep the program on schedule to support NASA's science objectives.

Thank you for your continued support of this critical program. I look forward to working with you to ensure full funding for the Space Station and NASA's other important programs.

Please let me know if you need any further information.

Sincerely,

JEREMIAH W. PEARSON III
*Associate Administrator for Space Flight.*

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

Mr. ROEMER. Mr. Chairman, I am happy to yield 1 minute and 30 seconds to the distinguished gentleman from Minnesota [Mr. PENNY], who has devoted his career to real deficit reduction.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we need to bring this discussion back down to Earth. We have heard from previous speakers a long list of the virtues of the space station project, but frankly, most of the promised opportunities I think could be handled through research programs here on the ground.

This year alone, Mr. Chairman, in a very tight budget, we have allocated in this spending bill $2.1 billion for the space station. I know that the chairman of this committee and the chairman of the authorizing committee have expressed concern throughout the years about the potential of this project crowding out other important research items.

Mr. Chairman, $2.1 billion this year is perhaps manageable in their view, but things will not get better. The budget caps are going to be even more austere as each year goes by, and if we can barely handle $2.1 billion this year, we certainly cannot handle continued appropriations of this level in the years to come. Undoubtedly, the space station will crowd other important research items as time goes by.

Mr. Chairman, I also want to speak to the question of deficit reduction, because some of my friends on the Democratic side of the aisle have suggested that they are not happy that we are cutting this program, and allowing the money to stay in the NASA budget. They want to see this money, or at least part of this appropriation cut, go toward deficit reduction.

If we take the space station out, if we have the courage to cancel this big ticket science program we then free up the money for the long term. Some dollars may stay within NASA research, some may be reallocated to other domestic needs, and some certainly could go toward deficit reduction. I urge a yes vote on the Roemer-Zimmer amendment.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL], chairman of the Subcommittee on Space of the Committee on Science, Space, and Technology.

Mr. HALL of Texas. Mr. Chairman the gentleman from California [Mr. LEWIS] and others have covered the medical aspect. I rise in opposition to the amendment, and ask that the Members vote no.

Mr. Chairman, I rise in strong opposition to the amendment to kill the space station program. We have been down this road many, many times in the last few years. It is time for the opposition to accept the fact that the House thinks that the space station is good for America and good for the American taxpayer. We need to stop debating the space station and get on with building it.

My position on the space station is no secret. I strongly support the station and believe that it will deliver important long term benefits to the Nation. Many of my colleagues will be describing those benefits in detail, so I would like to mention just one—but one that is very close to my heart.

It is clear that the space station has enormous potential to advance our understanding of a number of terrestrial medical conditions—including dreaded diseases like cancer and diabetes. The advances made possible by the ability to do medical research in space will inevitably lead to breakthroughs that will benefit all of our citizens: young and old, female and male, and our veterans.

Why do I feel so positive about the contributions that the space station can make to the Nation's medical research program? As chairman of the Subcommittee on Space, I have asked some of America's leading researchers to testify on what they think, and their testimony has been remarkable.

Listen to what Dr. Michael Debakey, the famed heart surgeon had to say:

Better health care for our citizens is not at odds with a space station. As a physician, teacher, and explorer, I must emphasize that our space program and space station are not frivolous, because they may provide keys to solving some of the most vexing problems that affect our people.

or to Dr. Charles Lemaistre, president of the M.D. Anderson Cancer Center and former president of the American Cancer Society:

In [the space] environment where we have a unique approach to weightlessness, toward purifying many of the agents that are already effective here on Earth, toward removing the toxicity of many of the cancer chemotherapeutic agents, there is opportunity there. It is that opportunity we all want to see made possible to biomedical research by the creation of space station *Freedom*.

I would like to share with you a recently approved resolution of the American Medical Association's House of Delegates:

The AMA supports the continuation of the NASA and other programs for conducting medical research and other research and other research with potential health care benefits on manned space flights including the continued development and subsequent operation of the international space station.

It is not just the American Medical Association and the distinguished physicians whose testimony I quoted that see the value of research conducted in space. Eight of the Institutes of the National Institutes of Health see enough potential benefit from NASA's research activities in space to justify entering into agreements for cooperative research and to undertake a joint NIH–NASA shuttle research flight in 1997. That shuttle flight will be just the first step in a vigorous research program that will ultimately be carried out on the space station.

I have another reason for my confidence. Looking back over the last 35 years of the space program, it is clear that the civil space program, in meeting its immense engineering and scientific challenges, has consistently delivered technologies and research that have directly improved the medical care of our citizens. In fact, just last month NASA and the Multiple Sclerosis Association signed an agreement to collaborate on using NASA space suit technology to help ease the suffering of MS patients. Medical telemetry systems, materials for hip replacements, medication systems—the list of beneficial spinoffs goes on and on, and will continue as long as we have a robust space program.

As well intentioned as the amendment may be, it threatens to choke off the space program just as we are starting to realize exciting research benefits. The space station is an important investment in our future, and I urge my colleagues to support the station and defeat the amendment.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. MOLLOHAN], a member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to Congressman ROEHMER's amendment to terminate funding for the space station program. While I trust that the gentleman intends to help the space program with this amendment, I cannot stress how painfully misdirected his efforts are.

Do not be fooled by the Roehmer amendment. A vote for the amendment is not a deficit reduction vote—your vote would shift funding to other spending programs within NASA.

A vote for the Roemer amendment is not a vote to help NASA—the space station is critical to our civil space program. And NASA's friends are working with the agency to help them carefully scope their priorities to match the treacherous fiscal climate we face.

This is a vote in support of preserving our industrial base—and related jobs—right here in America;

Yes, Mr. Chairman, a vote in support of preserving our industrial base—and our technology advantages.

Mr. Chairman, when Members think about their vote on space station, sometimes they think only of mission control in Houston, the launch sites in Florida, or they have visions of the space shuttle landing at Edwards Air Force Base in California—but what they do not consider is that many of the materials for the space program are made by basic industry in the Mid-Atlantic and Midwestern States.

Over the last several weeks, I have heard from union workers in both the ferrous and nonferrous industries. These workers are engaged in metal fabrication and other manufacturing processes which make the space program possible. They make specialty steels and futuristic aluminum alloys that go into everything from satellites, shuttles, to the space station.

At a future point in consideration of this bill, I would like to submit, for the record, a very persuasive letter from the United Steelworkers of America, urging my continued support for the space station—on behalf of basic industry America. They urge me to encourage all members of the steel caucus to help the industry by supporting the space station program.

It should be simple for you to support NASA—it is deserving of our vote of confidence. Under the able leadership of Administrator Dan Goldin, NASA has sharpened the technical reliability and capability of the space station program to unprecedented levels over the last year. Accordingly, the scientific merit for continuing the program is stronger now than ever—and they have achieved this within the cost caps set for the program.

The Clinton administration has incorporated the space station program as a critical piece of our United States and Russian foreign policy. Space station is a perfect model of post cold war international cooperation with Russia, as well as with our other important international partners—from Europe, Canada, and Japan.

And, we are not spending dollars in space, we are spending them on jobs right here in America.

Mr. Chairman, I urge my colleagues to defeat the Roemer amendment.

□ 1900

Mr. Chairman, I include for the RECORD the letter I referenced, as follows:

UNITED STEELWORKERS OF AMERICA,
DISTRICT 23, LOCAL UNION NO. 1190,
*Steubenville, OH, June 6, 1994.*

Hon. ALAN MOLLOHAN,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTIVE MOLLOHAN: I'm writing as a member of a national workforce coalition. The member unions in the coalition are fighting to preserve the industrial base in this country. I'm writing today to get your help to fund the space station because steel and aluminum workers have an interest in this program. Our industries supply the specialty steel and aluminum alloy metals used in the space program. It's important for members of the Steel Caucus to know how important the space station and shuttle programs are to the tri-state region. Right now, the ferrous and non-ferrous metal industries that employ steelworkers throughout the Midwest contribute to aerospace products. If commercial space programs like the space station are continued. We have a chance to reinvigorate the steel and aluminum industries in the country.

People don't realize that the space program relies on the basic industries for materials. These materials aren't made in California and Texas where everybody thinks the space program is. They're made in the Midwest. Our brother steelworkers at Reynold's Aluminum in Illinois make the aluminum skins for the new lightweight shuttle tank that's assembled by our UAW brothers all the way down in Louisiana. So we're all connected.

If the space station is not given full funding, the cutbacks will go all the way through our members here in the Midwest. If the program continues and is expanded, steel and aluminum companies in the Midwest will make the investments needed for space exploration. This would give our members the opportunity to become more involved in the new technologies that will produce the new jobs. We think this message ought to be given to all the members in your Steel Caucus.

You have always been a champion of the steel and aluminum workers in the tri-state region. We understand that you have been a strong supporter of the space station. We want you to know that the workers in your region are counting on you. When you return from the Memorial Day recess and your subcommittee takes up funding for the space station, we hope you will take the lead in getting other members of the Steel Caucus to understand the importance of this program to the basic industries.

Sincerely,

JOSEPH SMARRELLA,
*Treasurer.*

Mr. ZIMMER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, as I rise today in strong support of the Roemer-Zimmer amendment to terminate funding for the space station, I cannot repress the sinking feeling that another $2.1 billion has been wasted on this program since the last time the House had this debate. The space station has been given a new name for fiscal year 1995. It is now the International space station *Alpha* [ISSA]. But new name or not, the plain fact is, the space station's scientific mission has continued to shrink while its cost has continued to escalate exponentially.

The space station's new name has successfully added a foreign aid component to the highly questionable arguments for funding of this scientifically dubious project. Quite simply, the poor state of the Russian economy and the Yeltzin government's tenuous grip on power make Russia an unreliable partner in a multiyear, multi-billion-dollar venture. Canada has realized this fact and voted to reduce its financial commitment to the space station. We should see the handwriting on the wall and cancel it now.

One year ago, I was very optimistic the U.S. House of Representatives was going to come to its senses and terminate this prime example of Government waste. Today the House must not delay—take a major step toward fiscal responsibility by adopting the Roemer-Zimmer amendment.

My constituents in New Jersey's Fifth District continue to demand that Congress make tough budget choices and cut spending before raising taxes. Continued funding of over-budget and problem-plagued boondoggles, like the space station, only serve to keep voter discontent with Congress at historically high levels. If the House fails to adopt the Roemer-Zimmer amendment, another $2.1 billion of hard-earned taxpayers' money will be wasted on the space station in 1995.

Despite arguments to the contrary, the space station is siphoning funds from other basic science programs, cancer research, environmental protection, housing needs, emergency food and shelter programs, veterans programs, and—most of all—deficit reduction. We need the space station's $2.1 billion here on Earth.

The space station program is so fundamentally flawed that when President Clinton selected a new scaled-back design for the space station last year, the chosen design satisfied only one of the eight original design objectives. This was admirably documented by our colleague from New Jersey [Mr. ZIMMER]. I do not believe Russian cooperation will improve this situation. Moreover, NASA currently estimates the latest space station design will cost American taxpayers between $40 and $71 billion to complete and operate over 10 years. But with NASA's poor track record on cost overruns, it is doubtful that NASA has any idea how much it will cost American taxpayers to maintain and operate the space station.

Taxpayers have already spent $11.4 billion on the space station since 1984, with few tangible results. Each time NASA redesigns the space station its utility diminishes, its cost escalates, and it directs desperately needed funding away from other scientifically

valid programs. The space station has always been of dubious scientific worth, and the scientific benefit to be derived from the current space station design is even more illusive.

All the lofty arguments aside, the space station is a luxury "pork project" the United States cannot afford when the Federal Government has accumulated a national debt of approximately $5 trillion.

It seems ironic that proponents of the space station argue it is a gift for future generations when, in reality, the space station's greatest gift to future generations is its contribution to our Nation's enormous Federal debt.

Mr. Chairman, I urge my colleagues to use their common sense and vote for fiscal responsibility by supporting the Roemer-Zimmer amendment to terminate the space station. In a time of real budgetary restraint, this is money that could be used much more beneficially for cancer research, veterans health care, women's health research, the Home Investment Partnership Program, or environmental protection and cleanup.

Mr. Chairman, let us stop this taxpayer ripoff right now, before more Federal dollars are wasted. Vote "yes" on the Roemer-Zimmer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me the time. I compliment the chairman of the subcommittee and my ranking member for the work they have done on this.

Mr. Chairman, I rise in strong support of the international space station and in strong opposition to the short-sighted and ill-conceived amendment offered by the gentlemen from Indiana and New Jersey.

You will find no one more committed than myself to deficit reduction, cost effectiveness, the prudent use of taxpayer dollars and outright stinginess in Federal spending.

Let me make this very clear: This is not an amendment for deficit reduction. Read the amendment. Make no mistake, this amendment will kill the space station but not one dime will go for deficit reduction. The amendment leaves enough money in human space flight for shutdown costs and reallocates the balance back into NASA, for the most part into the Science, Aeronautics, and Technology section of the NASA appropriation from which no cuts were taken during the committee's consideration.

The authors of this amendment claim that the space station is eating away at NASA's science budget. I don't know who is giving them their numbers, but the Appropriations Committee fully funded the President's request for Science, Aeronautics, and Technology at an increase of $113 million over fiscal year 1994.

Although this amendment does not allocate any savings for deficit reduction, I want my colleagues to know clearly that NASA has done its part for deficit reduction. In last year's request, NASA reduced its 5 year budget plan by 18 percent. This year, NASA reduced it again by another 12 percent.

The funding level for NASA in this bill is $526 million under fiscal year 1994. All other agencies in this VA/HUD bill are receiving increases over last year.

Mr. Chairman, this space station has been redesigned, the management has been streamlined and Russia, our former cold war enemy, has joined the program as a full international partner. And I have to say I am particularly pleased with the dramatic streamlining of the management structure. Lines of authority and accountability are direct and simple. Excessive bureaucratic layers have been eliminated.

The assertion that station has lost its primary scientific mission and has turned into simply a foreign policy program is absurd. While the new station will cost $5 billion or 23 percent less than space station *Freedom*, this space station has 85 percent more pressurized volume, 50 percent larger crew, and double the power of the previous design. All the science objectives ever envisioned for our space station are fully achievable with this space station.

Moreover, NASA has responded well to the concerns that a Russian pull-out could jeopardize the program and has modified the plans; the Russians have been removed from the critical path. The United States will provide guidance, navigation, control, and reboost capability, an independent environmental control and life support system, and accelerated power capability. The international space station will not be dependent upon Russia's contribution but will benefit greatly from Russia's expansive experience in space.

I ask my colleagues not to fool themselves—without the space station there is no shuttle program and without that, there is no NASA. I submit to my colleagues that the space station is a program we cannot afford not to fund.

Mr. Chairman, the American people support this critical program and I believe that today, as it has for the past several years, the space station will receive the support of the majority of my colleagues.

I said this last year and I will say it again—let this be the end. I implore my colleagues, look at the progress, study the design, follow the budget—and where problems arise, by all means, let's fix them. But let's not return any more to this same place. If this amendment fails, I urge space station opponents to accept the will of this country and let us move forward on this monumental project.

□ 1910

Ms. DUNN. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Chairman, as a strong supporter of the space station, I rise in opposition to this amendment.

Fiscal responsibility is no joke, and getting the most for the taxpayer's hard-earned dollars is one of the main missions of Congress. Voting against the space station will not reduce the deficit. Those moneys designated for the station will simply be devoured by other programs within VA-HUD and other agencies. You save nothing, and risk losing our preeminence in space and technology.

The international space station is better managed, has more lab space, more power, more crew area, and will use at least 75 percent of the *Freedom* station. If this is not cheaper, faster, and better, I don't know what is.

When it came to budget prioritizing within the Agency, NASA tightened its belt and made the tough cuts. NASA is committed to cut 3,000 civil service staff from current levels by the end of this decade, and the overall NASA budget is below 1994 budget levels.

Ladies and gentleman, here is a Government agency that has cut its budget 30 percent in 2 years. As one of my favorite Presidents use to say, "not bad—not bad at all."

It has become apparent to many that this isn't the same space station program we saw last year. Even the vest oversight committee that turned its back on the station a year ago has done a 180-degree turn in support of the new station program.

We have gone from four NASA centers and four prime contractors to a single center in Houston and one prime contractor.

Now, the prime contractor for the station is the Boeing Co., and even if they weren't in my own back yard, I'd give them high marks for the job they have done to help reign in the costs of the station.

Our space station continues the largest scientific cooperative program in history. We are drawing on the scientific expertise from 13 nations in this joint venture and we are proving that former adversaries can join forces behind peaceful initiatives that will help build mutual trust and support shared goals.

One of the defining reasons for my support for the station is that we will be able to conduct research on the station that cannot be done on Earth. In the microgravity environment of space we will study new and exciting approaches to diagnosing and treating ovarian and breast cancer tumors. Truly, we have had the best of both worlds—biomedical research on Earth and in space, working hand-in-hand to help eradicate the terrible disease of breast cancer that strikes one out of eight women in America.

As we weigh the future of America's space leadership, and the future of our international partnerships, I urge my colleagues to support the space station, and vote against this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TORRES] who serves very ably on the subcommittee.

Mr. TORRES. Mr. Chairman, last year we came to a crossroads on the space station.

We chose to fund a reengineered, fiscally responsible, and scientifically focused international space station. Our international partners—Canada, France, Japan and Russia—have already committed $3 billion to completing the space station.

We cannot turn back.

The space station is our Nation's most important scientific initiative that will lead the global community into the 21st century. It is a laboratory to engage in new scientific endeavours for the benefit of future generations. It is a unifying force that will bring the world's economic and military superpowers together in pursuit of scientific discovery.

To turn back now would severely and irreversibly damage the progress we are achieving in these areas.

We cannot turn back.

We are also talking about engaging our best scientists, computer programmers, and engineers to keep our Nation's lead in the space.

We have over 13,000 direct jobs committed to the space station and over 55,000 when supplies and other indirect jobs are included.

In my home State of California, over 4,000 individuals work directly on the space station—and the number soars to 17,000 jobs when subcontractors and indirect jobs are included. These are the kind of jobs we want to keep—highly skilled and well paid.

A Wharton Econometric Forecasting Associates study has shown that eliminating the entire space station would only improve the Federal budget by $260 million after accounting for lower tax receipts and new transfer costs from higher unemployment. This does not take into account the numerous critical technologies that NASA develops and the technology spinoffs that benefit from NASA's research.

Mr. Chairman, I have spent many hours listening to testimony in the VA-HUD subcommittee, visiting with NASA scientists, and reviewing NASA's reorganization. The space station team has pushed the envelope in terms of fiscal constraint and scientific integrity. We must not allow the promise of discovery to be exchanged for short-term political gain.

My colleagues are sorely misguided in their attempts to eliminate the space station. They are naive to think that taking a sledgehammer to science and thousands and thousands of highly skilled jobs, will somehow benefit our economy, the Federal budget, and our children.

I commend the work of NASA scientists and management and their commitment to a sound space station. They deserve the full support of this Congress.

We cannot turn back, I say to my friends.

Mr. Chairman, I urge my colleagues to oppose efforts to kill the space station and kill our Nation's commitment to science.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Roemer-Zimmer amendment to terminate the space station.

I would rather that this cut go directly toward deficit reduction, but the fact is today we have an opportunity to kill a $75 billion project.

Over and over in this Chamber we hear people talk about cutting spending. We hear those same people defend project after project in our districts, the super collider which we had to vote against 3 times before we actually killed it last year, farm subsidies, defense projects, now the space station.

I did not come to my decision to oppose the space station lightly. It will cost jobs in my State in northeast Ohio, but we simply cannot afford it.

I believe that the United States should be in space. But right now the return a manned space station offers on our investment just is not enough. Americans can continue to be leaders in technology by advancing the work we have already begun in unmanned satellites. The space station may be good science, but we simply cannot afford it.

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

Mr. Chairman, I would just like to respond to one of the comments made by my friend, the gentleman from Texas [Mr. DELAY], who said, as I recall, not one dime will go to deficit reduction if this amendment is passed, because it is an amendment that reallocates money to other programs within NASA.

Last year the gentleman from Indiana [Mr. ROEMER] and I proposed a straight cutting amendment, and at that time the gentleman from Texas had this to say about that amendment, "If you are voting for this amendment as deficit reduction, make no mistake about it, not a dime of the $2.1 billion will go to deficit reduction. That money will go to other programs. We all know it. Those of us who have been here for years understand it, and there is no doubt that that is what will happen."

So, Mr. Chairman, we took the gentleman from Texas at his word. We proposed an amendment this year that was different from the last one, and now he is criticizing us for not proposing the kind of amendment that he attacked a year ago.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I am happy to yield to the gentleman from Texas.

Mr. DELAY. I just simply would point out that I was right. This year you are being honest. Last year you were not.

Mr. ZIMMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, 10 years ago when we began funding the space station, we were promised that it would cost only $8 billion, and be finished by 1994. Well, it is 1994, we have spent $11 billion, and we have zilch. We have no modules in space. We have no flight-ready hardware. And we are being told that the total cost of the space station will exceed $70 billion, more than 8 times the original estimate.

Nor does it consider that our tenuous agreement with the Russians may actually cost us rather than save us money.

Now we are told that even if we spend all of this money, the space station has a 20-percent chance of being smashed to pieces by space debris. Can we really afford to play Russian roulette?

Many space station advocates are claiming proposed benefits for women's health research. Let us take a look at what the $70 billion space station really amounts to: 235 times what the National Institutes of Health and the Department of Defense will spend next year for breast cancer research; 1,300 times what the National Institutes of Health and the Department of Defense will spend next year for cervical cancer research; 1,870 times what the NIH and DOD will spend next year for ovarian cancer research; 8,850 times what the NIH and DOD will spend next year for uterine cancer research.

Dr. David Rosenthal, speaking for the American Cancer Society has said, "Statements have been made and published to the effect that vital cancer research would be done in space, and that is cited as a reason for supporting space station funding. We cannot find valid scientific justification for these claims."

We all believe in women's health research. It is very important. But if we want to increase funding for it, why should we spend billions of dollars for one laboratory in space when we could use this money to fund hundreds or thousands of laboratories here on Earth? That is bad science and bad judgment.

The space station's cost is out of this world, and we should mothball it.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, I rise in opposition to the amendment and in support of the space station.

Mr. Chairman, once again we are faced with a vote not just on our commitment to the space station but on our commitment to the future. The potential scientific, educational, and economic benefits of the station are well documented. However this year there is an important new factor that makes the space station an even better investment in the future.

Thirty-five years ago competition from the Soviet Union's Sputnik provided a major impetus to build our Nation's space program.

Today, our conflict is not against a rival power, but rather against our own limitations. Competition with the Soviet Union has turned into cooperation with Russia, a cooperation that brings together the best and brightest minds in an endeavor that will greatly expand the boundaries of human achievement.

As our relationship with Russia continues to evolve in this post-cold-war world, the space station provides a catalyst for building mutual trust and cooperation. Today, this partnership is more important than ever. Finding solutions to world problems such as regional instability, arms technology proliferation, and environmental degradation require that we work in close concert with both friends and former adversaries.

In addition to these global considerations, Russian participation in the space station will make a substantial and immediate contribution to the project itself. One such payoff will come from the U.S. Shuttle-Mir missions, which will give us extremely valuable on-orbit experience. It is impossible to understate the importance of this type of experience—it is exactly what made the Hubble Telescope repair mission such an astounding success.

Russian involvement in the space station has already resulted in a more robust and capable station. The new station has more electrical power and pressurized volume than the previous designs, allowing for both a larger crew and a wider range of experiments. Working with the Russians is going to save us both money in developing this station and time in deploying it. Russian long-term experience in space and the addition of their own network of communications, control, and launch centers will add to the station's margin of safety.

The cold-war competition between the Soviet Union and the United States helped launch our exploration of space. Today the contest has changed, but our goals of scientific advancement and human progress are stronger than ever. We must now act here in this Chamber to seize this historic opportunity and join with the Russians and our international partners in an endeavor in space that holds great promise for life on Earth.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BEVILL], the distinguished chairman of the Energy and Water Subcommittee of the Committee on Appropriations.

□ 1920

Mr. BEVILL. Mr. Chairman, I rise today in strong support of the VA–HUD appropriations bill and I am especially pleased with the funding level for NASA and the International Space Station. As you know, the space station is the largest cooperative science program in the world. It has become a premier international undertaking with the participation of the United States, Canada, Japan, the European Space Agency and Russia.

NASA has made great strides in the past year to streamline the Space Station Program and the changes have been extremely positive.

The partnership with the Russians, who have worked in space longer than anybody else, will bring a new dimension to this program. We welcome this opportunity to work with the Russians on this program, to gain their insight and expertise in this multi-country effort.

Our cooperation on this project could have a far-reaching impact in terms of better international relations. We certainly need to support the International Space Station.

As you know, this program has made excellent progress. More and more of the actual flight hardware is being completed, despite what you may have heard from the critics of this program.

The estimated cost of the space station has been reduced and we anticipate getting more bang for the buck. Certainly, we expect that greater scientific capability will be generated through this project.

The space station is important to the future of high technology in this country. It will help us advance into the 21st century and keep us on the cutting edge in our scientific endeavors.

I am also very pleased to note that this bill contains full funding for the Advanced X-ray Astrophysics Facility [AXAF] Program. This is the top priority NASA mission for astrophysics and a program of great importance to the Marshall Space Flight Center in Huntsville, AL.

AXAF is an x-ray observatory which will probe fundamental questions about the origin and fate of our universe.

This is a very well-managed program which was recently restructured to reduce costs substantially while maintaining scientific integrity.

It is well on its way toward its scheduled launch date in 1998 and is an outstanding example of NASA's commitment to maximizing return for the taxpayers' investment.

I want to commend my good friend and colleague, Chairman LOUIS STOKES for his outstanding work on this bill. I appreciate his commitment to the space station. He has kept this program alive without sacrificing any important science program.

I urge my colleagues to support this bill, including the funding for the space station and the AXAF program.

Mr. Chairman, the full Appropriations Committee supported this bill unanimously. Everybody who has spoken here has not served 1 day on that committee, has not heard one bit of testimony. I think we ought to support Chairman LOUIS STOKES, who has done a great job with this committee. He is one of the best chairmen of this Congress and the committee is one of the best committees in Congress under his leadership.

We need to support this committee. They are people who know what they are doing.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to my leader in the House, the gentleman from Illinois [Mr. MICHEL].

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

Mr. Chairman, I rise in support of the new space station and in opposition to the Roemer amendment.

Thirty years ago, a television series based on the premise that space was the final frontier became an international phenomena.

In fact, "Star Trek" was such a hit it spawned another successful television series that just recently completed its mission, "Star Trek: The Next Generation."

I like to think of this new redesigned effort as "Space Station: the Next Generation."

This next generation of space station is cheaper, more powerful and bigger than the original design.

Because of effective and efficient management techniques, the new space station will cost $5 billion less than the old design, while accommodating 2 more scientists on the crew.

And because of strong international cooperation, the new space station will benefit from the expertise of the Russian Space Agency to help meeting the goals of the program.

Mr. Chairman, I have long supported the space program and space station *Freedom* in all its redesigns.

Looking at my distinguished friend from California [Mr. BROWN] and I, roughly in the same age bracket, in the early days of the program we supported this from the very beginning. I am rather troubled by the fact that the younger Members of this House take the view that, what we heard in those days, "We can't afford to explore the outer frontier," if we had taken that attitude 30 years ago, where would we be today in this world? I cannot understand it, quite frankly. As the distinguished gentleman from Pennsylvania [Mr. WALKER] eloquently pointed out earlier in the evening, the reasons for my support are that we cannot reap the fruits of the future without planting the seeds of invention.

Mr. Chairman, we cannot expect a better tomorrow without investing in our future today. And we cannot move forward by standing still.

Supporting the Roemer amendment is worse than standing still. It is taking a giant step backward as we face the end of the 20th century.

Supporting "Space Station: The Next Generation" means taking a bold step forward to solve the problems of today with the technology of tomorrow.

I urge my colleagues to join me in supporting the space station and opposing the Roemer amendment. Vote no on the Roemer amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER], a Member of the freshman class.

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

Mr. Chairman, I believe in human space flight, and I believe that eventually we should and will make a commitment to go back to the moon, to occupy it, to utilize its resources for the benefit of humanity.

As part of such a commitment, we would need a space station. But in the absence of that commitment, it is quite clearly far in the future, a space station has to be justified in terms of the scientific research that can be done on it and not in any other place.

All the scientific research that I have seen advanced to justify the space station could be done in other places and in other manners except for investigations of the long-term physiological effects of space flight on human beings. And that research need not be done until we make that commitment to reoccupy the moon.

In the meantime we would be much, much better not building the space station, which has no valid scientific justification, no necessity, and use the money for our needs here at home for the people who live on this planet.

Mr. ZIMMER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I thank the gentleman for yielding this time to me.

When I was growing up, if scientists had said that the U.S. was going to build a permanent space station, people would have said, "Sure, when pigs fly." But when I look at this project, I think that is just about right because the pork is really flying.

The bottom line is that we cannot afford the $70.8 billion needed to build and launch the space station. Under the budget resolution we passed May 5, the debt will climb to $6.3 trillion in 5 years. This year, we will pay $298 billion in interest on the debt. That is nearly $10,000 a second in interest on the national debt. Under these conditions, we cannot have everything we want. We have to cut spending.

Space station supporters stress its scientific benefits. Undoubtedly, the space station would facilitate some scientific research. But is that worth $70 billion that we do not have? The space station steals money away from the other science programs in the Federal budget. Since 1984, NASA has had to cancel, delay, or shrink many of the other scientific projects in the budget to preserve the downsized space station. Yet, much of the proposed space station research could be performed for less money on Earth, on the space shuttle, or on unmanned spacecraft.

Finally, we have to decide what the Government should be doing. Congress has plenty to do right here on Earth. We need to control crime, reform welfare, and improve our schools. We need to protect private property and provide for the Nation's defense. And of course, we need to get Federal spending under control. But, instead, of fixing these problems, Congress finds itself lost in space.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont, [Mr. SANDERS].

□ 1930

Mr. SANDERS. Mr. Chairman, I rise this evening, not to attack the space station, but to speak about priorities, to speak about hungry children in America, elderly citizens unable to afford their prescription drugs, veterans sleeping out on the streets, underfunded school systems and overtaxed working people.

Mr. Chairman, we are asked today to continue a project which will cost over $70 billion. How do I go home to Vermont and tell the elderly people of my State that there are Members of Congress who want to cut their Medicare, cut their Medicaid, cut their Social Security because of the deficit, but somehow there are tens of billions of dollars available to build the space station?

Mr. Chairman, how do I go home to Vermont and tell the veterans of my State who put their lives on the line in Korea, in Vietnam, in the Persian Gulf, that there are Members of Congress who want to cut back on veterans programs, who want to cut back on the quality of care they receive in the VA hospitals because of the deficit, but somehow there are tens of billions of dollars available to build the space station?

Mr. Chairman, it is an absolute national disgrace that the United States today has the highest rate of childhood poverty in the industrialized world. Twenty-two percent of our kids live in poverty. Five million children go hungry. How in God's name can we continue to let American children go hungry because of the deficit, but at the same time we have tens of billions of dollars to fund the space station?

Mr. Chairman, I hope that the day will come when I will be able to vote for the space station because in many ways it is a good and useful program. But that day is not today, Mr. Chairman. Let us get our priorities straight. Let us ease the pain and suffering being experienced by tens of millions of Americans today before we put our money into outer space. Let us feed the hungry, let us shelter the homeless, let us tend to the sick, and let us tend to the weak and vulnerable, and, when we do all of that, when we are living well on the planet Earth, everyone together, proud, united, then let us go to outer space.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Chairman, I say to the gentleman from Ohio, "Thank you for your friendship and support, Mr. STOKES."

Mr. Chairman, 25 year ago Neil Armstrong took one small step for man, one giant leap for mankind. That was a giant leap forward. I say to my colleagues, "Don't take a giant leap backward tonight by killing the space station."

This vote tonight, Mr. Chairman, offers a stark choice of our Nation celebrating the 25th anniversary of our landing on the Moon. Will we take the first real steps to a permanent human presence in space, and do it together with other nations, including Russia, the very nation against which we raced to the Moon? Or will we abandon leadership in space to other nations eager to take it away from us?

I was looking through the New York Times a few weeks ago when I saw this headline that reminded me of a vote we cast a year ago this summer. The headline says: Panel Urges U.S. to Join Europe's Collider Project. We killed the superconducting super collider. That was a mistake. I think many people who voted to kill it a year ago realize now it was a mistake. Do we want to see a headline this time next year that says: Panel Urges U.S. to Join a Japanese or a Russian Space Station?

Mr. Chairman, I do not think so.

Once the Soviet military-industrial complex built rockets pointed at us. Today the Russians work with us. If my colleagues think cooperation in space is too risky and too expensive, think how much riskier and how much more expensive it will be if superpower confrontation were to be renewed here on Earth.

Vote against this amendment. Support, save, and build the space station.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment in support of space station *Alpha*. Much has been said expressing concern about the Russian participation in the International Space Station, and that concern will be well founded if Russia were in the critical path that the space station could not fly without Russia and if Russia should get out of the space station because of political and economic changes there and the rest of the world would be literally left up in space. But Russia is no longer in the critical path in the International Space Station.

Last week President Clinton himself sent a letter to me which says in part:

However, in keeping with the concerns raised by you and other Members of the House and Senate, I want to assure you that the United States will maintain in-line autonomous U.S. flight and life support capability during all phases of the space station assembly.

That takes Russia out of the critical path, and that is a statement of administration policy which is binding upon NASA.

Now this House has sent a lot of money over to Russia in the Freedom Support Act, and most of that has gone into the Russian central bank, and, quite frankly, disappeared. What we are getting here is concrete Russian hardware and technology. We are getting back something for our money, and the Russians have been much better than the United States at long-term space flight as well as in heavy lift capability.

Second, Mr. Chairman, this Congress has a challenge. Many of the redesigns and cost overruns, previous designs of the space station, were ordered right here in the Congress of the United States. NASA Administrator Golden has said that, if we maintain the $2.1 billion appropriation, this space station will be completed on time and on budget. The danger is cutting the $2.1 billion to something less than that which will mean a stretch-out and a guaranteed cost overrun.

My support for the station is conditioned upon the conference coming back at $2.1 billion so we do not fall into the trap that we put ourselves into several times in the past.

Finally, Mr. Chairman, this amendment is not the same amendment that was voted upon last year in both the authorization and appropriation bills. This amendment does not cut the deficit by a dime. It reallocates the $2.1 billion to pet scientific programs of the authors of the amendment.

Mr. Chairman, I am a deficit hawk, and I rank No. 1 in the National Taxpayers Union roll call on who is a pinchpenny here in the Congress of the United States.

This is a different amendment. It spends the $2.1 billion elsewhere. It does not reduce the budget deficit.

Let us stick with the space station rather than the pork of the gentleman from Indiana [Mr. ROEMER] and the gentleman from New Jersey [Mr. ZIMMER].

Mr. ROEMER. Mr. Chairman, before yielding to the gentleman from Wisconsin, I yield myself such time as I may consume just to say that the rating of the gentleman from Wisconsin [Mr. SENSENBRENNER] may be in jeopardy after this next vote. Certainly Citizens Against Government Waste, in fact, score this, and this may be the best vote for deficit reduction the gentleman could cast this year. I say to the gentleman, "Certainly you cannot argue that, if you cancel 55, to 60, to $70 billion, whatever the cost of this space station is which is going up every day, and that is no longer in the budget, that is deficit reduction in anybody's vocabulary or dictionary."

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, the history of the space station best resembles the play "Waiting for Godot". When the space station was first proposed in 1984 during the Reagan administration, its supporters predicted that the project would cost a total of $8 billion and would be operational by 1994. Nineteen ninety-four has arrived, and yet we are still paying, and we are still waiting. In fact, the project remains in the planning stages, having already cost the taxpayers $11 billion, with no end in sight, and we are still waiting. NASA now estimates that the total cost of construction and operation for 10 years will be more than $70 billion. If this program is allowed to continue, this debate will be repeated for the next 10 years, and $70 billion will be wasted.

Space Station *Alpha*, as it is now known, also brings to mind a giant black hole orbiting the Earth, sucking in taxpayers; funds and siphoning in money from the rest of the space programs. In fact, Mr. Chairman, a vast majority of the objectives of the space station can be accomplished through existing technology.

I would love the United States to build and operate a successful space station, but, Mr. Chairman, we must be realistic, we must know the limits of our resources, and we must cut this wasteful program.

Let us not wait any longer.

□ 1940

Mr. STOKES. Mr. Chairman, I yield 3½ minutes to the distinguished Chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of International Space Station *Alpha*, which is home-based at the Johnson Space Center in my congressional district, and in strong opposition to the Roemer amendment. Space Station *Alpha* is an integral part of NASA's epic journey into space and vital to the United States' best interest. Eliminating the space station will do nothing but relegate NASA to a minor role in the exploration of space and force the United States to suffer the consequences of not being the most technologically advanced country in the world.

While insuring the United States leadership role in the 21st century will be the ultimate benefit from Space Station *Alpha*, the practical benefits that we'll recognize today, here on Earth, are reason enough to support the space station. Anytime we can generate a $7 increase in economic activity for every dollar spent, we've made a wise investment. Anytime we can walk into a hospital emergency room and see a person's life being saved because of the devices developed through manned space exploration, we've made a wiser investment. Anytime we can enter into a peaceful, cooperative effort with a former adversary, we've made an ever wiser investment. Anytime we can stir the imagination of our Nation's youth and encourage them to study the areas of math, science, and engineering, we've made still a wiser investment.

On the other hand, when we cut the heart and soul out of our most forward-looking and risk-taking organization, how wise of an investment have we made? The Roemer amendment purposes to do just that, to eliminate the space station while maintaining NASA's current funding level. This isn't an issue of fiscal responsibility, or seeing to our more immediate needs, it is simply an issue of whether we, the United States, intend to march boldly into the 21st century or hesitantly crawl backwards.

For America to lead, we must have the courage to take chances and continue to challenge our collective abilities. History has shown that nations who refuse to meet the challenges of their day, nations that are averse to taking risks, nations that yearn for the status quo are nations in decline. We demand more in this country. We demand that our country meet the challenges of our day head on, mindful that we take these risks for the sake of our children and our grandchildren, because if we don't, they will be the ones who will ultimately suffer from our lack of courage and foresight.

Mr. Chairman, I urge my colleagues to oppose this amendment, and encourage them to demonstrate the fortitude that is necessary for this Nation to continue its greatness.

Mr. LEWIS of California. Mr. Chairman, I rise to associate myself with the very fine statement of the gentleman from Texas [Mr. BROOKS].

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to the Roemer amendment. I want to urge Members to consider the ramifications for our manufacturing base—and good jobs—of building a space station which must last 10 to 30 years in space with little repair or maintenance.

Our first concrete advancement in manufacturing produced by space station research is what is called rapid prototyping techniques which has reduced the time required to produce parts for the space station by integrating design and manufacturing in a truly revolutionary way.

Using rapid prototyping it is now possible to make metal castings of unique parts directly from the design without drawings or special tooling. What does this mean to our manufacturers? It means a 24-week process can now be accomplished in 2.4 weeks. This

is a major advancement that will have a huge impact on the productivity and competitiveness of all U.S. manufacturers, allowing them to reduce costs and make ideas into reality faster.

Second, space station hardware requirements have forced manufacturers to invent new material joining techniques that allow them to weld aluminum and titanium to fabricate small, complex heat exchangers consistently and with outstanding reliability. Both the new joining and welding processes and the miniaturization of heat exchangers have applications throughout manufacturing and will enable us to upgrade, miniaturize, and in other ways improve our products.

Last, manufacturing processes have been developed to apply and bond coatings to space hardware surfaces that inhibit the growth of microbiological organisms in space. These same techniques, applied to Earth hardware, can improve our indoor and outdoor air and water quality.

The fundamental question as Sen. KAY BAILEY HUTCHINSON puts it, is simple: Do we want the kind of spending that is one time only, that will provide jobs for 10 months or 18 months, or do we want to spend money where it is going to reap benefits twentyfold, and even hundredfold, as space research had already shown it will do? The International Space Station is precisely where we should be prioritizing our spending.

I urge Members to consider the beneficial impacts building Space Station *Freedom* will have upon U.S. leadership in manufacturing and product design and I urge you to vote down this amendment.

Mr. ZIMMER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, every single year since I was elected to Congress we have had this same debate: Should we blindly continue to funnel money into the space station or should we finally face up to fiscal reality?

This year, I urge my colleagues to closely and carefully consider the arguments presented by my colleagues from New Jersey and Indiana.

If you do, you will see that it makes no sense to keep pouring billions of dollars year after year into a dubious science project we simply cannot afford.

So far, we have already spent over $11 billion with no space hardware to show for it. What we do have, however, is a $4 trillion debt.

The American people are demanding that Congress stop spending money we don't have. But somehow, President Clinton has decided there is another $70 billion in the budget for this risky venture with the Russians.

But this $70 billion is only what NASA projects the new International Space Station *Alpha* will cost.

As we all know, NASA is notoriously poor at estimating future costs—so much so that its projects habitually run 77 percent over budget.

Mr. Chairman, it is time to bring space station supporters down to Earth where the air is not so thin and remind them that we have a $4.4 trillion national debt.

It is time to place fiscal responsibility ahead of space-based pork. It is time to pass the Zimmer-Roemer amendment.

Mr. ROEMER. Mr. Chairman, much has been said about the foreign policy implications of this space station. I now yield 3 minutes to the very distinguished gentleman from Indiana [Mr. HAMILTON], chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank my friend and colleague, the gentleman from Indiana for yielding.

Mr. Chairman, I rise in strong support of the Roemer Amendment to delete funding for the space station project.

I. DOMESTIC REASONS

I oppose the space station project primarily for domestic and fiscal reasons:

First, funding of the space station project will have an adverse impact on other worthy scientific and space programs in the NASA budget.

Second, it is not fiscally responsible to move ahead with the space station at this time. To accommodate the space station, other important accounts in this appropriations bill—and future appropriations bills—must be cut;

Third, the cost of the space station program continues to rise. The station has been redesigned at least five times. It has suffered from delays and significant cost overruns. Cost projections run as high as $75 billion; and

Fourth, the scientific community is divided on the need for this space station. Many experts state that the space station cannot achieve the basic research requirements for which it is intended. The scientific merits are not persuasive.

II. FOREIGN POLICY REASONS

I also oppose the space station project for foreign policy reasons. The Administration has made several claims about the foreign policy value of this project. I am not convinced. This project is peripheral to United States and Russian policy objectives.

I meet with Russian officials all the time. I hear testimony from the Administration on Russia all the time. I certainly do not ever remember the space station mentioned as a priority by Russians. I do not ever remember it mentioned as a priority for U.S. policy—until recent months. Suddenly, it has become a priority.

Second the space station is neither consistent with the goals of U.S. policy toward Russia, nor the purposes of U.S. assistance.

Look closely at the Freedom Support Act. The purpose of U.S. assistance is to support democracy and market economic reform. Nowhere is space cooperation listed.

Look at the most successful U.S. assistance projects in Russia. They support privatization.

Our proposed partner in this space station project is the Russian Space Agency, a large state enterprise.

The United States will be spending $100 million a year over 4 years to support a Russian state enterprise—directly contradicting the goals of U.S. policy and assistance toward Russia.

Look at how the United States provides assistance to Russia. We fund exchanges. We provide technical assistance. We do not provide cash transfers. This $400 million is a cash transfer. We will have little ability to keep track of how that $400 million is spent.

Third the foreign policy assumptions governing this project are unrealistic.

Each of us want to see a steady, forward trend, in U.S.-Russian relations. But that is not something we can count on, given the time fame of the space station project. No one can ensure that U.S.-Russian relations will be stable through the year 2002, or the subsequent 30 years of the space station's operation.

The next time there is a crisis in U.S.-Russian relations, the space station will be a tempting target for cancellation.

The next time the Russians sell missile components outside the Missile Technology Control Regime guidelines, the space station will be a target for sanction.

Russia's proposed role is critical to the space station's completion. If Russia falls out of the project because of politics, the project itself will fall apart—unless we obtain significant additional commitments of time and U.S. resources.

Fourth, there are other, important scientific and technical areas where we can—and do—cooperate with Russia.

We are cooperating on weapons dismantlement and nuclear reactor safety programs that are directly in the U.S. national interest.

Aerospace cooperation is already taking place between U.S. and Russian firms exactly where it should take place—in the private sector.

III. CONCLUSIONS

In summary, I do not accept the foreign policy arguments that have been made for the space station.

Our space cooperation with the Soviet Union in the 1970s did not transform or transcend the political relationship. Each of us remember Apollo-Soyuz in the 1970s. When our relations with the Soviet Union fell apart in the 1980s after the invasion of Afghanistan, space cooperation lapsed.

This space station project does not stand on its merits in the domestic debate. It does not stand on its merits in the foreign policy debate.

Space cooperation is peripheral to strong U.S.-Russian relations. Space Cooperation will be among the first casualties if those relations should fall apart.

I urge support for the Roemer Amendment.

□ 1950

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise on behalf of the fine NASA employees around this country, the contractors who have in many cases given their careers and even lives on behalf of the manned exploration program. I rise in strong opposition to the Roemer amendment.

I want to say to my colleagues, this is the seventh time in the last 3 years that we have voted on this issue. At some point we have to, as Congress, decide that we want to let this agency do what it does and what it has given us in the past.

To hear the arguments tonight, we would think that this is a program that has given us nothing. NASA has given us a lot and has benefited many for years in ways that we cannot even calculate today.

I say that this is a space station that is worthy of the support of this body. Nothing has changed in the last year to merit another vote on this issue. In fact, the advisory committee that was appointed to look at the redesign of the space station, referred to as the Vest Committee, Charles Vest, president of MIT, just a few months ago, upon review of this program, said, "This program has been dramatically reorganized and has progressed to an extent that has greatly exceeded my expectations. There has been an absolute sea change in the management and organizational structure of this program."

That is quite a turnaround. This committee has done a yeoman's job with this issue. I congratulate the gentleman from Ohio [Mr. STOKES] and the ranking member as well, the gentleman from California [Mr. BROWN] in the authorizing committee that I am a member of, the gentleman from Wisconsin [Mr. SENSENBRENNER] as well. We have put NASA through every hoop that it must jump through, and it has jumped through that hoop. We have redesigned this program. It is a better program. Let us support it and get off NASA's back.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong opposition to the Roemer amendment.

Let us put this in perspective. The Space Station accounts for one seventh-hundredth of the entire federal budget so funding for the Space Station amounts to about $8 per person, so for the cost of one pizza per year, each American can keep the Space Station on track.

Mr. Chairman, I rise today to support full funding for the NASA Space Station Program and oppose the Roemer-Zimmer amendment.

Let me point out to my colleagues that NASA's annual budget accounts for less than 1% of total Federal spending and that the space station accounts for 1/700th of the entire Federal budget. Funding for the space station amounts to about $8 per person. So, for the cost of one pizza a year, each American can keep the Space Station Program on track. In addition, every dollar spent on the space program returns about $7 to the Nation's economy.

Its important to remember that technology developed to support space flight and space-based research is already improving the quality of medical care we receive right here on earth. A few examples of these medical "spin-offs" include:

NASA research has led to a 3 inch implant for delivering insulin to diabetics. The implant provides more precise control of blood sugar levels, and frees diabetics from the burden of daily insulin injections.

NASA developed instruments to measure bone loss and bone density that do not require penetrating the skin; such instruments are now being used by hospitals nationwide.

The "cool suit," developed for the Apollo Program, is now helping to improve the quality of life for some multiple sclerosis patients.

The space station is responsible for more than 40,000 jobs nationwide, and the aerospace jobs created by the space program pay an average of $43,000 a year. Aerospace is the U.S. economy's single strongest export sector, with 1992 exports topping $45 billion.

The Space Station Program has long benefited, and continues to benefit Americans, and all mankind, in areas as diverse as medicine, telecommunications, industrial production and basic science. Killing the Space Station Program would kill these benefits. Please support the Space Station Program by opposing the Roemer-Zimmer amendment.

Mr. ZIMMER. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise in strong support of this amendment. When debating the pros and cons of the space station, we are at no loss for cute phrases like "fiscal black hole," "pigs in space," "lost in space," "costs are exploding out of the world." The list goes on and on.

But for all the humorous cliches and one-liners, let us not forget what a serious and expensive issue this really is.

Mr. Chairman, when the idea of building a high-technology research station in outer space was first conceived 10 years ago, it was given a $8 billion price tag and it would be in orbit this year. I worked at the Office of Management and Budget back then, and I can remember well the arguments both for and against the station. I had some questions about the costs and the mission for such a project back then, but my view was overruled.

Here we are now, 10 years later, the cheapest version of this is going to cost still over $70 billion to build and operate for the next 10 years. And we are not even close to launching a single part of this station into space.

Judging by the higher costs that have already taken place, who knows what the final price tag will be?

The American people are asking us to make some tough choices. And this space station, whether you call it freedom or alpha, frankly, I would prefer to call it spam, because that is pork in a can.

We have a $200 billion deficit, with so many big problems to solve right here at home.

Highly respected scientists have questioned the real benefit of a manned space station. They have repeatedly stated that experiments that would be conducted in this orbiting lab would serve no pressing scientific need whatsoever and would, in fact, take away scarce dollars from more worthy projects.

Just this week I met with a number of university presidents complaining strenuously that money for research in universities is being cut dramatically. We still cannot even keep up with inflation for medical research. We have proven that we can send people to the Moon. Let us prove that we can cure diseases, robbing millions of health and happiness he on Earth.

Let us prove that we can solve problems like hunger and homelessness, joblessness and lack of decent health care and an educational system in need of reform. Ventures like the space station can wait, but the health and the education of our people cannot.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the Roemer-Zimmer amendment.

Every Member of Congress should be perfectly clear about what in fact the Roemer-Zimmer amendment would and would not do.

To start, it would not cut the budget deficit. Nor would it redirect NASA funds to the Veterans Administration, or for public housing, or for any other program under the jurisdiction of the VA, HUD, and Independent Agencies Appropriations Subcommittee.

What the Roemer-Zimmer amendment would do, is re-arrange priorities within NASA. Specifically, this amendment would prohibit funds appropriated by this H.R. 4624 from being

used for further development of the space station.

In other words, this amendment assumes that the Clinton administration, NASA, our own Science, Space, and Technology Committee and the appropriations Subcommittee for VA, HUD and independent agencies are dead wrong about what the priorities should be for this Nation's space program.

Mr. Chairman, I could not disagree more, and I urge those of my colleagues who, like me, believe that U.S. competitiveness is tied to our pushing the Nation's technology envelope—as we most certainly will do during construction of the station—to oppose this amendment.

I also urge Members to vote against Roemer-Zimmer if they are at all concerned about the growing gap between the level of Japan's investment in advanced research and development, and our own, and the growing trade deficit that has resulted from that gap.

I believe that Members should vote for the space station because it is an incredible testbed for advanced technologies which will drive U.S. success in industries such as aerospace, materials, power efficiency, robotics, electronics, and remote sensing.

For instance, the challenge of protecting our astronauts and their equipment from the harsh environment of space—radiation, atomic oxygen and extreme temperature changes—will lead to the development of advanced, longlife structural materials, coatings, lubricants, and mechanical devices, which will enable longlife unattended operations of power stations, environmental monitoring stations, scientific and military observation posts in remote areas.

These and many other technologies developed during construction of the space station will make a critical contribution to the Nation's ability to maintain the leading edge in high-technology innovation. The importance of retaining international leadership in this area should not be underestimated.

In the end, Mr. Chairman, this vote is essentially a question of priorities. When it comes to the issue of our space program, I tend to agree with the leaders of the science community, NASA, industry, labor and our Science Committee when they say that this is the most important way to spend our limited NASA dollars. I urge my colleagues to consider the importance of these priorities, and to oppose the Roemer-Zimmer amendment.

□ 2000

Vote for the space station, because it is an incredible testbed for advanced technology which will drive U.S. successes in industries such as aerospace, materials, power efficiency, robotics, electronics, and remote sensing.

In the end, Mr. Chairman, this vote is essentially a question of priorities. When it comes to the issue of our space program, I agree with the leaders of the science community, NASA, industry, labor, and our Committee on Science, Space, and Technology, and I urge my colleagues to oppose the Roemer-Zimmer amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. KLEIN], a valuable member of the Committee on Science, Space, and Technology.

Mr. KLEIN. Mr. Chairman, I rise in strong support of the Roemer amendment.

If we had unlimited resources, it might, it might be a good expenditure of money to go on with this program, a program that almost all of the experts say will yield little or no scientific benefit that could not be achieved either on the ground or through unmanned space flight. Unfortunately, Mr. Chairman, we do not have unlimited resources.

Mr. Chairman, I would rather spend the $75 billion that this program will cost in programs that will yield jobs and will improve the quality of life for Americans, programs like medical research, programs like energy research, programs like environmental research. Yes, Mr. Chairman, manned space flight will make us feel good, but I would rather spend the money making us feel good by improving the quality of life right here in America.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES] for yielding time to me.

Mr. Chairman, I rise in opposition to the Roemer amendment and in strong support of the VA/HUD appropriations, and in particular the space station. This body will have an opportunity to support a vision for a better quality-of-life in America, funding for the space station. Last year the space station survived a killing amendment by one vote. We face a tough vote to fund this most important project, and keep the vision alive.

Over the years the space station has seen many peaks and valleys, I think that NASA is now on the right track and is moving toward the goal of a manned space station. NASA has brought in the Russian space program in an unprecedented move of international cooperation. Why should NASA have to reinvent the wheel when we can use the best minds of the United States and Russia?

The economic growth surrounding the space station is tremendous. We hear about the $70 billion price tag but nationally there are an estimated 55,000 jobs generated by the space station. Now that the cold war is over and has been over for a couple of years and the Defense budget is showing the effects of it, this country needs to have a strong space program once again. The space station will be the cornerstone of a strong space program. Decades ago this country had a vision of space travel and I think the vision has been clouded in the last few years. A yes vote for the funding for the space station program will clear the clouds around not only the space station but the entire space program.

NASA has quote, unquote "reinvented" itself. They have gone back and looked at itself and streamlined, they cut overhead and contracting. NASA has done a good job with streamlining the project, Congress has put a budgetary cap on funding for the space station, $2.1 billion a year. We need to give the space program a green light about the space station. I urge Members to vote no on the Roemer/Zimmer amendment. If the space station funding is cut what will be cut next year? Possibly the space shuttle? I do not want to see this domino effect happen to NASA's program.

Mr. Chairman, I strongly support the space station and I strongly commend the work of the distinguished gentleman from Ohio [Mr. STOKES].

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California, Mr. RANDY "DUKE" CUNNINGHAM.

Mr. CUNNINGHAM. Mr. Chairman, imagine, put yourself back a couple of hundred years and I was Christopher Columbus asking for financing for the Nina, the Santa Maria, and the Pinta. There would be argument about finances, but there was a disagreement, and the government supported that dream, and the rest is history.

Last week, Mr. Chairman, the Women's caucus, made up of Republican and Democratic women, took a bunch of us men to a dinner—or actually a luncheon held—sponsoring Dr. Becker of Florida that talked about cancer research and multidimensional cell research that is going to lead to cancer. You cannot look at a cancer cell, multidimensional, here on Earth; you cannot even grow it the way we can in space. Whether it is AIDS, whether it is cancer research, or whether it is Alzheimer's let us support it and oppose the Roemer amendment.

Mr. ZIMMER. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I have listened to this debate with great interest. As a matter of fact, I have had great interest in it since last year. However, Mr. Chairman, I am concerned about the direction that this debate has taken. It sounds as if when one is not for the space station, somehow you are not for research, somehow you are not for NASA. That is not the case. That is not the case at all. Indeed, we are continuing to fund NASA. I hope we continue after this to fund NASA.

The previous gentleman said, "What will be next?" I do not think anything will be next, except to support research. I am for basic research. Our military research has gone down. I am for the space program. I am for NASA.

The gentleman from Texas talked about the benefits we have had from the space program. They have not come from the space station because there has been no space station. We have spent tons of money on an elusive space station that is not there. We ought to be spending our money within NASA for things that are in fact successful, instead of continuing to put money in something that has indeed proven unsuccessful.

Mr. Chairman, I support the amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of the Roemer/Zimmer amendment.

The question here is not whether in the abstract there is any value to a space station or not, but how it stacks up in terms of our national priorities. I ask you, does it make sense to spend $1.9 billion this year in public housing for a few astronauts when hundreds of thousands of individuals and families are living on the streets? That $1.9 billion would be on top of the $11.9 billion that we have already appropriated for the space station.

It is time that we stop pouring more of our limited funds into a luxury hotel in the sky, and instead put more dollars into public and assisted housing here on the ground. The space station may have some scientific promise, but given the critical needs we confront here on Earth, it is one that we simply can no longer afford.

Mr. Chairman, I believe this amendment is an important first step in reordering our national priorities. I urge my colleagues to support the Roemer/Zimmer amendment.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, last year in a very close vote in the House I voted to terminate the space station project. I cast that vote because I believed that in setting priorities in a difficult budget climate we could not afford to spend the sums necessary to go forward with the space station. But, the collective wisdom of Congress was to move forward with the project.

Today, I will be voting for space station funding. I am convinced that NASA used the wake-up call delivered by the House last year to dramatically change the project, to address Members' concerns, and to present us with a very different case for funding this year. A few key facts highlight just how different this project is:

Total costs through to completion of the station in 2002 have been cut from more than $24 billion to about $17.5 billion.

Power on the station has been increased from 68 to 110 kilowatts; 4 pressurized modules have been added, almost doubling the volume in the station; and crew size has increased from 4 to 6 persons.

A single contractor, Boeing, has been named to take responsibility for moving the project ahead in a timely and businesslike fashion.

Finally, Russia, our world's other leader in space exploration, has been brought on as a full international partner. This addition has allowed for much of the new station's added capacity and reduced costs, while serving our Nation's most critical, long-term foreign policy goal.

While the space station project has been through several redesigns since 1984, this overhaul has finally brought the changes necessary to give the project the clear mission and purpose essential to its success. We also now have the capability to get the job done at a cost this Nation and its international partners can bear.

This space station will continue America's preeminent leadership in science and technology, enhance our Nation's economic competitiveness, dramatically build international cooperation, and provide a powerful tool for educators to excite generations of children around the world.

I have been particularly heartened by the conclusions of the independent, expert panel assembled by NASA to critique the redesign. Dr. Charles Vest, the president of M.I.T. and chairman of the panel, stated:

> I was absolutely stunned at how much change has been brought into the management and operation of the program. They seem to have by and large gone quite far down the path of implementing all of the things that we recommended in terms of management of the program.

I am convinced that the space station program before us today is a very different and much improved project—compared to the one I voted against last year. At the same time, I think there is a second significant consideration we all must weigh with regard to today's vote.

At some point we must decide to move ahead with this project or kill it. I believe last year was the critical point. Refighting this fight each year only makes it more difficult for NASA to take on its greatest challenge in an efficient or reasonable manner. We owe it to the dedicated men and women who have devoted their extraordinary talents to make this project work to give them a decision. That decision was made last year.

At this point, I believe we should stand behind the past decisions of Congress and give the space station the support it requires. I would urge my colleagues to join with me in moving this project ahead.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

The CHAIRMAN. The Chair would urge Members who are yielding time to be ready to yield their time or to yield it back.

Mr. ROEMER. Mr. Chairman, instead of the gentleman from Arizona, I do not think he is quite ready with his very brilliant remarks, and I would yield to the gentleman from Wisconsin [Mr. BARCA], who is ready with his brilliant remarks.

□ 2010

Mr. BARCA of Wisconsin. Mr. Chairman, this is not a bad project. This is a good project. I believe the administrator, Dan Goldin, has done an excellent job in trying to correct the abysmal performance of NASA that they have demonstrated in the past at this project. If we had better fiscal conditions, if we had a balanced budget, I would support this. Some of the opponents are absolutely wrong when they come to this floor and say this will not be deficit reduction. This is $70 billion.

Mr. Chairman, some of this will be reallocated to science and research as it should, but most will go to reducing our deficit. Every day we hear people in this well exhorting us to take the deficit seriously with their $2 million cutting amendments. In many cases I applaud their efforts, but we need a thousand $2 million amendments in order to come close to the cost of this project.

Mr. Chairman, this is too expensive. We have had too checkered of a past. Let us vote for the Boemer-Zimmer amendment.

The CHAIRMAN. The Chair will announce that he will call in the following order the gentleman to yield:

The gentleman from Ohio, [Mr. STOKES], the gentleman from New Jersey [Mr. ZIMMERMAN], the gentleman from California [Mr. LEWIS], and the gentleman from Indiana [Mr. ROEMER].

The gentleman from Ohio [Mr STOKES] has 8½ minutes remaining, the gentleman from New Jersey [Mr. ZIMMER] has 7 minutes remaining, the gentleman from California [Mr. LEWIS] has 8½ minutes remaining, and the gentleman from Indiana [Mr. ROEMER] has 7 minutes remaining.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. CHAPMAN, a member of the subcommittee.

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I want to in this forum thank our chairman for his hard work in crafting a balanced bill and one in which I believe contemplates not only a balance throughout the agencies that we fund but in this particular case creates the availability in funding to do space station, and I believe we ought to do it.

Mr. Chairman, the Roemer amendment should be defeated. Space station is about our national vitality, undertaking new challenges and fostering a national spirit of excellence. It is about American competitiveness and supporting the favorable balance of trade in our aerospace industry.

This space station project will contribute to high technology and engineering by accelerating breakthroughs and technological prowess in space, and in U.S. products and services here at home. It will contribute to our knowledge by promoting our understanding of our planet and the universe, our employment by directly or indirectly creating 50,000 jobs, tapping the services of over 2,000 businesses, and providing activity in 36 States across this great land.

Mr. Chairman, the space station program will contribute to our education by stimulating youth in math, in science, and engineering, and by supporting a technically competent work force for the future of this country.

The space station most of all will contribute to and is about our quality of life by developing products which will contribute to our life on Earth in areas of medical research, materials, life sciences, robotics, in advances in technology, in making life better that have been detailed here on this floor in this debate.

Mr. Chairman, Theodore Roosevelt once said that we must move forward. We should. This is about science, it is about the future of this country. We should defeat the Roemer amendment and support the space station in this bill.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York, [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, the space station has been scaled down in terms of bureaucracy and enlarged in terms of science. I urge its support and the defeat of this amendment.

Mr. Chairman. The space station—scaled down in terms of bureaucracy, enlarged in terms of science—has developed into a truly global project with a clear purpose. Moreover, at the helm is a reengineered, more efficient NASA that is aligned to balance the project with other important aspects of its mission.

In short, the space station deserves to be a top priority. It is worth the price tag required for success. Edwin Powell Hubble once said, "Equipped with his five senses, man explores the universe around him and calls the adventure science."

The space station extends not only our senses, but also our imaginations. In addition, to providing a world-class orbiting laboratory, the space station will afford the United States and other participating nations the opportunity to pursue: The spacefaring technologies of tomorrow; a better understanding of the human body; peaceful international cooperation; inspiration for our children, and hope for the future.

It is not just the Russians who have joined hands with us in the venture that represents a vivid departure from the threatening tensions of the cold war. We have forged ahead with help from the Canadians, the Japanese, and the European Space Agency, which includes nine nations. All told, other countries have provided more than $3 billion toward the project, which will provide a scientific space platform for at least 15 years and most likely more.

The space station is, in fact, the largest international scientific collaboration ever, the embodiment of what distinguished thinkers like Linus Pauling have meant when they have expressed the sentiment that "we need to have the spirit of science that in international affairs, to make the conduct of international affairs effort to find the solution."

We also should recognize important changes NASA has made in response to problems threatening the space station. The agency has restructured management to streamline the redesign process, improve efficiency and reduce the workforce.

In closing, I want to reiterate my strong support for the space station, a project that deserves to be fully developed and implemented for the profound benefits it can ultimately provide the Nation. I urge you to join with me in opposing any amendment that would kill the space station.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Chairman, on the afternoon of July 16 at 3 o'clock eastern time a cataclysmic event of immense proportions in our solar system will occur when the Shoemaker-Levy 9 comet plunges into the surface of Jupiter creating circumstances which scientists cannot yet predict the outcome.

Some may question why is this of significance. Some years ago the Galileo spacecraft was launched without knowledge of the comet's existence and it will be the only scientific instrument with direct observational capabilities.

More importantly some 65 million years ago at the beginning of the Cenozoic era many believe and some strongly believe that it was such a similar event when a comet struck the surface of the Earth that life forms across species were eliminated. The Leviathans of the Earth, the dinosaurs became extinct as the result of such impact.

We do not yet know the consequences of small investments in science and technology. As long as mankind has the intelligence to explore space and we have the people with courage to take that first step on what is becoming a discount mobile home circling our globe, I think we owe it to our future, not simply to taxpayer concerns about every dollar we can save, we owe it to our future to save every opportunity for the expansion of man's knowledge.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, it must be a good thing the space station is supposed to be out in space, because supporting it requires Members to contradict their statements and prior positions here on Earth.

Consider the Russian participation. Members who oppose foreign aid to Russia and the other newly independent states by supporting the space station, will vote to send far more money to Russia than in the foreign aid they opposed. This money will be used not to build a market economy, not to build democracy, but instead will go to the Russian military-industrial complex.

Consider deficit reduction. Members who think it a sin to spend any money here on Earth, whether for education, for vaccinations, or for research close their eyes and say it is fine to spend money in space.

Consider program accountability. Members who demand results for programs here on Earth will accept programs in space on faith and speculation, particularly a program whose justification and specifications change each year.

Mr. Chairman, the space station, as has been said before, is good. But we must recognize that it is simply not good enough. Too many government programs have not shown results. We have had the courage to terminate some of them. I hope we have the courage tonight to recognize that after 10 years and $11 billion spent, with nothing in orbit to show for the money, and with billions more to go, not just to build the station but also to operate it, the space station is simply not good enough.

Please support this amendment. Members who do will not only be right, they also will be consistent.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment which will terminate the space station program.

With the tough fiscal constraints on the Federal budget, it is important for us to stretch every dollar to ensure that the American people get their money's worth. Space station will cost each American taxpayer $9 a year about the same as a night at the movies. Every dollar put in space programs returns at least $2 in direct and indirect benefits.

And what will we get in return for our money. Scientific, education, and international benefits from the space station will far outweigh its costs.

The space station will be the largest and most advanced international laboratory ever built for research in space. More than 600 experiments have already been proposed for the station which will build on the proven medical research already conducted on the space shuttle.

The space station will inspire a new generation of Americans to explore and

achieve while pioneering new methods of education to teach and motivate the next generation of scientists, engineers and explorers.

In the next century, America's economy will be a multi-cultural, multi-racial work force of men and women with interdisciplinary technological skills. NASA programs, including the space station, provide both the inspiration and the means for minority students to pursue careers in science, engineering, astrophysics and related fields.

The space station is a sound investment in NASA and our future. The American people support the space station and they believe that the U.S. should spend whatever is necessary to maintain U.S. leadership in space. President Clinton supports it. Today, we should support it.

Mr. ZIMMER. Mr. Chairman, I yield myself 2 minutes to deal with some very important issues that were alluded to by the gentleman from Wisconsin [Mr. SENSENBRENNER]; namely, whether the Russians are in the so-called critical path, and to what extent involving Russia has increased the risk in this program.

I commend the gentleman from Wisconsin [Mr. SENSENBRENNER], for his hard work to try and make this program independent and less risky, but it has not been fully successful, because we still rely very heavily on Russian rockets to launch the space station and keep it from crashing back to Earth. We are relying on a rocket called the Progress X which Russia has not yet developed. The Zenit rocket which is intended to be used for resupply flights is being manufactured in Ukraine with which Russia has rocky relations. Russia has looser standards for protecting their spacecraft from orbital debris and because we are putting our joint space station at a higher inclination, we have doubled the risk of collision with orbital debris because of the accommodations we had to make with the Russians.

□ 2020

Another consequence of the joint project is that we now only have a 5-minute launch window every day to get our payloads up into orbit to join with that space station. It had been, a 50-minute window. That means that we are either going to have to risk the safety of our astronauts or we are going to incur enormous amounts of money skipping day after day as we get to that launch window of 5 minutes per day.

There is the untested fuel tank that has to be developed in order to lighten the weight of our shuttle to deliver a full payload to the higher inclination orbit, and there are a number of other major concerns that still remain. So I believe it would be a very grave error to continue this program as long as it is so dependent on Russian involvement.

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

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, John Kennedy challenged Congress. Ronald Reagan, in fact, challenged Congress. Congress delivered. America's space program is number one in the world.

And opponents tonight say when you find yourself in a deep hole, stop digging. That makes some sense. And they are honorable.

I say, as an old quarterback, when you are winning you never, never turn the ball over to your opponent. America is winning.

Number one, scientists, engineers, astronauts, teachers, space industry, companies, 50,000 workers that are saying to Congress tonight, "Do not surrender. Do not throw in the towel. We are winning."

Folks, I am not going to take all of this time.

What Congress has to do is finish something we start, and let the world recognize that. And it is time for Congress to look the world in the eye and say, "When you get to outer space, you will be beamed up by the U.S. Department of Commerce and the Boston Pops Orchestra playing 'The Star Spangled Banner,' because we are going to do it." And that is the determination we need.

There are 50,000 workers out there. There are companies in every part of this country that have made a commitment to the space station.

The least the Congress of the United States can do is meet the challenge as well.

Kennedy challenged us. Reagan challenged us. Clinton is there with that similar challenge.

Republicans and Democrats alike, Congress, past Congresses have delivered. Let us do our fair share. Let us pass the space station.

The gentleman from Indiana [Mr. ROEMER] is a fine Member, but I think we should defeat this soundly.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would think my colleagues would be careful when the gentleman from Ohio, who just spoke, has joined the overwhelming majority and falls in line. People should think that maybe there is something odd going on here.

What is odd is at a time when people are talking about the necessity of reducing the deficit in the budget and finding desperately needed funds to fight disease, to fight crime, to deal with other problems, we indulge ourselves as we do here.

Space exploration is important. But putting a fully manned platform up there on a permanent basis is not a mission driven by science or scientists. As the gentleman said, it is for prestige. It is so people who go up there can hear the Boston Pops Orchestra playing. I will personally give them CD's if the ethics rules allow of the Boston Pops. It would be much cheaper than to spend the tens of billions involved here.

Remember what we are talking about. We are talking about our commitment to human life. If we make that space exploration safe for human beings because we are so committed to human life, we will spend an enormous amount of money that does not have scientific justification, that is not driven by experimentation or by industrial spinoffs. It will be driven solely by the need to make it safe.

On a cost-analysis basis, the additional money that it will cost us to put people there does not even pretend to have scientific justification. It is a justification of prestige.

My friend said we are No. 1. Sure, we are No. 1. Who did we beat? Iran? Belguim? Kazakhstan?

Competition does not get you as much as it used to. There is no other superpower. So we do not have to engage in that kind of competitive operation. We can do what needs to be done.

I will say this, if you vote against this amendment, I do not understand how you then go tell people you want to reduce the deficit, increase funds for crime, and do all of those other things. That is specious.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this next month is the 25th anniversary of NASA's Apollo Moon Mission. It seems appropriate that tonight we are celebrating that landing on the Moon, and we are recognizing that we are having to make that decision again.

I serve, like the sponsor of this amendment, on the Committee on Education and Labor, and I spend a lot of time in our public schools. Each time I go to our public schools in an inner-city district like I represent, when I talk about the space program or the space station, those children's eyes light up. Their eyes gleam, because they know it is their future even though they have to worry about the day-to-day existence.

I would urge you to vote no on the Roemer amendment. Do not take that sparkle out of our children's eyes, because it is their future that we are voting on tonight, their future, their research that they will be doing, just like the Moon program 25 years ago sparked a great deal of more physics students.

By making the right decision tonight and voting down the Roemer amendment, we will do that for our children in our elementary schools.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROEMER. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, much has been said about the dream of Apollo, and it is and it was a glorious dream.

This paper appeared or a similar headline, "Men Walk on the Moon," which appeared all over the United States.

I cannot tell you, as a 12-year-old, how impressed I was watching it on a black-and-white television and reading about it. I remember vividly watching it, because I was limited to how much TV I could watch every night, a half an hour. Yet my parents said on this momentous historical occasion we could watch this late into the night. There were no limits.

I remember, after watching the television, walking outside into the backyard, looking up to the Moon and thinking that there was a man on the Moon and that we could do anything. We could do anything; anything was possible for people.

□ 2030

Yet now, Mr. Chairman, we are thinking of trading in the dream of Apollo for a Yugo, for mediocrity, for a pedestrian space station that cannot achieve the glory and the dreams of what we did 25 years ago.

We should not settle for science that is half-baked, science that does not achieve all that we want it to. We can push for more in this legislation and NASA, and we should not settle for a space station that has moved from 8 scientific objectives to only 1½. It has been said by a diplomat, Carl Scherz, Mr. Chairman, he said back 120 years ago, "America, when right, to be kept right; when wrong, to be put right."

We need to put this space station right. We need to put NASA right, and we need to put our American people as a priority and give them the right responses in this Congress.

However the votes turn out tonight, Mr. Chairman, the votes may be on the other side tonight, but the dollars in the budget are on our side. Let us not put another $2 billion or $4 billion into this mediocre space station that does not conjure up the dreams of Galileo and Fineman and Einstein and Newton, but conjures Machiavelli, a space station that is very cleverly put in different congressional districts, very difficult to cut but very little true science and true good.

I urge my colleagues to act tonight with the courageous vote to cut this space station and get this space program moving back into this direction that we made so many people proud of, including myself as a 12-year-old boy.

Mr. Chairman, I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. I thank the gentleman for yielding this time to me. I thank the gentleman who has done so much on this issue, my neighbor from Ohio and my good friend.

Most of the arguments that could be made about the space station have been made. I certainly associate myself with all those who say this is a vote about the future, and about the future of our country, about the future of our jobs, the future of our technology. But let me say on this particular amendment what I think are the three most compelling reasons to vote against the Roemer amendment.

The first is we have visited this issue time and time again. Just in the 2 years I have been in Congress we have voted on this three times. At some point I believe we should put this issue to rest. I believe it has been decided by this Congress. We support the space station, let us move forward and build it.

Second, I do believe we are going to build a space station someday. If we were to vote against this and we were to kill the space station, the Russians are going to move ahead, the Japanese are going to go ahead; they are going to go up in space and the Nation is going to suddenly wake up in alarm and say, "Look, they have beaten us into space. We now have to build a space station." We will build it 10 years down the road at greater cost than we would today.

Finally last year was a touch vote, it was a weighing against the deficit reduction. This is not deficit reduction. This is choice of priorities.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, let me provide an opinion here as someone who comes from the industry. I worked for over 20 years in the aerospace industry, and I think we should hear a point of view from someone in that field. I am only one of a handful of people in the Congress from an engineering background. We clearly are trying to move from a defense-based aerospace industry into one producing better commercial products. The space station helps us to do just that.

Make no mistake about it, the low-tech jobs are leaving and our jobs future in the United States will rely very heavily upon producing better high-tech, commercial products. No one can predict the future products that will come from the space station, but we must invest in the future.

Stopping the space station is equivalent to eating our seed corn, and we cannot allow that to happen. So, please invest the money, let us give our engineers the opportunity to develop the new products, to make us more competitive in the world marketplace.

Please vote against this amendment and keep our engineering future bright.

Mr. ZIMMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, America's space program will remain stuck in low Earth orbit as long as NASA persists in pursuing extravagant boondoggles like the space station. When the space station was proposed in 1984, it was going to cost $8 billion; it was going to perform a dazzling array of functions, and it was scheduled to be fully operational by 1992. It was going to give us a big edge in the space race against our mortal enemy, the Soviet Union.

By the early 1990's, however, the space station had already consumed that $8 billion, the Soviet Union was gone and with it our superpower rivalry. But the space station was not even close to being operational. It was allowed to continue simply because, as some Members have intimated this evening, it had become a huge Government jobs program.

Now the administration has another rationale for the space station: It tells us the space station will promote democracy and free markets in Russia while saving American taxpayers money. We have heard testimony in the Space Subcommittee from the State Department that there are absolutely no assurances that democracy and free markets will be promoted. As the chairman of the Committee on Foreign Affairs pointed out, the money will all go to state-operated enterprises in Russia and will probably strengthen the very forces we are trying to overcome as Russia tries to develop a democratic and free market society.

As for NASA's claim that the joint Russian-American space station will save the taxpayers $2 billion, the General Accounting Office released a study just last Friday that concludes that those savings are grossly exaggerated and may not exist at all.

This is not a $17.4 billion space station, as some would have you believe.

Here is what the space station will cost, according to NASA's own numbers. We have spent $11.4 billion on research and development so far. Those are sunk costs. We will spend $17.4 billion on future construction costs. We will spend $13 billion on operating costs; that is $1.3 billion for 10 years; and more if the lifespan of the project is longer. We will spend $29 billion on

transportation costs to build, service, and use the space station.

Now, that is $70.8 billion. But NASA's sticker price really is not the full price. The price tag is going to be higher because NASA's estimate does not include the $438 million cost of upgrading the space shuttle so it can reach the space station with the full payload. It does not include the cost of the module to house the centrifuge, something that has not been mentioned tonight but is absolutely essential if we are going to do life sciences, research on the space station. It does not include the $100 million cost to us due to Canada's recent decision to reduce its contribution to the space station because Canada can no longer afford the cost.

Those are just the extra costs we can quantify. In addition, NASA is still negotiating the price of the contract with Boeing, the prime contractor, and it is still negotiating a contract with Russia over what exactly Russia will provide in the long run and how much more we are going to have to pay to Russia for that.

Mr. Chairman, the fundamental question before this House today is whether this orbiting boondoggle is worth the untold billions of American taxpayer dollars it will cost. I submit that it is not.

Mr. Chairman, we should cut our losses now; vote for the Roemer-Zimmer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my friend, the gentleman from New York, Mr. FLOYD FLAKE.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to urge a "no" vote on the Roemer-Zimmer amendment. As many may be aware, I have previously voted against the Space Station Program. I did so primarily for economic reasons. I thought that our limited resources were better spent in other areas. But times are changing. I have, however, had a change of heart.

I recognize that spinoff technology in the areas of seminar software, industrial inspection systems, business software innovations, medical research, and other sciences to be compelling—compelling in the sense that all Americans benefit from this program. Furthermore, I recognize that America needs a presence in space. Without the space station, we will have wasted money not only in the program itself but in the resources and effort we have put into the Shuttle Program.

By voting for this amendment, we also fail to recognize the new international space station, partners, management reforms at NASA, and, despite skewed perceptions, we fail to recognize many NASA successes. I therefore urge you to vote against the Roemer-Zimmer amendment.

□ 2040

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my friend, the gentlewoman from Florida [Mrs. MEEK], a member of the Committee on Appropriations.

Mrs. MEEK of Florida. Mr. Chairman, it is not often in a body such as this body that is steeped in tradition and institutionalism that one has a chance to do something that is good, not only for increasing the quality of life, but also for advancing in science and technology. I think each of us has that opportunity now because now we can either look forward to improving our scientific and technological knowledge in the future, or we can be mired in going back to the olden days.

Well, Mr. Chairman, it is time to go forward now. The time has gone to stand still and think about what was good 10 or 20 years ago. The space station is looking forward to the 21st century, and we must be a part of that.

This is a hard vote. The Congress is a place for those people who do not mind making a hard vote.

Vote yes for the space station.

Mr. STOKES. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. LEWIS of California. Mr. Chairman, I yield an additional minute to the gentleman from California [Mr. BROWN].

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 3½ minutes.

Mr. BROWN of California. Mr. Chairman, I wish to rise in strong opposition to the amendment to terminate funding for the space station. While the amendment does not reduce the deficit, it does inflict serious damage to the balanced civil space program that I believe is an important part of the Nation's investment in civilian research and development.

Let me elaborate for a minute on the state of the U.S. investment in R&D. Quite frankly, the situation is worrisome. For the first time since 1958, Federal support of R&D will fall below 1 percent of gross domestic product. As defense R&D has declined, the investment in civilian R&D has not risen enough to compensate, and both have declined as a percentage of gross domestic product. Cancellation of space station would only exacerbate the situation.

Let us examine what the proposed amendment would do—and not do. First, while the opponents of the space station say that killing the station will help cut the deficit, the amendment that Members are voting on today does not reduce the deficit by a single dollar.

Second, in an argument that is somewhat contradictory to their deficit reduction argument, space station opponents assert that killing the station will free up funds for housing, veterans, and other important programs. However, the amendment does not provide a single dollar to any of those programs. The chart illustrates that their other accounts have already benefited greatly in the bill and there is no conceivable need for further reductions to NASA.

Third, space station opponents say that funding the station will squeeze out other important NASA programs in science and aeronautics. Members know that I have worked hard to ensure that funding for science and aeronautics is protected, and I would not support the space station if I believed that those programs were suffering. However, the simple fact is that the appropriations bill before House today contains full funding for the Science, Aeronautics, and Technology account. Thus, the amendment attempts to correct a nonexistent problem and increase funding in these areas above the requests of NASA and the President.

In reality, this debate is not about deficit reduction or about funding for social programs—it is about the future course of the Civil Space Program.

I strongly believe that the Nation's Space Program will be much more balanced and vital with a space station than without one. The space station is a central element of the Space Program, and the cornerstone of our future activities in human spaceflight. It truly is the next logical step in the human exploration of space.

The space station will be a valuable orbiting research facility on which significant scientific and engineering research will take place. Based on the results that have been obtained with the shuttle to date, it is clear that there is a vast potential for productive work in space. The microgravity environment of space offers truly exciting possibilities for meaningful research and development activities.

In microgravity, we are able to study fundamental properties and processes of materials in ways not possible on Earth. We can grow more perfect crystals of important proteins and learn how to alter them to preform better in the treatment of medical conditions. We can improve our understanding of the fundamental functioning of our biological systems.

However, the space station has an importance beyond its role as a research facility. It represents the world's largest cooperative undertaking in science and technology. It has become the centerpiece of the national space programs of Canada, Japan, and 10 European Nations. And it marks a historic realignment of the American and Russian Space Programs from competition to cooperation.

The importance of this realignment should not be underestimated. Cooperation in space between Russia and the

United States on the Space Station Program offers the promise of reduced costs for each nation. It also allows each nation to benefit from the strengths of the other's Space Program.

It is also clear that the benefits of the space station collaboration are not confined to space exploration. The Gore-Chernomyrdin agreements are strengthening the links between our nations and accelerating the process of reform in Russia. Equally important, the agreements have also helped make the world safer by reducing the prospects of proliferation of harmful technologies.

The House has voted on the space station numerous times and the position of the House has always been the same: The Space Station Program is important, is affordable, and is worthy of support. Nothing has happened to change that conclusion. I urge you to support the space station and defect the amendment to terminate it.

The CHAIRMAN. The gentleman from California [Mr. LEWIS], if he wishes, has 2½ minutes remaining, or he may yield it back.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of the time, not to close the debate on this amendment, but rather because we are closing debate very quickly on this entire bill. Mr. Chairman, I want to take just a moment to express my deep appreciation for the work of my colleagues who have been so helpful on this bill.

Mr. Chairman, let me say this, that there really have been two portions to this bill. There has been the space station, and, on the other hand, there have been all these other very, very important programs, our housing programs, veterans programs, vital programs that relate to the work of EPA. I want to express my deep appreciation to my colleague, the gentleman from California [Mr. BROWN], for his work on all of this, to the gentleman from Wisconsin [Mr. SENSENBRENNER] and to the gentleman from Pennsylvania [Mr. WALKER], who have been so helpful in this process.

But, Mr. Chairman, I especially want to express my deep appreciation one more time to the gentleman from Ohio [Mr. STOKES] and his fine staff for their cooperation in this effort. Tonight, I believe, space station is going to be successful. I hope it is overwhelmingly successful. It is important that we set the record straight on just a couple of items.

□ 2050

It has been said time and time again that space station was stealing from other science programs. The fact is that nothing could be further from the truth, that nobody but nobody with credibility suggests that if we eliminate space station, that money will automatically be going to be transferred to other science projects. Indeed, it is this Member's judgment that space station going down would destroy all of NASA's programs.

Mr. Chairman, our country is at its best when it focuses on very important programs that affect us here at home, such as our housing and veterans programs. But our Nation and our world have been at their best when people look beyond their horizons to their future. That portion of the bill that deals with station indeed is looking to the future of mankind. I urge my colleagues to recognize that as they give not just support for station, but to the entire bill as well.

Mr. TORRES. Mr. Chairman, I rise in support of the action taken by the Appropriations Committee to fully fund the Cassini and AXAF programs.

These two programs are top priority planetary exploration and astrophysics missions.

AXAF is an x-ray observatory designed to view some of the most intriguing and energetic celestial objects, such as black holes, quasars and the remnants of exploded stars. AXAF will probe fundamental questions about the origin and fate of our universe.

The Cassini mission to Saturn and its moon, Titan, will investigate crucial questions about the formation and evolution of our solar system.

Two years ago, in response to increasing Federal budget pressures, both AXAF and Cassini were restructured to reduce costs substantially while maintaining scientific integrity. Both programs are approximately half completed and are outstanding examples of NASA's commitment to maximizing return for the taxpayer's dollars.

AXAF and Cassini are challenging and visionary missions. They are an investment in our technological future and will inspire and motivate the next generation of scientists, engineers and computer specialists. AXAF and Cassini will provide over 1,000 high-tech jobs in California alone, and will also provide significant numbers of jobs in other areas of the country. Our international partners are also very enthusiastic about their collaboration on these missions.

AXAF and Cassini are cornerstones of the new NASA. These are programs of the highest scientific merit which will maintain our country's preeminence in space science. I commend Chairman LOUIS STOKES and ranking minority member JERRY LEWIS, for producing a bill that, under difficult budgetary circumstances, supports a balanced NASA program which includes adequate funding for space science, mission to planet Earth and the space station.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment and in support of space station *Freedom*.

I recognize the magnitude of the investment required for this project and the difficulties the House faces with constrained resources. But space station is a unique laboratory in space that will provide a wide range of scientific technological, educational and economic benefits. Fundamentally it represents the future of manned exploration of space.

I am pleased to note that the program has been restructured to reduce cost and increase capability by streamlining management, reducing overhead and consolidating contractor accountability. These improvements were overwhelmingly endorsed by members of the President's Advisory Committee on Space Station. In the words of the Committee's Chairman, Dr. Charles Vest.

There has been an absolute sea change in the management and organizational structure of this program. As you know, the Advisory Committee was extremely critical of the organizational structure that had evolved for Space Station Freedom. The new organization reflects both the recommendations of the Advisory Committee and the modern management practices brought to the table by Boeing, and is consistent with the themes of Reinventing Government.

The new partnership with Russia on this project is also critically important both to reduce program costs and to promote important foreign policy goals in assisting Russia's transition to a free market economy without dependence on ballistic missile exports. Despite rumors spread by station opponents that the cost of Russian participation was escalating wildly, NASA recently signed the contract for specific Russian hardware and services on schedule and for the exact amount estimated last year.

Critics also contend that station is squeezing out every other NASA effort. But the facts are that human space flight has declined from 47 percent of the NASA budget in fiscal year 1993 to 38 percent by fiscal year 1997. The percentage dedicated to Science and Aeronautical and Technology Research has increased from 34 percent to 42 percent of NASA expenditures.

Abandoning station now that we have efficient management, costs under control and a precedent setting agreement for cooperation with the Russians would be the height of folly. Oppose this amendment.

Mr. POMEROY. Mr. Chairman, today I rise to again support the amendment offered by the gentleman from Indiana [Mr. ROEMER] and the gentleman from New Jersey [Mr. ZIMMER] to eliminate funding for the space station.

Mr. Chairman, we all recognize that human space flight is a source of national esteem and prestige. In another era, we may have been able to support a program as costly as the space station. However, today the budget deficit threatens the very underpinnings of our Nation's economic security. The fact is, we cannot afford to nurse huge and hugely unsuccessful projects such as the space station through countless redesigns and perennial cost-overruns—in the meantime wasting billions.

In 1984, the Reagan administration proposed to construct a manned space station that would be in service by 1994 at a cost of $8 billion. Today, we have spent $11 billion and have nothing whatsoever to show for it. It is now estimated that the total cost to build and operate the space station will be at least $70.8 billion.

I have heard proponents of the space station argue, rather incredibly, that the Roemer amendment does not reduce the deficit. It's true that the Roemer amendment redirects the $2.1 billion provided in this bill for the space

station to pay for station shutdown costs and to fund NASA science and space programs now being devoured by the station. However, it's also true that the Roemer amendment stops the multibillion dollars hemorrhage created by the station—saving more than $60 billion in the out years. In fact, the Roemer-Zimmer may well be the most significant deficit reduction proposal Members will consider this year.

Finally, I would like to emphasize that a "yes" vote on the bipartisan Roemer-Zimmer amendment is not a vote against NASA. Quite the opposite, to support Roemer-Zimmer is to support valuable, cost-effective NASA space and science programs that have been starved by the space station. A vote for the Roemer-Zimmer amendment is a vote against the space station—a project that is rapidly losing its scientific missions even as it continues to add billions to our deficit.

Mr. STEARNS. Mr. Chairman, space is man's last and greatest frontier. It has been since the inception of the Space Program, and will be for years to come, for space represents tomorrow. It is a window of opportunity for man to see into the future.

Tonight we have an opportunity to vote on the future of the space station. It is a vote that signifies the continuance of our desire to walk in the footsteps of our forefathers. We have always been a frontier nation. We have always sought what is on the other side of the river, or over the next mountain. This sense of frontier has shaped our people and our Nation into what it is today.

The critics of the space station are men of little vision. They do not see the possibilities; they do not see the future. They would hold America back, forbidding us the opportunity to pass into tomorrow. Obviously, the critics of the space station are content with the status quo. They claim that we cannot afford the space station. On the contrary, we cannot afford to be without the space station.

There are so many possibilities opened up to all of mankind by the space station. It signifies so much that is new and desirable. It allows us the opportunity to forge ahead, working jointly with other nations to create a better tomorrow for all of humanity. The space station would provide a place for science to grow in new directions, a place for us to begin to comprehend the unknown, a place for man to look into his own future.

Let me offer a lesson from the pages of history. The mid-1400's Europe was starting on the epic voyage of discovery and it was the country of Portugal who first led the way with names that ring through history—Prince Henry the Navigator, Dias, Da Gama. These men and other discovered the passage to India and the East Indies, discovered Brazil and had the ability to bring untold wealth back to their country and the rest of Europe. But there were critics of these voyages who said it was too expensive and costly and not enough benefits to outweigh the dangers. So Portugal did not go forward. Spain, England, France, and the Dutch did. Portugal lost its lead and momentum and its leadership in world history.

Are we to be the Portuguese of the 20th century? It was America who opened the universe for all of mankind. Are we to allow our country to slid into the backwater in the exploration of space?

America was founded by men of vision. From the very beginnings of our Nation we have continued to search for new horizons. From Christopher Columbus to Lewis and Clark to Neil Armstrong, Americans have always forged ahead. This is no time to begin to backtrack. The space station represents what is across the river, or over the next mountain. It is our window of opportunity. We cannot neglect our own future. We must continue to lead the way. We must support funding for the space station. Vote against the Roemer amendment.

Mrs. LLOYD. Mr. Chairman, I rise in support of the fiscal year 1995 VA, HUD, and independent agencies appropriations bill, specifically the appropriation for the National Aeronautics and Space Administration. I commend Chairman STOKES for his role in guiding this legislation.

The variety of scientific programs that are covered under this appropriations bill provide benefits and inspiration to a wide range of people. The projects undertaken by NASA provide for advances in areas from health care to communications as well as encouraging our students in the fields of math, science, and engineering. We often do not realize the far-reaching effects of NASA projects, yet we cannot underestimate their importance.

There has been a great deal of controversy and debate regarding the provisions of this legislation, specifically the international space station program. However, we must realize the benefits and possibilities that such projects hold for everyone in our society. Maintaining a strong industrial base that incorporates the most advanced technologies and materials is vital to our economic stability and growth. A world-class orbiting laboratory, the international space station, will allow us to take advantage of the unique zero-gravity environment to pursue the spacefaring technologies of tomorrow, better understand the human body, and pioneer 21st century technologies. It will be a contributor to our economic future and a giant leap forward in our technological and scientific capabilities.

We must also remember that we are not alone in this endeavor. As the world redefines itself in the wake of the cold war, the value of international cooperative projects, like the space station, is unmeasurable. While the United States has contributed a great deal to the space station project, it is truly an international endeavor. Russia, Japan, Canada, and the European Community have committed to add $9 billion to the United States contribution; they have already contributed more than $4 billion for the project. Should we take the drastic step today of cutting off our involvement with the space station, we jeopardize our standing as a world leader in scientific advancement and threaten any future international partnerships.

In these difficult economic times it is clear that we need to examine every area for savings to eliminate waste and mismanagement wherever possible. We cannot simply and blindly turn our back on projects such as this which offer so many possibilities. I would encourage your support for the program and the many other worthy projects encompassed in this legislation not only for our future but for the future of many generations to follow.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Roemer-Zimmer amendment to delete funding for the space station from the VA/HUD appropriations bill.

We have already spent over $11 billion on the space station, which is projected to cost $75 billion. Today, while we debate spending an additional $2.1 billion for this project, over 500,000 children are homeless. Forty percent of our homeless population is made up of families with children, and one-quarter of the homeless population is comprised of children under the age of 18. How can we continue to pour money into the space station when we cannot even ensure access to safe, decent, and affordable housing for this Nation's children?

In times like these, we simply cannot afford budget-busting experiments like the space station.

Some of my colleagues today have said that the space station's work will benefit education and women's health research. I would argue that a much more efficient and cost-effective way to support this research is to cancel the space station and fund directly the many quality initiatives here on Earth.

In this fiscal environment, we simply cannot afford to indulge in projects like the space station. We have to make tough choices. I urge my colleagues to support the Roemer-Zimmer amendment. It is a sound move in a difficult fiscal situation.

STATEMENT OF CONGRESSWOMAN JOLENE UNSOELD ON THE ROEMER AMENDMENT TO TERMINATE THE INTERNATIONAL SPACE STATION

Mrs. UNSOELD. Mr. Chairman, difficult votes are part of the terrain when serving in this body and I generally make them and move on. Each year that I have voted to kill the Space Station, however, it's left a bitter taste.

I am a believer in the importance of space exploration. We all know of the many technological spinoffs from past space efforts that continue to enrich the lives of all of us. Furthermore, space exploration has served to inspire generations of children just as exploration of our own globe inspired earlier generations.

In past years, however, I could not bring myself to vote for the Space Station because NASA simply didn't have its act together. Cost overruns, constant redesigns, and abominably bad management practices gave me little reason to believe taxpayer dollars would be well spent or that the station—quite literally—would ever get off the ground.

That has changed, and to a degree I frankly did not consider possible. The Vest committee highlighted the change in its recent report. The head of the committee and president of M.I.T., Charles Vest wrote to Dr. John Gibbons, the President's science adviser, that there had been "an absolute sea change in the management and organizational structure of this program." Dr. Vest also noted a marked improvement in our coordination with other participating governments.

That is the other critical development that demanded that I take a fresh look at this project Coordination with Japan, Canada and the European Union is on a sounder footing. What's more, the inclusion of Russia in the space station effort is a major new development, and the evidence suggests that while

their participation is not risk free, the pluses far outweigh the minuses.

The Space Station Program can benefit greatly from the considerable experience the Russian Space Agency has in human space flight. They have developed technologies from which we can benefit. Additionally, our ability to use the Mir station during construction will allow us to cut the cost of constructing the space station while reducing the amount of time it will require to complete it.

Russian participation offers another extraordinary opportunity. Joined with the European Union, Japan, and Canada, the United States, and Russia are poised to undertake a remarkable cooperative adventure that can serve to inspire us all while breaking down nationalist barriers. The cold war may be a thing of the past. Cold war suspicions are not. That alone would not justify building the space station, but it represents one additional reason I have reevaluated my past opposition.

Vastly improved program management, benefits offered by Russian participation, the prospect for scientific advancement, the opportunity to inspire our children and a belief that it is the destiny of humankind that we push back the boundaries of space—these are the reasons I am voting this year to continue development of the space station. But there is a message for NASA—those of us who have been troubled by management of the program in the past will keep our eye on you. We will offer our praise and support if the program is well run, but we will not stand for a return of earlier mismanagement.

Ms. ESHOO. Mr. Chairman, I rise to urge my colleagues to oppose the Roemer/Zimmer amendment and support NASA's Space Station Program.

As a member of the Science, Space, and Technology Committee, I believe the space station will: increase our scientific knowledge, provide new defense technologies, and develop successful civilian spin-offs.

But beyond the scientific and economic reasons to fund the space station, there are critical foreign policy and national security reasons for supporting it.

Russia is in an economic state worse than our Great Depression. One exception to this industrial collapse is the technology produced by the Russian Space Agency. It is good and it is available.

We have a choice. We can enter into a well-negotiated, well-constructed, agreement where our two nations work with other countries on this international space project.

Or, we can pass the Roemer/Zimmer amendment, terminate this international effort, and the Russians will switch to producing missiles and begin selling them to India, Iran, and other countries.

Mr. Chairman, this is the reality. This amendment is short-sighted and fails to recognize the changes in our world. Voting yes means turning our backs on an opportunity to turn swords into plowshares without weakening America's defenses. Such opportunities are rare.

Vote no on the Roemer/Zimmer amendment and support the space station.

Mr. GEDJENSON. Mr. Chairman, I rise today in support of NASA programs and the space station.

Less than 1 percent of the Federal budget is spent on space, but the payback is enormous. Space-derived technology has led to advances in health care, communications, weather forecasting, and environmental research. The international space station will provide a permanent laboratory for important experimentation to develop lifesaving drugs, new alloys and other useful technologies for America's future economic well being. The products of this research will directly benefit all Americans now and well into the next century, as well as generate industries that will provide new high technology employment for our future. Space programs stimulate transition from a defense-oriented to a peacetime economy, effectively using many existing manufacturing assets. Space programs provide jobs for highly skilled workers and sustain the vendor base. With the depressed state of the defense market in Connecticut, space programs are crucial in helping to retain technical expertise to provide for future growth opportunities in this region. The Space Station Program employs hundreds of highly skilled workers in southeastern Connecticut. Termination of the program would be devastating for the businesses, workers, and communities of my district.

NASA and the space station are not robbing veterans, housing the National Science Foundation, or other worthy activities. Budgets are tight, but we cannot sacrifice our future. The space station will generate thousands of lifesaving and useful technologies which will provide significant long-term benefits to the American taxpayers. The VA–HUD–Independent Agencies Appropriations bill strikes a reasonable balance between current needs and future requirements.

I urge you to join me in supporting space programs. Vote for the space station and other NASA programs and against the Roemer/Zimmer amendment.

Mrs. FOWLER. Mr. Chairman, I rise today to strongly support the space station.

The space station will provide us with a long-duration, gravity-free laboratory of literally unparalleled capabilities. We have already seen remarkable progress on breast and cervical cancers and other life-threatening conditions due to space research. With the space station we can expand this work and further enhance the quality of life on Earth.

The space station will offer a unique ability to observe Earth. It will let us perform long-term research on atmospheric, environmental, and oceanic conditions, again improving life here on Earth.

Pursuit of the space station will promote work on critical technologies essential to our Nation's success in the 21st century. I would note that space research has historically returned to our economy some $9 for each $1 spent.

Finally, the space station is an international program, with the United States leading the effort. If we abandon it, our partners will only question our reliability on other cooperative projects.

Mr. Chairman, the Space Program has long fueled the collective imagination of our Nation. We must move forward on space station. Vote no on the Roemer amendment.

Mr. ANDREWS of Texas. Mr. Chairman, once again we are faced with a vote not just on our commitment to the space station but on our commitment to the future. The potential scientific, educational and economic benefits of the station are well documented. However this year there is an important new factor that makes the space station an even better investment in the future.

Thirty-five years ago competition from the Soviet Union (Sputnik) provided a major impetus to build our Nation's space program. Today, our conflict is not against a rival power, but rather against our own limitations. Competition with the Soviet Union has turned into cooperation with Russia, a cooperation that brings together the best and brightest minds in an endeavor that will greatly expand the boundaries of human achievement.

As our relationship with Russia continues to evolve in this post-cold war world, the space station provides an catalyst for building mutual trust and cooperation. Today, this partnership is more important than ever. Finding solutions to world problems such as regional instability, arms technology proliferation and environmental degradation require that we work in close concert with both friends and former adversaries.

In addition to these global considerations, Russian participation in the space station will make a substantial and immediate contribution to the project itself. One such pay-off will come from the U.S. Shuttle-Mir missions, which will give us extremely valuable on-orbit experience. It is impossible to understate the importance of this type of experience—it is exactly what made the Hubble Telescope repair mission such an astounding success.

Russian involvement in the space station has already resulted in a more robust and capable station. The new station has more electrical power and pressurized volume than the previous designs, allowing for both a larger crew and a wider range of experiments. Working with the Russians is going to save us both money in developing this station and time in deploying it. Russian long-term experience in space and the addition of their own network of communications, control and launch centers will add to the station's margin of safety.

The cold war competition between the Soviet Union and the United States helped launch our exploration of space. Today the contest has changed, but our goals of scientific advancement and human progress are stronger than ever. We must now act here in this chamber to seize this historic opportunity and join with the Russians and our international partners in an endeavor in space that holds great promise for life on Earth.

Mr. CLAY. Mr. Chairman, I rise today to urge my colleagues to support the International Space Station. Our Nation's technological growth is dependent on programs such as the space station.

The Federal budget request calls for the government to spend $2.9 billion in fiscal year 1995 on the space station. The space station requires less than one-seventh of the annual budget and less than 15 percent of the NASA budget. The development of the program costs each American about 2.2 cents a day. This figure is minute in comparison to the opportunities that will be gained from this endeavor.

The space station will allow scientists to participate in over 600 experiments and provide the opportunity to evaluate several different medical phenomena. This station would enhance the opportunities to explore possible cures for cancer, arthritis, osteoporosis, and AIDS. The Space Program research has opened an opportunity to improve upon familiar medical machinery including CAT scans, x-rays, and laser surgery.

Space science technology has greatly improved this country's communications capacity and its spin-offs have contributed to every major area of human development.

Super Bowl XXVII was brought to you by satellite communication, the improvement of running shoes by incorporating moon boot material to the soles for shock absorption, radiation hazard detectors have been made available by NASA to protect people exposed to potentially dangerous levels of microwave radiation, improvements made on air purification systems, and the effectiveness of X-ray technology has been greatly improved by the introduction of solar cell sensors.

The space station is essential to space education. In the next century, America's economy will be founded in a multicultural, multiracial work force of men and women with interdisciplinary technological skills. Space education can stimulate students to enter into academic programs that are crucial to our Nation's technological competitiveness and in which they can develop vital job skills for the 21st century. Space education is especially valuable to minority students from nontraditional backgrounds who are seeking careers which provide security and favorable economic opportunities.

The space station is a sound investment in NASA and our future. This program allows the world's best scientists and astronauts to work together in a cooperative effort. It is a program whose historical benefits have far outweighed its costs. The International Space Station is essential to maintaining our Nation's preeminence in space technology. I urge my colleagues to support funding of the space station.

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the Roemer/Zimmer amendment to terminate funding for the space station *Alpha*.

Reducing the Federal deficit is one of my top priorities and I have supported previous efforts to end funding for the space station because funds from this program, over $2 billion, would be targeted for deficit reduction. Unfortunately, the sponsors of the amendment, chose to redistribute funds from the space station to other NASA programs. I plan to oppose the amendment for that reason.

Should amendments to terminate the space station return to the original objective of deficit reduction rather than more congressional spending, I will reconsider my decision and again support efforts to terminate funding for the space station.

Mrs. MORELLA. Mr. Chairman, I have always believed that the space station is a vital step in allowing us to continue meeting our future space objectives. As a member of the Science, Space, and Technology Committee, I am continuing my support of the program today because the space station will be an international research laboratory advancing science and technology, as well as expanding the human presence in space.

The recent incarnation of the space station, known as international space station *Alpha*, which we are debating, is vastly different from the structure which Congress has considered in past years. For the first time, we are debating a space station which includes Russian participation.

With Russian participation, the space station will be more powerful and will have greater capabilities than ever before. As a result, NASA estimates that the space station will be constructed faster, by 15 months, and at a cost saving to the United States of approximately $2 billion. In addition, international space station *Alpha* will be able to tap into the Russian expertise in long-duration space flight and allow United States industry to receive increased access to Russian civil aerospace high technology.

There are foreign policy benefits as well. This project complements the President's goal of democratization and free market movement in Russia, and is a strong inducement for Russia to adhere to the missile technology control regime. Russia will be joining the United States and our original international space station partners, Japan, the European space agency, and Canada, in a cooperative benefit-sharing and cost-sharing relationship. The space station is truly a tangible example of international cooperation at an unprecedented level.

Mr. Chairman, there is virtue and promise in the continued support of the space station since it assures U.S. leadership and preeminence in both space and in the new world order. However, although it is being conceived by, and constructed in our generation, the real beneficiaries of the space station's unique laboratory environment and its discoveries will be our future generations. In addition, the true promise of the space station lies in its impact upon our educational system and upon our Nation's youth. The space station is capturing the imaginations of American students and is helping guide many of them to careers in technically demanding fields, such as math, science, and engineering, which are necessary to maintain a work force capable of competing in the global marketplace.

As a final point, it is important to note that due to the appropriations procedure, NASA has the unenviable task of competing with some very important social programs. Yet, it has been often overlooked that NASA is the only major account in this appropriations bill to be cut below last year's funding level. The facts show that NASA and the space station are simply not taking the much needed funds away from veterans, housing, the National Science Foundation, or other worthy activities in this bill. Nor is the space station robbing other NASA research accounts since this bill fully funds the President's request for science and technology in the NASA budget.

Mr. Chairman, while we must be vigilant through our congressional oversight to ensure that future costs are contained in the construction and operation of international space station *Alpha*, Congress must continue its bipartisan support of the project and reject the amendment to terminate space station funding. Perhaps it is fitting that we are taking this vote as we approach the silver anniversary of the *Apollo 11* lunar landing. Just as we did after Neil Armstrong stepped onto the Moon 25 years ago and after we vote to continue space station funding today, we can point confidently to the Stars, and recognize our future and the future of our Nation.

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of the space station *Alpha*. Space station *Alpha* will inspire yet another generation of Americans to become explorers in the fields of new science, engineering, and medicine.

*Alpha* is critical to maintaining U.S. leadership in space and global competitiveness, and to serve as a driving force for emerging technologies. This space station will permit engineers and scientists to accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth.

*Alpha's* facilities, with near absence of gravity, will permit researchers to study materials that could not exist and processes that could not take place in full Earth gravity. These materials include polymers for everything from paint to contact lenses, semiconductors for high-speed computers and electronics, and high-temperature superconductors for efficiency in electrical devices.

Experimental research in the near absence of gravity produces new insights into industrial processes in materials that cannot be replicated on Earth and contribute to increased understanding of fluid physics and combustion. A better understanding of the combustion process can lead to energy conservation on Earth. As small as a 2-percent increase in burner efficiency for heaters would save the United States $8 billion per year.

In addition, space science is a catalyst for academic achievement. It is important to note that trends of U.S. college students majoring in science and engineering track closely with the funding trends of the U.S. space program. Teachers and communities across the Nation are already using space station concepts in the classroom, and in the future will have experiments on *Alpha*. These experiments will be conducted from their classrooms on the ground. Students will transmit and receive data, manipulate equipment remotely, and evaluate the experiments through interpretation of the data.

Support for the space station *Alpha* is important to America's future.

Mr. HASTINGS. Mr. Chairman, I rise to offer my unequivocal support for the International Space Program. Our Space Program, in particular the space station, provides us the unique opportunity to discover the unknown, to pursue the unchartered, and to challenge the boundaries of our station in life.

The International Space Program offers many advantages to the United States, particularly in the area of foreign policy. The prospective agreement will serve as a long-awaited collaborative effort between Russia and the United States, a symbol of the end of the cold war.

It will encourage Russia to act in compliance with agreements to stop the proliferation of ballistic missile technology. The joint space station will serve the multifaceted purpose of

keeping Russian aerospace workers employed in nonthreatening activities.

The space station will provide America with a steady job base and improved technologies. Space exploration has contributed to scientific breakthroughs in microelectronics, ceramics, computers, optics, environmental sciences, and medical technology, as well as many other advances. It allows our best and brightest scientists to stretch beyond their physical and mental limits in researching and developing our tools of tomorrow.

Continued support for the space station will maintain progress for greater access to international technology, and improve the quality of life for all Americans and for all people around the world.

---

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 278, not voting 6, as follows:

[Roll No. 309]

AYES—155

Ackerman
Andrews (ME)
Baesler
Barca
Barlow
Barrett (WI)
Bereuter
Bilbray
Blackwell
Blute
Brown (OH)
Bunning
Camp
Cantwell
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Danner
de Lugo (VI)
DeFazio
Dellums
Derrick
Duncan
Durbin
English
Evans
Fawell
Foglietta
Frank (MA)
Franks (NJ)
Furse
Goodlatte
Goodling
Gordon
Gutierrez
Hamburg
Hamilton
Hastert
Herger
Hoagland
Hoekstra
Holden
Hoyer
Hughes
Hutchinson
Inglis
Inslee
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
King
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kreidler
LaFalce
Lambert
Lancaster
Lazio
Leach
Lehman
Levin
Lipinski
Long
Lowey
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
McHugh
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Ramstad
Ravenel
Reed
Roemer
Roukema
Rush
Sabo
Sanders
Sangmeister
Schaefer
Schenk
Schroeder
Schumer
Serrano
Shays
Shepherd
Shuster
Skaggs
Slaughter
Smith (MI)
Snowe
Solomon
Spratt
Stark
Strickland
Studds
Stupak
Swett
Synar
Tauzin
Thomas (WY)
Underwood (GU)
Upton
Velazquez
Vento
Visclosky
Waxman
Wheat
Williams
Woolsey
Wyden
Yates
Zimmer

NOES—278

Abercrombie
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Combest
Conyers
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inhofe
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kennelly
Kim
Kingston
Klug
Kopetski
Kyl
Lantos
LaRocco
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manton
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Ortiz
Oxley
Packard
Parker
Pastor
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Regula
Reynolds
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Santorum
Sarpalius
Sawyer
Saxton
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Spence
Stearns
Stenholm
Stokes
Stump
Sundquist
Swift
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Weldon
Whitten
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

Faleomavaega (AS)
Ford (MI)
Grandy
Machtley
Rangel
Romero-Barcelo (PR)

□ 2110

Messrs. WASHINGTON, MICA, and McDADE changed their vote from "aye" to "no."

Mr. DERRICK and Mr. BLACKWELL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,901,200,000, to remain available until September 30, 1996.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,549,587,000.

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, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Of the budgetary resources available to the National Aeronautics and Space Administration during fiscal year 1995, $59,003,000 are permanently canceled. The Administrator of the National Aeronautics and Space Administration shall allocate the amount of budgetary resources canceled among the agency'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. For the purposes of this paragraph, 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 service and

ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1997.

No amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act. The Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1995, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1995 shall not exceed $901,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,216,923,000, of which not to exceed $225,430,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1996: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That amounts appropriated in prior fiscal years for the United States Polar Research Programs, the United States Antarctic Logistical Support Activities, and the Critical Technologies Institute shall be transferred to and merged with this appropriation and remain available until expended.

Of the amounts made available under this heading in Public Law 103–124, $35,000,000 are rescinded.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction and procurement projects pursuant to the purposes of the National Science Foundation Act of 1950, as amended, $105,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1996: *Provided*, That these funds shall not become available for obligation until March 31, 1995.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, 585,974,000, to remain available until September 30, 1996: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $123,966,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1995 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

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, $4,000,000.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

Mr. STOKES (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III through page 65, line 12, 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 Ohio?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of title III?

Mr. STOKES. Mr. Chairman, I ask unanimous consent that title IV and title V, through page 73, line 18, 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 Ohio?

There was no objection.

The text of title IV and title V, through page 73, line 18, is as follows:

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by

section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1995 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101-73 are insufficient, $827,000,000, to remain available until expended.

FDIC AFFORDABLE HOUSING PROGRAM

For the affordable housing program of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q), $15,000,000 to pay for any losses resulting from the sale of properties under the program, and for all administrative and holding costs associated with operating the program.

Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act.

RESOLUTION TRUST CORPORATION

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, $32,000,000.

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

The CHAIRMAN. Are there amendments to title IV or title V, through page 73, line 18?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of

the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government of restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such action.

SEC. 518. COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as "Buy American Act"), which are applicable to those funds.

□ 2120

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I expect that soon the floor manager will be moving that the committee rise and report this bill back to the House, This is not just a procedural motion, Mr. Chairman. If his effect succeeds, it will mean that for another year the money in this Veterans, HUD, and Independent Agencies Appropriations bill will go to illegal aliens, even as many American citizens have to go without those same benefits.

This policy is wrong, Mr. Chairman. This policy is wrong because our country should not be handing out any benefits to illegal aliens on the same basis as American citizens. This policy is wrong because it entices more and more people to come into our country illegally.

And, Mr. Chairman, this policy is wrong because it is simply unfair to American citizens and legal residents, who should always come first when taxpayer money is spent.

Yet the leadership on the other side wants you to vote for a motion that will continue this failed policy. Because the point of this motion is to deny me the right to offer an amendment that says, No more. My amendment, which this motion would prevent me from offering, says that we are going to stop the nonsensical policy of giving benefits to illegal aliens.

Let me offer my colleagues an example of what will happen if the motion to rise passes. This bill funds long-term disaster assistance and several housing assistance programs. Although there is a restriction in current law that is reiterated in this bill with regard to illegal aliens receiving housing subsidies, it does not apply to most housing programs.

Also, I would point out that although we were successful in adopting an amendment to the Los Angeles Earthquake Supplemental Appropriations bill, to cut off long-term disaster assistance to illegal immigrants, that provision applied only to that bill.

In order to prevent illegal aliens from receiving future long-term disaster assistance, we must amend this bill.

Unless the motion to rise is defeated, and my amendment is adopted, there will continue to be Americans who will be denied assistance so that illegal aliens can continue getting the help instead.

Let us stop this insane policy of handing out taxpayer-paid benefits to anyone who can make it into this country illegally. Vote "no" on the motion to rise.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995.

Mr. STOKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

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

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 163, not voting 15, as follows:

[Roll No. 310]

AYES—261

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOES—163

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bunning
Burton
Buyer

Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—15

Cox
Faleomavaega (AS)
Fish
Ford (MI)
Grandy
Istook
Machtley
Mollohan
Romero-Barcelo (PR)
Rush
Swift
Torres
Washington
Wheat
Williams

□ 2142

Mr. FAWELL changed his vote from "aye" to "no."

Mr. LIVINGSTON changed his vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. OBERSTAR] having assumed the chair, Mr. BEILENSON, 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. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KOLBE. In its present form, I am, Mr. Speaker.

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

The clerk read as follows:

Mr. KOLBE moves to recommit the bill H.R. 4624 to the Committee on Appropriations with instructions to report back the same forthwith with the following amendment: On page 66, strike line 10 and all that follows through page 67, line 15.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes in support of his motion.

Mr. KOLBE. I thank the Speaker.

Mr. Speaker. I realize that the hour is late, although I suspect we may still be here for a while. I rise this evening to offer this motion to recommit the VA-HUD appropriation bill. My motion would recommit with instructions to report it back by striking the funding for three programs. It would strike $827 million from the Federal Deposit Insurance Corporation and FSLIC resolution fund; it would strike $15 million from the FDIC affordable housing program, and $32 million from the Resolution Trust Corporation, Office of Inspector General.

Mr. Speaker, I suppose we could say that we could in one quick blow here save almost $900 million for the American taxpayer, but there is another underlying issue for this motion. The fact is, none of these three agencies for which I would strike the funds in this bill testified before the VA-HUD Subcommittee to provide justification for their budget requests.

Every year, every year since these agencies have been in existence, they have testified before the VA-HUD Subcommittee or the relevant subcommittee of Appropriations to which they were assigned. But not this year.

And as a result, the House of Representatives, the subcommittee, the Appropriations Committee, and the full House of Representatives has been denied the opportunity to exercise its responsibility to exercise respect to oversight authority over the budget requests for these agencies.

Now, Mr. Speaker, I suspect—though I hope I would be wrong—but I would suspect there may be just a bit of politics in this decision not to call these three particular agencies to testify.

I think the reason is fairly obvious. We might as well lay it out on the table here tonight. The reason these agencies were not called to testify was that somehow some members of the subcommittee might just ask some embarrassing questions pertaining to the so-called Whitewater investigation. But Mr. Speaker, there is more to this issue. It is not Whitewater we are talking about; we are talking about their regular budget requests. We are talking about their operating funds. No justification was ever presented to the subcommittee; no opportunity was given for the subcommittee to ask questions, to get oral testimony from the agency officials as to why these funds were required or how they would be spent.

So I would say, Mr. Speaker, that the issue tonight goes beyond Whitewater. I think it goes beyond the issue of party politics despite the rhetoric that may be heard. I think that Congress, as an institution, and certainly the Committee on Appropriations as part of this House, has a responsibility, a constitutional responsibility to conduct budget oversight of all the agencies of the executive branch. That is our basic responsibility. And when the majority party, for whatever reason, cancels hearings in front of the committee, then this sacred system of checks and balances is put in jeopardy.

□ 2150

We have to acknowledge the potential for abuses if legitimate oversight responsibilities are ignored when both the executive branch and the legislative branch are controlled by the same party. Congress has an obligation, when it comes to the use of taxpayer funds, to question agencies on their funding priorities. There is no reason that these agencies should be excused from testifying on their budget requests. It is our duty, it is the duty of Congress, certainly of the Committee on Appropriations on which I serve, to know precisely what is in the budget requests for these agencies, why they request the funds, and how they exercise their spending authority. They must explain their costs; they must account for their expenditures. If not the Congress, Mr. Speaker, then who should they account to?

I agree with Senator BYRD in the other body who was quoted today in the newspaper as saying, while speaking about funding for another agency; he said, quote, it, meaning funding, must be justified on an annual basis along with other programs funded in the same bill, unquote.

Now, Mr. Speaker, there is precedent for zeroing out an agency that did not

testify on its appropriation bill. Two years ago the House did not provide funds for the National Space Council, as a matter of fact, in this same subcommittee, because it had sent a letter in lieu of testifying. Both the minority and the majority on the VA–HUD Subcommittee agreed a letter was not sufficient justification for a funding request. We are in the same situation today. Many important questions remain unanswered about a large amount, $900 million of funding for these agencies, because they never appeared before the subcommittee to testify.

Mr. Speaker, I urge the House to exercise its oversight process. We should send a signal to these agencies. We should vote aye on the motion to recommit.

The SPEAKER pro tempore (Mr. OBERSTAR). The time of the gentleman from Arizona [Mr. KOLBE] has expired.

Mr. STOKES. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Arizona [Mr. KOLBE].

The SPEAKER pro tempore the gentleman from Ohio [Mr. STOKES] is recognize for 5 minutes in opposition to the motion to recommit.

Mr. STOKES. Mr. Speaker, due to the lateness of the hour, I have no intention of taking up the entire 5 minutes to speak on this issue. Let me just begin by saying that the issue of holding hearings on these agencies became more of a partisan problem than an issue. As a result the Whitewater case, we decided not to hold hearings with these agencies until the ongoing investigations concerning Whitewater was moving forward, and I might add, Mr. Speaker, the investigations are still ongoing.

Let me also say, Mr. Speaker, that the gentleman from Texas [Mr. GONZALEZ] of the Committee on Banking, Finance and Urban Affairs has stated earlier this week that hearings on the Whitewater case will be held on July 26, 1994.

Before closing let me just call to the attention of Members what the gentleman's motion to recommit will do.

Mr. Speaker, the gentleman's motion to recommit takes all of the money out of the Federal Deposit Insurance Corporation, FSLIC resolution fund in the amount of $827 million in borrowing. It takes out $15 million, the total amount of money in the FDIC Affordable housing program, and it takes all of the money, $32 million, out of the Resolution Trust Corporation's Office of Inspector General. The result of this motion to recommit, Mr. Speaker, would be to prevent the agencies, which Congress established, from efficiently and effectively utilizing taxpayer dollars. In addition, this would limit the agency's ability to leverage sources of funds because of the absence of an appropriation in fiscal year 1995.

I would urge that the Members oppose the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. KOLBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will announce that pursuant to the provisions of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 166, nays 262, answered "present" 1, not voting 5, as follows:

[Roll No. 311]

YEAS—166

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—262

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—5

Fish
Ford (MI)
Grandy
Machtley
Washington

□ 2217

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I rise to inquire of the gentleman from Missouri [Mr. GEPHARDT] the program for the balance of this evening and tomorrow.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our plan, in cooperation with the Minority, is to proceed to a unanimous consent request on the rule on the legislative branch conference report; also, a rule on the DOD appropriation bill; then to move immediately after that to the legislative branch conference report; and then after that to go into the DOD appropriation bill. The final business for the evening would be the motion to instruct on the crime bill.

Mr. Speaker, if we are able, as we hope, to move quickly through this business, we would then have one piece of business left for tomorrow, which we are working to try to resolve, which is the DC appropriation bill. We are in collaboration or negotiation and consultation with the minority to try to work our way through that bill as well, which would mean a very short day tomorrow.

□ 2220

If we have everyone's cooperation, we can move quickly through this business this evening and try to get out of here at the earliest possible moment.

Mr. MICHEL. Mr. Speaker, I thank the majority leader.

If I might just make a comment, I would like to compliment the House on its decorum and the chairmanship of the current Member. If we keep on that kind of track, then the very important pieces of legislation that we always anguish about the temperament about the House at any given time, if everybody cooperates, why, it should work very smoothly and everybody take note of that.

We will be happy to agree.

## WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995, AND WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1995

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the House immediately adopt House Resolution 469 and House Resolution 470.

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

There was no objection.

The texts of House Resolution 469 and of House Resolution 470 are as follows:

H.R. RES. 469

*Resolved*, That points of order against consideration of the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, for failure to comply with clause 7 of rule XXI are waived. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived.

H.R. RES. 470

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The resolutions were agreed to.

A motion to reconsider was laid on the table.

## DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore. The question is on the passage of the bill. This will be a 5-minute vote if a recorded vote is ordered.

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

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 84, not voting 6, as follows:

[Roll No. 312]

YEAS—344

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns

| | | |
|---|---|---|
| Traficant | Vucanovich | Wilson |
| Tucker | Walsh | Wise |
| Unsoeld | Waters | Wolf |
| Upton | Watt | Woolsey |
| Valentine | Waxman | Wyden |
| Velazquez | Weldon | Wynn |
| Vento | Wheat | Yates |
| Visclosky | Whitten | Young (AK) |
| Volkmer | Williams | Young (FL) |

NAYS—84

| | | |
|---|---|---|
| Allard | Hefley | Paxon |
| Archer | Herger | Penny |
| Armey | Hoekstra | Peterson (MN) |
| Bachus (AL) | Huffington | Petri |
| Ballenger | Hughes | Pombo |
| Barca | Hunter | Porter |
| Barrett (WI) | Inglis | Portman |
| Barton | Inhofe | Ramstad |
| Boehner | Istook | Roberts |
| Bunning | Jacobs | Roemer |
| Burton | Johnson, Sam | Rohrabacher |
| Castle | Kim | Ros-Lehtinen |
| Combest | Klug | Roth |
| Cox | Knollenberg | Roukema |
| Crane | Kolbe | Royce |
| Crapo | Kyl | Schaefer |
| Cunningham | Leach | Schroeder |
| Doolittle | Linder | Sensenbrenner |
| Dornan | Manzullo | Shuster |
| Dreier | McCandless | Smith (MI) |
| Duncan | McKeon | Solomon |
| Ehlers | Mica | Spence |
| Fawell | Miller (FL) | Stark |
| Franks (NJ) | Minge | Stump |
| Gekas | Moorhead | Swett |
| Goss | Myers | Walker |
| Grams | Nussle | Zeliff |
| Hancock | Oxley | Zimmer |

NOT VOTING—6

| | | |
|---|---|---|
| Coyne | Ford (MI) | Machtley |
| Fish | Grandy | Washington |

□ 2229

Mr. PORTER changed his vote from "yea" to "nay."

Mr. KASICH changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to the bill, H.R. 4454, making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, and that I may include extraneous and tabular material.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 4454, LEGISLATIVE BRANCH APPROPRIATION ACT, 1995

Mr. FAZIO. Mr. Speaker, pursuant to House Resolution 470 just adopted, I call up the conference report on the bill, H.R. 4454 making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 470, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, June 28, 1994, at page 14920.)

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

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

Mr. Speaker, we have had a very successful conference; 33 Senate amendments to the House bill have all been resolved. We will include a table showing the details of the conference agreement in the RECORD.

The material to which I referred is as follows:

H.R. 4454—LEGISLATIVE APPROPRIATIONS CONFERENCE AGREEMENT—REMARKS OF HON. VIC FAZIO, CALIFORNIA

SUCCESSFUL CONFERENCE

33 Senate amendments to the House bill; all resolved by conferees.

I will include a table showing details of conference agreement.

LEGISLATIVE BRANCH HAS EXCEEDED THE 4 PERCENT STAFF REDUCTION PLAN—WE ARE GOING TO ACHIEVE 5.6 PERCENT

Conference agreement: Maximum restraint on spending consistent with our needs to carry out the job of the Federal legislature.

Applied tougher spending standards to our own budget than almost any other part of government.

Also, we carried out the instructions of the House to the House conferees on Amendment No. 24 to require cost savings at GPO in developing electronic formats for enhanced information access as required by law.

CONFERENCE AGREEMENT—BUDGET AUTHORITY

$2.37 billion ($2,367,287,500)—that's 4.2 percent (+$96.7 million) above 1994.

$142.4 million below budget request—a 5.7 percent reduction.

$100.7 million below our 602(b) Budget Resolution target—(−4.1 percent).

CONFERENCE BUDGET AUTHORITY COMPARED TO HOUSE BILL

The bill we sent to the Senate did not have funds for Senate operations.

Excluding the Senate items, the conference agreement is $24.4 million ($24,434,000) above the House-passed bill. Consisting of: COLA and locality pay increase of $10 million for legislative agencies entitled to receive them; A comparability pay increase of $3.7 million for Capitol and Library police; Building renovation projects: $2.5 million for the Collidge auditorium and Whittall Pavilions at Library of Congress; $6 million derived from receipts for asbestos removal at the GAO building; Workload items: $1.5 million for electronic access by libraries to Federal documents, offset by a substantially higher amount of savings from other electronic format projects; and $475,000 for CRS data services to Members of Congress.

OTHER RESOURCES ADDED

We have funded the beginning of the reconstruction of the Botanic Garden conservatory.

Out of existing no-year funds out of Architect accounts.

We maintained the reduction amendment adopted on the House floor by using previously appropriated funds.

We have funded new security equipment for the Capitol buildings from the same source.

BASELINE COMPARISONS

If we go back three years to the actual 1992 appropriation, and the fiscal year 1995 baseline then projected by CBO: The Legislative Bill is −12.3 percent (−$331 million) below the 1992 level of operations in BA; and 5.5 percent (−$139 million) below 1992 in outlays.

PROVISIONS

Amendment No. 26 amends the Federal printing code. The original Senate amendment made extensive changes in Federal policy which governs the purchase of printing services from the private sector. We did not go along with the Senate in expanding this policy to use the Government Printing Office procurement program for the purchase of computer printing. That is the province of the Government Operations Committee, and we did not change that. But we did go along with including high volume duplicating. The GAO has said there is no longer any real distinction between duplicating and printing—and we have recognized that in this bill.

Amendment No. 26 strengthens the hand of GPO to utilize their competitive procurement program—which is highly developed—to get the best possible price for the government in obtaining contract printing.

Amendment No. 33 contains language that enacts a Human Resources Act for the employees of the Architect of the Capitol. This amendment was included in the Senate bill and, after further review and consultations with Senator Mikulski and others, the Senate managers asked for a further amendment in the conference committee, which House and Senate conferees agreed to. In addition, the House managers proposed a further amendment designed to guarantee that House garage and lot attendants will be eligible for all employee rights made available to House employees.

SUMMARY

In summary, the bill is: $142 million below the request; $101 million below the Sec. 602(b) target allocation; 12.3 percent below the 95 baseline projected from the 1992 level of operation.

Urge an aye vote on passage.

## H.R. 4454 - LEGISLATIVE BRANCH APPROPRIATIONS, 1995

| | FY 1994 Enacted | FY 1995 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I - CONGRESSIONAL OPERATIONS | | | | | | |
| SENATE | | | | | | |
| Mileage and Expense Allowances | | | | | | |
| Mileage of the Vice President and Senators | 60,000 | 60,000 | | 60,000 | 60,000 | |
| Expense allowances: | | | | | | |
| Vice President | 10,000 | 10,000 | | 10,000 | 10,000 | |
| President Pro Tempore of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Majority Leader of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Minority Leader of the Senate | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Majority Whip of the Senate | 5,000 | 5,000 | | 5,000 | 5,000 | |
| Minority Whip of the Senate | 5,000 | 5,000 | | 5,000 | 5,000 | |
| Chairmen of the Majority Conference Committee | 3,000 | 3,000 | | 3,000 | 3,000 | |
| Chairmen of the Minority Conference Committee | 3,000 | 3,000 | | 3,000 | 3,000 | |
| Subtotal, expense allowances | 56,000 | 56,000 | | 56,000 | 56,000 | |
| Representation allowances for the Majority and Minority Leaders | 30,000 | 30,000 | | 30,000 | 30,000 | |
| Total, Mileage and expenses allowances | 146,000 | 146,000 | | 146,000 | 146,000 | |
| Salaries, Officers and Employees | | | | | | |
| Office of the Vice President | 1,431,000 | 1,513,000 | | 1,513,000 | 1,513,000 | +82,000 |
| Office of the President Pro Tempore | 432,000 | 457,000 | | 457,000 | 457,000 | +25,000 |
| Offices of the Majority and Minority Leaders | 2,076,000 | 2,195,000 | | 2,195,000 | 2,195,000 | +119,000 |
| Offices of the Majority and Minority Whips | 644,000 | 656,000 | | 656,000 | 656,000 | +12,000 |
| Conference committees | 1,884,000 | 1,992,000 | | 1,992,000 | 1,992,000 | +108,000 |
| Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority | 362,000 | 384,000 | | 384,000 | 384,000 | +22,000 |
| Office of the Chaplain | 172,000 | 192,000 | | 192,000 | 192,000 | +20,000 |
| Office of the Secretary | 12,165,000 | 12,961,000 | | 12,961,000 | 12,961,000 | +796,000 |
| Office of the Sergeant at Arms and Doorkeeper | 32,739,000 | 32,739,000 | | 32,739,000 | 32,739,000 | |
| Offices of the Secretaries for the Majority and Minority | 1,133,000 | 1,197,000 | | 1,197,000 | 1,197,000 | +64,000 |
| Agency contributions | 17,307,000 | 17,052,000 | | 17,052,000 | 17,052,000 | -255,000 |
| Total, salaries, officers and employees | 70,345,000 | 71,338,000 | | 71,338,000 | 71,338,000 | +993,000 |
| Office of the Legislative Counsel of the Senate | | | | | | |
| Salaries and expenses | 3,080,000 | 3,381,000 | | 3,381,000 | 3,381,000 | +301,000 |
| Office of Senate Legal Counsel | | | | | | |
| Salaries and expenses | 833,000 | 936,000 | | 936,000 | 936,000 | +103,000 |
| Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances | 12,000 | 12,000 | | 12,000 | 12,000 | |
| Contingent Expenses of the Senate | | | | | | |
| Senate policy committees | 2,398,200 | 2,574,000 | | 2,574,000 | 2,574,000 | +175,800 |
| Inquiries and investigations | 77,000,000 | 78,112,000 | | 78,112,000 | 78,112,000 | +1,112,000 |
| Expenses of United States Senate Caucus on International Narcotics Control | 336,000 | 348,000 | | 348,000 | 348,000 | +12,000 |
| Secretary of the Senate | 1,966,500 | 1,966,500 | | 1,966,500 | 1,966,500 | |
| (By transfer) | | | | (7,000,000) | (7,000,000) | (+7,000,000) |
| Sergeant at Arms and Doorkeeper of the Senate | 74,894,000 | 74,894,000 | | 74,894,000 | 74,894,000 | |
| Miscellaneous items | 6,748,000 | 7,429,000 | | 7,429,000 | 7,429,000 | +681,000 |
| Senators' Official Personnel and Office Expense Account | 185,768,000 | 213,542,000 | | 206,542,000 | 206,542,000 | +20,774,000 |
| Office of Fair Employment Practices | 825,000 | 889,000 | | 889,000 | 889,000 | +64,000 |
| Settlements and Awards Reserve | | 1,000,000 | | 1,000,000 | 1,000,000 | +1,000,000 |
| Stationery (revolving fund) | 13,000 | 13,000 | | 13,000 | 13,000 | |
| Official Mail Costs | | | | | | |
| Expenses | 20,000,000 | 36,000,000 | | 11,000,000 | 11,000,000 | -9,000,000 |
| Total, contingent expenses of the Senate | 369,948,700 | 416,767,500 | | 384,767,500 | 384,767,500 | +14,818,800 |
| Total, Senate | 444,364,700 | 492,580,500 | | 460,580,500 | 460,580,500 | +16,215,800 |
| Rescission | | | | -23,000,000 | -23,000,000 | -23,000,000 |
| Total, Senate (net) | 444,364,700 | 492,580,500 | | 437,580,500 | 437,580,500 | -6,784,200 |
| HOUSE OF REPRESENTATIVES | | | | | | |
| Payments to Widows and Heirs of Deceased Members of Congress | | | | | | |
| Gratuities, deceased Members | 133,600 | | 133,600 | 133,600 | 133,600 | |

## H.R. 4454 - LEGISLATIVE BRANCH APPROPRIATIONS, 1995

| | FY 1994 Enacted | FY 1995 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| **Salaries and Expenses** | | | | | | |
| **House Leadership Offices** | | | | | | |
| Office of the Speaker | 1,395,000 | 1,808,000 | 1,444,000 | 1,444,000 | 1,444,000 | +49,000 |
| Office of the Majority Floor Leader | 1,003,000 | 1,121,000 | 1,042,000 | 1,042,000 | 1,042,000 | +39,000 |
| Office of the Minority Floor Leader | 1,383,000 | 1,534,000 | 1,429,000 | 1,429,000 | 1,429,000 | +46,000 |
| Office of the Majority Whip | 1,235,000 | 1,361,000 | 1,284,000 | 1,284,000 | 1,284,000 | +49,000 |
| Office of the Minority Whip | 855,000 | 948,000 | 897,000 | 897,000 | 897,000 | +42,000 |
| Total, House leadership offices | 5,871,000 | 6,573,000 | 6,096,000 | 6,096,000 | 6,096,000 | +225,000 |
| **Members' Clerk Hire** | | | | | | |
| Clerk hire | 225,004,000 | 256,702,000 | 240,417,000 | 240,417,000 | 240,417,000 | +15,413,000 |
| **Committee Employees** | | | | | | |
| Professional and clerical employees of standing committees | 70,445,000 | 78,301,000 | 73,925,000 | 73,925,000 | 73,925,000 | +3,480,000 |
| **Committee on the Budget (Studies)** | | | | | | |
| Salaries and expenses | 389,000 | 401,000 | 401,000 | 401,000 | 401,000 | +12,000 |
| **Standing Committees, Special and Select** | | | | | | |
| Salaries and expenses | 52,662,000 | 56,748,000 | 53,191,000 | 53,191,000 | 53,191,000 | +529,000 |
| **House Information Systems** | | | | | | |
| Salaries and expenses | 22,885,000 | 22,894,000 | 22,437,000 | 22,437,000 | 22,437,000 | -448,000 |
| Offsetting collections | -8,328,000 | -6,420,000 | -6,420,000 | -6,420,000 | -6,420,000 | +1,908,000 |
| Net total, House Information Systems | 14,557,000 | 16,474,000 | 16,017,000 | 16,017,000 | 16,017,000 | +1,460,000 |
| **Allowances and Expenses** | | | | | | |
| Official Expenses of Members | 76,545,000 | 79,800,000 | 79,800,000 | 79,800,000 | 79,800,000 | +3,255,000 |
| Supplies, materials, administrative costs and Federal tort claims | 11,328,000 | 6,666,000 | 6,103,000 | 6,103,000 | 6,103,000 | -5,225,000 |
| Office equipment | 7,196,000 | 11,779,000 | 11,779,000 | 11,779,000 | 11,779,000 | +4,583,000 |
| Net expenses for telecommunications | 5,960,000 | 10,872,000 | 10,872,000 | 10,872,000 | 10,872,000 | +4,912,000 |
| Furniture and furnishings | 1,730,000 | 2,012,000 | 2,012,000 | 2,012,000 | 2,012,000 | +282,000 |
| Stenographic reporting of committee hearings | 1,055,000 | 1,100,000 | 1,100,000 | 1,100,000 | 1,100,000 | +45,000 |
| Reemployed annuitants reimbursements | 933,000 | 1,312,000 | 1,279,000 | 1,279,000 | 1,279,000 | +346,000 |
| Government contributions | 115,314,000 | 134,841,000 | 130,849,000 | 130,849,000 | 130,849,000 | +15,535,000 |
| Miscellaneous items | 761,000 | 778,000 | 778,000 | 778,000 | 778,000 | +17,000 |
| Total, allowances and expenses | 220,812,000 | 249,282,000 | 244,572,000 | 244,572,000 | 244,572,000 | +23,760,000 |
| **Committee on Appropriations (Studies and Investigations)** | | | | | | |
| Salaries and expenses | 6,431,000 | 6,507,000 | 6,495,000 | 6,495,000 | 6,495,000 | +64,000 |
| **Official Mail Costs** | | | | | | |
| Expenses | 40,000,000 | 40,000,000 | 31,000,000 | 31,000,000 | 31,000,000 | -9,000,000 |
| **Salaries, Officers and Employees** | | | | | | |
| Office of the Clerk | 11,947,000 | 15,441,000 | 14,158,000 | 14,158,000 | 14,158,000 | +2,211,000 |
| Office of the Sergeant at Arms | 1,384,000 | 1,677,000 | 1,502,000 | 1,502,000 | 1,502,000 | +118,000 |
| Office of the Doorkeeper | 10,101,000 | 13,687,000 | 11,508,000 | 11,508,000 | 11,508,000 | +1,406,000 |
| Office of Director of Non-Legislative and Financial Services | 14,402,000 | 18,383,000 | 16,360,000 | 16,360,000 | 16,360,000 | +1,958,000 |
| Office of Inspector General | ..... | 304,000 | 295,000 | 295,000 | 295,000 | +295,000 |
| Office of General Counsel | 674,000 | 783,000 | 762,000 | 762,000 | 762,000 | +88,000 |
| Office of the Chaplain | 123,000 | 128,000 | 124,000 | 124,000 | 124,000 | +1,000 |
| Office of the Parliamentarian | 898,000 | 1,076,000 | 983,000 | 983,000 | 983,000 | +85,000 |
| Office of the Parliamentarian | (599,000) | (792,000) | (669,000) | (669,000) | (669,000) | (+70,000) |
| Compilation of precedents of the House of Representatives | (299,000) | (324,000) | (314,000) | (314,000) | (314,000) | (+15,000) |
| Office of the Historian | 310,000 | 465,000 | 337,000 | 337,000 | 337,000 | +27,000 |
| Office of the Law Revision Counsel | 1,453,000 | 1,778,000 | 1,630,000 | 1,630,000 | 1,630,000 | +177,000 |
| Office of the Legislative Counsel | 4,071,000 | 4,844,000 | 4,400,000 | 4,400,000 | 4,400,000 | +329,000 |
| Six minority employees | 738,000 | 772,000 | 747,000 | 747,000 | 747,000 | +9,000 |
| House Democratic Steering Committee and Caucus | 1,474,000 | 1,837,000 | 1,523,000 | 1,523,000 | 1,523,000 | +49,000 |
| House Democratic Steering Committee | (942,000) | (1,027,000) | (970,000) | (970,000) | (970,000) | (+28,000) |
| House Democratic Caucus | (532,000) | (810,000) | (553,000) | (553,000) | (553,000) | (+21,000) |
| House Republican Conference | 1,474,000 | 1,837,000 | 1,523,000 | 1,523,000 | 1,523,000 | +49,000 |
| Other Authorized Employees | 1,088,000 | 1,814,000 | 504,000 | 504,000 | 504,000 | -584,000 |
| Technical assistant, Office of the Attending Physician | (146,000) | (166,000) | (161,000) | (161,000) | (161,000) | (+15,000) |
| L.B.J. Interns | (483,000) | (1,144,000) | ..... | ..... | ..... | (-483,000) |
| Former Speakers' staff | (417,000) | (449,000) | (290,000) | (290,000) | (290,000) | (-127,000) |
| Miscellaneous items | (52,000) | (55,000) | (53,000) | (53,000) | (53,000) | (+1,000) |
| Total, salaries, officers and employees | 50,147,000 | 64,178,000 | 56,354,000 | 56,354,000 | 56,354,000 | +6,207,000 |
| Total, salaries and expenses | 686,318,000 | 777,147,000 | 728,468,000 | 728,468,000 | 728,468,000 | +42,150,000 |
| Total, House of Representatives | 686,451,800 | 777,147,000 | 728,601,800 | 728,601,800 | 728,601,800 | +42,150,000 |

## H.R. 4454 - LEGISLATIVE BRANCH APPROPRIATIONS, 1995

| | FY 1994 Enacted | FY 1995 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| JOINT ITEMS | | | | | | |
| Joint Economic Committee | 3,980,000 | 4,120,000 | 4,090,000 | 4,090,000 | 4,090,000 | +110,000 |
| Joint Committee on Printing | 1,344,000 | 1,380,000 | 1,370,000 | 1,370,000 | 1,370,000 | +26,000 |
| Joint Committee on Taxation | 5,701,000 | 6,484,000 | 6,019,000 | 6,019,000 | 6,019,000 | +318,000 |
| Office of the Attending Physician | | | | | | |
| Medical supplies, equipment, expenses, and allowances | 1,502,000 | 1,335,000 | 1,335,000 | 1,335,000 | 1,335,000 | -167,000 |
| Capitol Police Board | | | | | | |
| Capitol Police | | | | | | |
| Salaries: | | | | | | |
| Sergeant at Arms of the House of Representatives | 29,453,000 | 33,366,000 | 31,833,000 | 33,463,000 | 33,463,000 | +4,010,000 |
| Sergeant at Arms and Doorkeeper of the Senate | 32,802,000 | 36,033,000 | 34,158,000 | 35,919,000 | 35,919,000 | +3,117,000 |
| Total, salaries | 62,255,000 | 69,419,000 | 65,991,000 | 69,382,000 | 69,382,000 | +7,127,000 |
| General expenses | 1,977,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | +23,000 |
| Total, Capitol Police Board | 64,232,000 | 71,419,000 | 67,991,000 | 71,382,000 | 71,382,000 | +7,150,000 |
| Capitol Guide Service | | | | | | |
| Salaries and expenses | 1,628,000 | 1,628,000 | 1,628,000 | 1,628,000 | 1,628,000 | |
| Special Services Office | | | | | | |
| Salaries and expenses | 363,000 | 363,000 | 363,000 | 363,000 | 363,000 | |
| Statements of Appropriations | | | | | | |
| Preparation | | 20,000 | | | | |
| Total, Joint Items | 75,750,000 | 85,749,000 | 82,798,000 | 86,187,000 | 86,187,000 | +7,437,000 |
| OFFICE OF TECHNOLOGY ASSESSMENT | | | | | | |
| Salaries and expenses | 21,315,000 | 22,030,000 | 21,931,000 | 21,970,000 | 21,970,000 | +655,000 |
| CONGRESSIONAL BUDGET OFFICE | | | | | | |
| Salaries and expenses | 22,317,000 | 23,261,000 | 23,133,000 | 23,188,000 | 23,188,000 | +871,000 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Office of the Architect of the Capitol | | | | | | |
| Salaries | 8,453,000 | 9,515,000 | 8,927,000 | 9,103,000 | 9,103,000 | +650,000 |
| Travel (limitation on official travel expenses) | (20,000) | (20,000) | (20,000) | (20,000) | (20,000) | |
| Contingent expenses | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | |
| Total, Office of the Architect of the Capitol | 8,553,000 | 9,615,000 | 9,027,000 | 9,203,000 | 9,203,000 | +650,000 |
| Capitol Buildings and Grounds | | | | | | |
| Capitol buildings | 23,978,000 | 24,416,000 | 22,340,000 | 22,797,000 | 22,797,000 | -1,181,000 |
| Sec. 310 (purchasing x-ray and metal detectors) | | | | (2,015,000) | (2,015,000) | (+2,015,000) |
| Capitol grounds | 5,296,000 | 5,725,000 | 5,201,000 | 5,270,000 | 5,270,000 | -19,000 |
| Senate Office Buildings | 47,339,000 | 48,316,000 | | 47,619,000 | 47,619,000 | +280,000 |
| House Office Buildings | 32,287,000 | 40,034,000 | 41,364,000 | 41,364,000 | 41,364,000 | +9,077,000 |
| Capitol Power Plant | 35,977,000 | 40,548,000 | 36,542,000 | 36,637,000 | 36,637,000 | +660,000 |
| Offsetting collections | -3,200,000 | -3,200,000 | -3,200,000 | -3,200,000 | -3,200,000 | |
| Net total, Capitol Power Plant | 32,777,000 | 37,348,000 | 33,342,000 | 33,437,000 | 33,437,000 | +660,000 |
| Total, Capitol buildings and grounds | 141,670,000 | 156,839,000 | 102,247,000 | 150,487,000 | 150,487,000 | +8,817,000 |
| Total, Architect of the Capitol | 150,223,000 | 166,454,000 | 111,274,000 | 159,690,000 | 159,690,000 | +9,467,000 |
| LIBRARY OF CONGRESS | | | | | | |
| Congressional Research Service | | | | | | |
| Salaries and expenses | 56,718,000 | 60,411,000 | 56,938,000 | 60,456,000 | 60,084,000 | +3,366,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Congressional printing and binding | 88,404,000 | 95,158,000 | 87,717,000 | 89,724,000 | 89,724,000 | +1,320,000 |
| Total, title I, Congressional Operations | 1,548,543,300 | 1,723,790,500 | 1,114,390,600 | 1,607,400,100 | 1,607,025,100 | +58,481,800 |
| Appropriations | (1,548,543,300) | (1,723,790,500) | (1,114,390,600) | (1,630,400,100) | (1,630,025,100) | (+81,481,800) |
| Rescission | | | | (-23,000,000) | (-23,000,000) | (-23,000,000) |

## H.R. 4454 - LEGISLATIVE BRANCH APPROPRIATIONS, 1995

| | FY 1994 Enacted | FY 1995 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE II - OTHER AGENCIES | | | | | | |
| BOTANIC GARDEN | | | | | | |
| Salaries and expenses | 3,008,000 | 3,378,000 | 3,182,000 | 3,230,000 | 3,230,000 | +222,000 |
| Conservatory rennovation | | 7,000,000 | | | | |
| (By transfer) | | | | (7,000,000) | (7,000,000) | (+7,000,000) |
| Total | 3,008,000 | 10,378,000 | 3,182,000 | 3,230,000 | 3,230,000 | +222,000 |
| LIBRARY OF CONGRESS | | | | | | |
| Salaries and expenses | 201,408,000 | 213,205,000 | 207,857,000 | 210,164,000 | 210,164,000 | +8,756,000 |
| Authority to spend receipts | -7,500,000 | -7,869,000 | -7,869,000 | -7,869,000 | -7,869,000 | -369,000 |
| Net total, Salaries and expenses | 193,908,000 | 205,336,000 | 199,988,000 | 202,295,000 | 202,295,000 | +8,389,000 |
| Copyright Office, salaries and expenses | 26,188,000 | 27,956,000 | 27,186,000 | 27,456,000 | 27,456,000 | +1,268,000 |
| Authority to spend receipts | -16,833,000 | -17,427,000 | -17,391,000 | -17,411,000 | -17,411,000 | -578,000 |
| Net total, Copyright Office | 9,355,000 | 10,529,000 | 9,795,000 | 10,045,000 | 10,045,000 | +690,000 |
| Books for the blind and physically handicapped, salaries and expenses | 42,613,000 | 50,155,000 | 44,622,000 | 44,951,000 | 44,951,000 | +2,338,000 |
| Furniture and furnishings | 3,939,000 | 6,239,000 | 5,825,000 | 5,825,000 | 5,825,000 | +1,886,000 |
| Total, Library of Congress (except CRS) | [1] 249,813,000 | 272,259,000 | 260,230,000 | 263,116,000 | 263,116,000 | +13,303,000 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Library Buildings and Grounds | | | | | | |
| Structural and mechanical care | 9,974,000 | 10,785,000 | 9,860,000 | 13,483,000 | 12,483,000 | +2,509,000 |
| COPYRIGHT ROYALTY TRIBUNAL | | | | | | |
| Salaries and expenses | 1,028,000 | | | | | -1,028,000 |
| Authority to spend receipts | -900,000 | | | | | +900,000 |
| Net total, Copyright Royalty Tribunal | 128,000 | | | | | -128,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Office of Superintendent of Documents | | | | | | |
| Salaries and expenses | 29,082,000 | 33,800,000 | 30,800,000 | 32,207,000 | 32,207,000 | +3,125,000 |
| GENERAL ACCOUNTING OFFICE | | | | | | |
| Salaries and expenses | [2] 431,765,000 | 459,591,000 | 440,525,000 | 450,380,000 | 450,380,000 | +18,595,000 |
| Offsetting collections | -1,600,000 | -1,000,000 | -1,000,000 | -7,000,000 | -7,000,000 | -5,400,000 |
| Subtotal | 430,165,000 | 458,591,000 | 439,525,000 | 443,380,000 | 443,380,000 | +13,195,000 |
| GAO use of collections (formerly receipts) | | | | 6,000,000 | 6,000,000 | +6,000,000 |
| Total, General Accounting Office | 430,165,000 | 458,591,000 | 439,525,000 | 449,380,000 | 449,380,000 | +19,195,000 |
| Total, title II, Other agencies | 722,170,000 | 786,813,000 | 743,397,000 | 761,398,000 | 760,398,000 | +38,228,000 |
| Grand total | 2,270,713,300 | 2,509,703,500 | 1,857,787,600 | 2,368,798,100 | 2,367,421,100 | +96,707,800 |

1/ FY 1994 includes rescission of -$1,000,000.

2/ FY 1994 includes rescission of -$650,000.

Mr. Speaker, there is one particularly important aspect of this report that relates to the Architect of the Capitol. Because of his interest in this issue, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

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

Mr. Speaker, I rise today in support of the Legislative Branch Appropriations Conference Report and would like to commend Chairman FAZIO for his hard work on this measure.

Mr. Speaker, in April 1994, the General Accounting Office released a report on the personnel management policies and practices at the Architect of the Capitol. The report, requested by Senator BARBARA MIKULSKI revealed some startling facts, many that my colleagues would be amazed to learn. If I may, let me give you a few of the findings released in the report.

There is no clearly defined hiring procedure.

Supervisors are not required to provide annual performance reviews.

Promotions are inconsistent and not documented.

Employees are not made aware of offenses for which they can be disciplined.

There is no procedure for appealing disciplinary measures.

This list of basic workers violations goes on and on throughout the report.

In an effort to address these unfair labor practices I worked with the gentlelady from the District of Columbia, Representative MFUME, and my colleagues in the other body to craft legislation that would address this matter. I am pleased that Chairman FAZIO and other members of the Conference Committee found it appropriate to include the basic principles of that legislation in the conference report.

Mr. Speaker, the employees of the Architect of the Capitol are the people who paint our hallways, run our trains, and move our office furniture. It is time that we provide them with the same common human resource management practices that are provided for employees in the Federal Government and private sector organizations.

I encourage my colleagues to support this language and to support this conference report.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say that our chairman has very ably described the few minor changes that the conference made. We just a few short weeks ago had a lot of debate and quite a few votes on the issues about this bill, and I think we might as well go ahead and go on to passage.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, if I understand it, I see one copy here of the so-called budget figures. It is $96,707,000 above last year, is that correct?

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

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, the gentleman is correct. It is 4.2 percent, down from 4.4 percent when it passed the House.

Mr. MYERS of Indiana. But it is still $96 million over last year?

Mr. FAZIO. The gentleman is correct.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I believe this is, as the gentleman from Florida said, a very similar vote to the one we had before. This is less than when it passed the House, and I urge adoption of the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

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

There was no objection.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. MURTHA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 5 minutes, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was agreed to.

□ 2245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4650, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 2½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

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

Mr. Chairman, I bring to the House of Representatives the Fiscal Year 1995 Defense Appropriations Bill. I'd like to thank all the members of the Defense Subcommittee for the hard work they have performed all year. I'd like to give special thanks to the ranking minority member of the subcommittee, my friend from Pennsylvania [Mr. MCDADE].

Mr. Chairman, this is the last defense appropriation bill we will be passing in the House while Don Richbourg is staff director of the Defense Subcommittee. Don graduated from the University of Virginia and served as an officer in the Army for 3 years in the intelligence area. After working for a period of time in the private sector he came to work for the Appropriations Committee in 1966. He has had various positions with the Appropriations Committee including serving with the Defense Subcommittee since 1983. He has been the staff director of the Defense Subcommittee since 1985.

Don Richbourg has been a consummate professional during the many years he has served with the committee. His integrity, commitment to the work ethic, judgment and grasp of defense issues are unrivaled. Don has the unique ability to understand and articulate the large national security issues and broad budget topics we face daily on the Defense Subcommittee, while simultaneously conducting the daily detailed work of the appropriations process. He will be sorely missed.

FISCAL YEAR 1995 DEFENSE APPROPRIATIONS BILL

The Appropriations Committee is recommending to the House a total of $243.6 billion in the new budget authority for fiscal year 1995 for the Defense Department. This figure is $846 million below the budget request. These spending levels do not include funds for the Nuclear Weapons Program of the Department of Energy or for Military Construction. Those activities are funded in separate appropriations bills. This has been an extremely challenging year in terms of trying to match the limited resources we have available to the mix of programs necessary to carry out our international commitments.

At this point in the RECORD I will insert a table outlining the Committee's recommendations by account.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1994 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1995

| (1) Agency and item | (2) Appropriated 1994 (enacted to date) | (3) Budget estimates, 1995 | (4) Recommended in bill | (5) Bill compared with appropriated, 1994 | (6) Bill compared with budget estimates, 1995 |
|---|---|---|---|---|---|
| Recapitulation | | | | | |
| Title I—Military Personnel | 70,624,044,000 | 70,475,397,000 | 70,893,502,000 | +269,458,000 | +418,105,000 |
| Title II—Operation and Maintenance | 76,616,787,000 | 81,926,891,000 | 80,006,961,000 | +3,390,174,000 | −1,919,930,000 |
| Title III—Procurement | 44,663,078,000 | 42,698,919,000 | 43,018,433,000 | −1,644,645,000 | +319,514,000 |
| Title IV—Research, Development, Test Evaluation | 35,191,491,000 | 36,225,013,000 | 34,467,940,000 | −723,551,000 | −1,757,073,000 |
| Title V—Revolving and Management Funds | 2,643,095,000 | 1,777,638,000 | 1,949,038,000 | −694,057,000 | +171,400,000 |
| Title VI—Other Department of Defense Programs | 11,021,820,000 | 11,329,706,000 | 12,965,203,000 | +1,943,383,000 | +1,635,497,000 |
| Title VII—National Foreign Intelligence Program | 343,588,000 | 305,384,000 | 281,084,000 | −62,504,000 | −24,300,000 |
| Title VIII—General provisions | −558,958,000 | 7,131,000 | 12,131,000 | +571,089,000 | +5,000,000 |
| Procurement: General provisions | | −304,900,000 | | | +304,900,000 |
| (Additional transfer authority) | (2,500,000,000) | (2,000,000,000) | (2,000,000,000) | (−500,000,000) | |
| Total, Department of Defense | 240,544,945,000 | 244,441,179,000 | 243,594,292,000 | +3,049,347,000 | −846,887,000 |
| Scorekeeping adjustments | −465,300,000 | 8,800,000 | 8,800,000 | +474,100,000 | |
| Grant Total | 240,079,645,000 | 244,449,979,000 | 243,603,092,000 | +3,523,447,000 | −846,887,000 |

This bill is: below the budget request; below the 602(b) allocation in budget authority; and below the outlay level in the 602(b) allocation.

SPENDING AND PERSONNEL TRENDS IN DEFENSE

Mr. Chairman, because of the dissolution of the Soviet Union and the collapse of the Warsaw Pact, very large downsizing of the Department of Defense has taken place. To put the scope of that downsizing in perspective I would cite a few statistics:

The President's fiscal year 1995 budget proposes and the bill implements the 10th consecutive year of reductions in budget authority for defense when measured in constant dollars.

Defense spending levels are reaching historic lows. The 1995 spending level for defense as a percentage of the gross domestic product is projected to be the lowest it has been since before World War II with the exception of fiscal year 1948.

From fiscal year 1985 through fiscal year 1995 over 1,000,000 personnel have been reduced from the manpower levels of the active force, the Guard, and Reserve and civilians employed by the DOD.

The projected fiscal year 1995 active duty end strength will be at the lowest point since 1950.

Millions of additional jobs are being eliminated in the private sector as a result of these reductions.

NO HOLLOW FORCE

Mr. Chairman, while the Committee has been supportive of this downsizing because of the rapidly changing global situation, it has been quite concerned about the potential of a "hollow force" emerging as occurred after World II, the Korean War and the Vietnam war. The committee commends the administration for recognizing various "early warning signs" of the potential of a hollow force emerging and taking action to break the "boom and bust" readiness cycle of the past. The budget as submitted recommends a substantial increase in the Operations and Maintenance budget to enhance readiness, training and depot maintenance. The administration's budget request increases constant dollar operating resources by +14 percent per Army combat battalion, +11 percent Navy ship and +12 percent per Air Force aircraft between fiscal year 1993 and fiscal year 1995.

To further strengthen the administration's initiative, the Committee recommends major readiness enhancements totaling nearly $3,200,000,000 over the budget request in the following areas:

+$607,000,000 for depot maintenance;
+$517,000,000 for real property maintenance;
+$17,000,000 for recruiting and advertising;
+$90,000,000 for war reserve spare parts;
+$465,000,000 for military pay increases;
+$250,000,000 for a new Korean Readiness Enhancement Account;
+$400,000,000 for ammunition;
+$310,000,000 for increased unity training and support;
+$530,000,000 for civilian pay increases.

THREATS HAVE NOT EVAPORATED

There are those who would argue that because of the demise of the Soviet Union, reductions in defense spending should be even deeper than the significant reductions outlined in the President's plan. Unfortunately, the end of the cold war has not brought about a tranquil era in the world.

Each passing day brings home the point that the post-cold war era may well be a volatile and dangerous time. Ethnic, cultural, and religious enmities exist and are increasing in the Balkans, Africa and Middle East. At least 20 countries—many of them hostile to the U.S.—have now or are seeking to develop nuclear, biological and/or chemical weapons and the means to deliver them. More than 12 countries have operational ballistic missiles, and others have programs to develop them. There is no question that America, as the world's only superpower, must maintain an adequate and robust national defense posture in this era of change and turbulence.

The need to be prepared was expressed succinctly by the Chairman of the Joint Chiefs of staff before the Committee earlier this year.

Since our Nation was founded, we have never experienced a 20–year period of uninterrupted peace. Put another way, no soldier in this country's history has ever completed a military career when the Nation did not engage in armed conflict at least once. This is the reality that underscores our need to remain ready.

RESERVE COMPONENT

As the war in the Persian Gulf dramatized, the Reserve Component plays a key role in our overall force readiness. A comparison of the active force level vis-a-vis the Reserve Components during the 1987–1997 time frame, shows that while the active force will have declined from 2,200,000 to 1,500,000, the Selected Reserves will decrease from 1,200,000 to 934,000. Thus while that active force will have declined by 32 percent during that time frame, the Reserve components declined by 19 percent.

The DOD plans to place even greater reliance on the reserve components in the future, including enhanced readiness for 15 combat maneuver brigades with deployment times reduced to 90 days. The Committee has taken initiatives to further enhance the readiness and morale of the Guard and Reserves. These initiatives include a pay raise and an increase of almost $800 million for high priority procurement items for the Guard and Reserve.

DISCRETIONARY SPENDING

As the Chairman of the Subcommittee responsible for approximately one-half of all discretionary spending, I would like to take a moment to point out the outstanding track record of the Appropriations Committee in controlling discretionary spending. As the following table points out, the real growth of discretionary spending for the 30 year time period of 1968–1998 is 0 percent.

OUTLAYS FOR MAJOR SPENDING CATEGORIES FISCAL YEAR 1968–1998

[In billions of constant 1994 dollars]

| | Discretionary spending | Entitlements and other mandatory spending | Deposit insurance | Net interest | Offsetting receipts | Total outlays |
|---|---|---|---|---|---|---|
| 1968 | 486.1 | 223.3 | −2.1 | 44.2 | −42.3 | 709.2 |
| 1969 | 464.8 | 234.3 | −2.3 | 48.4 | −42.1 | 702.8 |
| 1970 | 454.7 | 250.7 | −1.8 | 52.5 | −41.9 | 714.2 |
| 1971 | 443.4 | 288.4 | −1.3 | 51.8 | −49.1 | 733.1 |
| 1972 | 448.1 | 325.9 | −2.0 | 52.1 | −47.5 | 776.6 |
| 1973 | 437.0 | 363.3 | −2.6 | 56.2 | −58.3 | 795.5 |

OUTLAYS FOR MAJOR SPENDING CATEGORIES FISCAL YEAR 1968–1998—Continued

[In billions of constant 1994 dollars]

| | Discretionary spending | Entitlements and other mandatory spending | Deposit insurance | Net interest | Offsetting receipts | Total outlays |
|---|---|---|---|---|---|---|
| 1974 | 425.3 | 379.4 | −1.8 | 64.0 | −63.1 | 803.7 |
| 1975 | 441.1 | 446.4 | 1.4 | 63.1 | −49.7 | 902.2 |
| 1976 | 446.5 | 482.5 | −1.5 | 68.0 | −49.9 | 945.6 |
| 1977 | 466.3 | 488.8 | −6.6 | 70.7 | −50.9 | 968.2 |
| 1978 | 486.1 | 507.6 | −2.2 | 78.8 | −50.7 | 1,019.6 |
| 1979 | 489.8 | 506.5 | −3.6 | 87.0 | −52.2 | 1,027.5 |
| 1980 | 507.7 | 535.4 | −0.7 | 96.5 | −53.5 | 1,085.2 |
| 1981 | 514.3 | 568.5 | −2.3 | 114.8 | −63.2 | 1,131.9 |
| 1982 | 508.7 | 581.3 | −3.3 | 132.6 | −56.2 | 1,163.1 |
| 1983 | 527.8 | 614.7 | −1.7 | 134.1 | −67.7 | 1,207.2 |
| 1984 | 543.9 | 582.0 | −1.2 | 159.2 | −63.4 | 1,220.4 |
| 1985 | 575.1 | 621.8 | −3.0 | 178.9 | −65.1 | 1,307.7 |
| 1986 | 591.9 | 619.8 | 2.0 | 183.4 | −61.9 | 1,335.2 |
| 1987 | 583.1 | 616.2 | 4.1 | 181.7 | −69.4 | 1,315.6 |
| 1988 | 585.4 | 622.1 | 12.6 | 191.1 | −71.7 | 1,339.4 |
| 1989 | 588.4 | 632.3 | 26.4 | 203.4 | −76.8 | 1,373.8 |
| 1990 | 574.3 | 649.5 | 66.5 | 210.9 | −67.3 | 1,433.9 |
| 1991 | 582.7 | 691.0 | 72.3 | 212.0 | −115.5 | 1,442.5 |
| 1992 | 566.9 | 752.7 | 2.8 | 210.9 | −72.8 | 1,460.5 |
| 1993 | 556.8 | 782.3 | −28.7 | 204.1 | −68.9 | 1,445.6 |
| 1994 [1] | 544.3 | 801.9 | −3.5 | 201.2 | −68.1 | 1,475.7 |
| 1995 [1] | 530.0 | 832.0 | −11.8 | 207.5 | −82.4 | 1,475.3 |
| 1996 [1] | 513.9 | 846.7 | −13.2 | 216.7 | −67.5 | 1,496.5 |
| 1997 [1] | 498.7 | 881.9 | −5.5 | 220.3 | −68.7 | 1,526.8 |
| 1998 [1] | 485.1 | 913.1 | −4.3 | 223.3 | −70.7 | 1,546.5 |
| Percentage change 1968–1998 | 0 | +309 | | +405 | | +118 |

[1] Projection (April 1994).

Source: Congressional Budget Office.

CONCLUSION

Returning to the Defense Bill, in conclusion, the bill is below the budget request; is below the level in the 602 allocation; continues the steady contraction of the overall force structure; and makes an important contribution to enhancing our readiness and ensuring that we do not have a return to the "hollow force" that has emerged in past downsizing.

I urge passage of the defense bill by the House of Representatives.

Mr. Chairman, I have additional clarification of the committee's intent regarding several subjects. In fiscal years 1994 and 1995, DOD requested no funds for reusable space launch vehicle technologies or the continued development of the DC–X single stage to orbit [SSTO] launch vehicle. In fiscal year 1994 the committee provided $40 million above the budget and this bill before you today includes another $50,000,000 above the budget for this effort.

On pages 32 and 33 of report number 103–562 which accompanies this bill, the committee included a brief discussion of the merits of reusable space launch technologies. It is the committee's belief that SSTO is a viable program structure around which reusable technologies can be focused. It is clearly the committee's intent that the $50,000,000 provided in fiscal year 1995 and the $35,000,000 still unobligated in fiscal year 1994 be available for the Air Force's Phillips Laboratory to proceed with the next phase of the SSTO reusable space launch technology effort.

The committee intends that out of funds available to the Department of Defense, $1,800,000 shall be available for Plasma—electric waste converter, and $12,000,000 shall be available for the MK4 acoustic device countermeasure.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I rise in support of this bill and ask for its prompt and favorable consideration.

At the outset I want to acknowledge the chairman, the gentleman from Pennsylvania, who this year led us through a process which presented us with more difficulty than any bill I have dealt with in any of the 14 years I have been on the Defense Subcommittee. He brought each and every issue to the subcommittee—seeking out the collective view, both sides of the aisle, and forging a consensus around what I consider a solid bill given the dollars we have available. And he has held fast to what has always been his bottom line—taking care of the troops in the field. This bill looks after the troops and no one deserves more credit than JACK MURTHA.

Mr. Chairman, it is no secret that many of us, myself included believe the Defense program being put forward by the administration is fatally flawed. It cuts Defense too far, and too fast. The bill before you today will bring Defense spending to 3.8 percent of Gross Domestic Product—the lowest level since 1948. And the plan is to bring it down even further, to 2.8 percent, by 1999.

That is the plan, and the roadmap to get us there is full of missing pages and surrounded by smoke and mirrors. It is common knowledge now the Pentagon' 5-year program is underfunded by at least $50 billion and probably more: $20 billion from faulty inflation assumptions, $6 to $9 billion in "savings" from procurement reform, billions more assumed from base closures, and $26 billion by holding military and DoD civilian pay to less than what is needed to cover cost-of-living increases.

Meanwhile, our troops are being deployed away from home more than ever and the world continues to confront us with challenges. There is talk of sending troops on new missions, from Haiti to Bosnia. And the situation on the Korean peninsula threatens our Nation and the entire globe with enormous stakes and huge risks.

So what we are looking at is a budget being cut to the bone, and which only works by claiming billions of phantom savings, at a time when we are calling on the military more and more. Mr. Chairman, unless this gets fixed, we are going to break the force. We will break this force and repeat history by creating another hollow military.

The danger signs are already out there. Many of you saw the New York Times story on June 12 about how more and more of our enlisted servicemembers need Government assistance such as food stamps. Military families are under increasing strains and incidents of spousal abuse are on the rise.

And military readiness is at risk. Let me read some excerpts from a letter I received this month from the Army Chief of Staff, General Gordon Sullivan:

Speaking of budgets, he says: "the Army has lost more than can be accommodated and still fulfill our requirements."

Speaking of readiness he says: "In 1993, Army training tempo fell to its lowest point in years," and "the high state of readiness that our army used to defeat Iraq in 1991 is now being depleted."

And speaking of his troops in the field, he says: "I can no longer ask them to take shortcuts. We need tangible increases in training, quality of life, and * * * maintenance."

The danger signs are there, Mr. Chairman. And while today we cannot change the overall path this administration seems determined to take us on in Defense, we certainly can take strong action in this bill to address these looming problems and that is what we are recommending.

There is a full cost-of-living pay increase in the bill for both military and civilian personnel. An additional $1.5 billion for maintenance, training hours, and war reserve items. Also, $400 million over the budget to shore up the Nation's ammunition base which is crumbling before our eyes. And $250 million extra for strategic sealift.

All told, nearly $5 billion in increases over the budget, to bolster near-term readiness and warfighting deficiencies ranging from theater missile defense to preserving the B-52 bomber force.

Throughout the bill you will find other programs funded to support the smaller, leaner force we are creating, such as the C-17 airlifter, the new carrier, and upgrades to the Army's armored force.

In closing, given the funding we had available, this is a good bill which puts readiness first and which deserves the House's support. Again, I want to commend the chairman and all the subcommittee members and staff for their work, and in particular, I want to acknowledge the staff director of the Defense Subcommittee, Don Richbourg. This is the last bill that our subcommittee will be bringing to the House with Don, as he will be leaving the committee at the end of this year. This follows 28 years of service in which he has deservedly gained a reputation as one of the best staff members on the Hill. He has truly become an institution on the committee, and I cannot give him enough credit for the skill and judgment he has brought to the Defense Subcommittee in handling one of the most complex and critically important bills before the Congress every year. He has been scrupulously nonpartisan, in the best traditions of the Appropriations Committee, and I speak for all the Members on our side who have benefited from his hard work and experience. Don, the country is better off for your contributions and I want to thank you for making a difference.

I ask for quick and favorable consideration of this bill,

Mr. Chairman, I yield 30 seconds to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I just want to commend the chairman and the committee for assuring the gentleman from Virginia [Mr. MORAN] and myself that he will do everything he can to try to see to it that we are able to solve this COLA equity problem which was not resolved in the Appropriations Committee and had been resolved under a specific provision in the House Armed Services Committee. I look forward to working with them and the Members of the other body to try to find a satisfactory resolution to this very troublesome but important problem.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. Although this bill is not to the levels that I would like to see because I think we are approaching a hollow force rapidly and our readiness is suffering, I rise in support of this bill.

Mr. Chairman, I rise in support of this year's defense appropriations bill, but this may be the last year I can support our product. It is not the fault of the committee and its strong leadership under Chairman MURTHA and my good friend JOE MCDADE. They have done a masterful job of taking a very poor administrative budget request bordering on the irresponsible and turning it into an acceptable bill.

The fiscal year 1995 budget and this appropriations bill represent the 10th consecutive year of reductions in budget authority for defense when measured in constant dollars, except for the one time surge in spending for Operations Desert Shield and Desert Storm. By the end of fiscal year 1994, our active force level will be 513,000 military personnel less than the level in place when the Berlin Wall came down in 1989. The amount of this reduction in personnel is incredible considering that there were more than 513,000 military personnel stationed overseas in 1989 and that is roughly equal to the entire force the United States deployed to the Persian Gulf during the war with Iraq in 1991. The projected uniformed strength of 1,400,000 by 1997 would be the lowest number of personnel in the Armed Forces in 57 years.

It is not only the budget request that is unacceptable. Almost every uniformed witness who appeared before our committee when forced to level with us admitted that the basic concept on which the Defense Department's budget is predicated—fighting two near simultaneous major regional conflicts—would be very difficult to do today or in the future. There were varying degrees of concern, but no uniformed officer could honestly testify that we can now or in the future accomplish this basic goal without serious risks.

I view with great alarm what they have said about this basic building block of the defense budget. In fact, I have come to the conclusion that the entire two near simultaneous MRC concept is a sham. Listen to what the military officers who testified before our committee say about it:

General Shalikashvili, the Chairman of the Joint Chiefs of Staff: "The forces and capabilities we are recommending, and that Secretary Perry outlined are lean; in fact I would say very, very lean, but sufficient." How would you like to be in a Korean foxhole depending on a very, very lean force, but one that is sufficient?

General McPeak, Chief of Staff of the Air Force when asked about being able to execute two MRC's: "We said coming out of the Bottom-Up Review that we were accepting a certain level of risk in being able to execute two MRC's." He adds, "I would like to order up one big one and one little one. Towards the end of this decade when we get PGM's in the bomber force then I think you could handle two." How would you like to be a soldier on the way to the Middle East when a conflict is already waging in Korea. Is the conflict you are going to the big one or the little one?

What's really disturbing is that in some very important aspects of war fighting, they didn't even consider what two MRC's require. Like intelligence. Here's what the Assistant Secretary of Defense for Command, Control, Communications and Intelligence has to say: "One of the weaknesses of the Bottom-Up Review is that it did not place the emphasis that we felt was necessary on the intelligence to include the communications to support the intelligence. When we brought that to the attention of Dr. Deutch, he established another task force headed up by Mr. Hall and our group. They are currently working the problem and expect to report out some time within the next 30 days." One of the lessons learned from Desert Storm/Desert Shield is that C3I is among our most important shortfalls.

And when you get to the war fighters themselves, it gets real serious. Here is what General Hoar of the Central Command says about the two MRC issue: "The issue, as I see it, mainly has to do with risk. The BUR, as I read it, says that we would incur moderate risk by doing two near simultaneous major regional contingencies. There are a lot of unknowns in this, Mr. Young, in the sense that the BUR was put together, not as a national strategy, but as a means of determining size and how we should go. As a result, there are a lot of things that are unanswered for us as well."

And the real key—getting there—is probably the biggest concern yet. At least two CINCs who would have to use our transportation system say it is broke. One of them calls it a "showstopper." The CINC in charge of transportation flat out says he cannot provide transportation to two MRC's today. He can provide for one, and he feels fairly confident on that although he says there are some fairly "heroic assumptions that get made relative to activation of the Reserve and the CRAF." Now that's just for one. What about getting to two. They don't have a clue about that because they haven't even figured out how to do the most likely scenario—Korea and the Middle East.

The two MRC concept as currently scripted is a fraud. It is just a game. It is not a war fighting plan. In fact as I said, the CINCs responsible to fight those conflicts and the CINC responsible for getting them to the battlefield had just begun the process of figuring out how to deploy the necessary troops during the middle of our hearing cycle. That's not the kind of planning you base a whole budget on for 1 year never the less the whole FDP.

I don't blame the military officers to whose testimony I have referred. They are all honorable men and if they had been less than candid with us, I would be really disappointed. But the same thing is happening with our budget as happened in Somalia. The civilian leadership sent our young men to a hotspot half way around the world. The military commander on the scene requested armor. The civilian leadership didn't respond. We lost 44 men.

Here, the civilian leadership devises a plan for the military to fight two near simultaneous MRC's. The military planners are telling us as best they can while still being good soldiers, that the plan doesn't provide the armor they need. Not only the armor, but the fighters and the transportation to get there. It's our job to see that a lot of them don't get killed because we fall for their game.

In view of the testimony we received, I think it would be very prudent for the Department to scrap its so called bottom up review and start all over again. It is clear to me that the present strategy is seriously flawed.

The second big problem I have with this budget is that it does not provide the modest pay raise for the troops, the committee has provided it for the second year in a row, and it does not come close to providing the quality of life that our service members and their families deserve. And this is a big problem. Again, I go to our hearings. Throughout our hearings the military officers who are charged with stating priorities placed pay and quality of life highest.

Perhaps Admiral Larson, Commander in Chief for the Pacific Command said it best when he said:

I am concerned about our troops and pay raises. There are a lot of things that have gone on in the last year that are very disturbing to me, suggestions like cost of living allowance caps and rolling COLAs and cancelling this and waiting until the age of 62. Our troops look at that as reneging on a contract they made when they came aboard. They read Army and Air Force Times and know what is going on. They can tell you how much they are going to lose over a lifetime if they stay in. I am never going to get another pay raise in the Navy, so I am not talking for myself, but for the troops. I think we have to be careful when we start diddling with their contract. The things they were told 18 or 20 years ago we told them in good faith. This is the first time in my 40 years in uniform we haven't grandfathered that kind of thing. The last time we came up with a new system it was grandfathered and we stated everybody that comes in after next October will be under the new system. Now we are talking about people that have been in 20 years taking these hits. I think it is very dangerous.

And then he tells it like it is, because this is what the Department of Defense has in affect done. He says "I was told by some people if I put compensation and quality of life and people on my Integrated Priority List, I was wasting a number because everybody is supposed to know that. I feel because it is so important, I want to put it there and give it visibility."

People are the most important asset we have, and the Department is giving them short shift. Though very small improvements have been made in morale, welfare and recreation, child care and family services programs; the quality of life, base support and real property maintenance categories as a whole remain well below the essential funding threshold. Again, the committee has done the very best it can to make up for these shortfalls, but the Department has to do better. Any further cuts this year would seriously impact directly on force structure and readiness, undermining the war fighting capabilities of our troops.

This has translated into hard decisions in which essential modernization programs have been reduced, delayed, or canceled, and only the most critical have been preserved. Meanwhile, we cannot afford to erode the quality of life for our service men and women and their families who do so much for so many so frequently—and as an all volunteer force.

In the spring of 1993, the administration proposed capping increases in military pay by eliminating raises in 1994 altogether and holding future increases to 1.5 percentage points below the Employment Cost Index [ECI]. As I pointed out earlier, the subcommittee wisely rejected this plan and provided much needed pay raises for our military personnel both last year and this.

If civilian wage movement kept pace with the projected cost of living, the administration proposal would have created a decline in relative military pay on the order of 9 percent from fiscal year 1994 to 1997. The existing military pay gap is estimated at 11.7 percent, and number already large enough for concern. The continuance of pay caps of ECI minus 1.5 percent would widen the gap to over 18 percent, according to current methods of estimation, by 1997.

The personal lives of many of our military personnel are in increased turmoil as a direct result of a stagnant pay scale and rapid downsizing. As the gap between military pay and civilian wages continues to grow, increasing numbers of military families are forced to turn to food stamps to make ends meet. That's just not right. Food stamps redeemed at commissaries grew last year over 10 percent and included use by retirees. Those married service men and women fortunate enough to be unrestricted by operational tempo or deployments often must take on second jobs to pay the bills that come with raising a young family. The service men and women assigned to a deploying unit or one with a high operational and personnel tempo too often find themselves turning to Federal assistance just to maintain a minimal life style.

Finally, I must say that although the Berlin wall has come down, the Iron Curtain has melted and the possibility of super power conflict has substantively diminished, the world remains a hostile place. There are currently 20 shooting wars in progress. Another 18 hot spots are being monitored on a daily basis. We have troops in Somalia, Bosnia, and the Middle East. Korea and Haiti are possible near term future presence or war fighting requirements.

The bottom line is that while force structure has come down, presence requirements have not. For those services who are heavily involved in forward presence in both peace and war, this is increasingly challenging for both service personnel and their families. We are doing more with less and that is driving personnel deployment tempos to unacceptable levels.

As a Congress, we are doing the best we can to provide adequate resources for service personnel and their families. But the annual budgets presented to us do not recognize this growing problem.

The administration should know that many in the Congress who have steadfastly stood for strong national defense will no longer be able to support their requests unless the next budget submitted by the President contains adequate resources to address these readiness and quality of life issues. It must address the acceptability of military pay and modernization levels when viewed against a need for a well-trained, well-equipped force with acceptable levels of moral and quality of life. Our service men and women and their families deserve no less and we as a Nation owe them a lot more.

It is time to sound the alarm. We cannot sit idly by and see our defense capability reduced to a hollow force. We can't sit idly by and let the concerns of these brave military commanders fall on deaf ears. And we can't continue to ignore the plight of the soldier in the field, the sailor at sea, and the airman in the sky who risk their lives every day for our freedom.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I hate to get in front of this train moving down the track so rapidly with 2½ minutes debate, but I have tried to look for a table. How does this compare to last year's outlays and budget authority?

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I say to my friend that we are close to $4 billion under last year in outlays.

Mr. MYERS of Indiana. We are $4 billion under last year?

Mr. McDADE. The gentleman is correct.

Mr. MYERS of Indiana. And we just passed an appropriation bill for $96 million more than last year for ourselves, and for something that is as important as our national security we cut it $4 billion, and we are going to spend 2½ minutes debate on it.

□ 2240

Mr. McDADE. Mr. Chairman, I appreciate the gentleman's concern.

Mr. TUCKER. Mr. Chairman, I rise in support of H.R. 4650, the Defense appropriations bill.

Mr. Chairman, the authorizing and appropriating committees have tackled the difficult task of keeping America strong at a time when we must cut spending.

I am pleased that H.R. 4650 funds the vital CVN–76 aircraft carrier to support our naval presence around the world. I am pleased that H.R. 4650 funds the purchase of 28 FA–18 C/D aircraft and research development expenses for the state-of-the-art FA–18 E/F aircraft.

Mr. Chairman, even more than all the above I am most pleased, that the Armed Services Committee and the Defense Appropriations Subcommittee are funding the purchase of six C–17 transport aircraft. This vitally important project will remain alive because this august body gave overwhelming support by a vote of 330 to 100 in favor of this project.

Mr. Chairman, I am concerned however, that the Defense Appropriations Subcommittee has cut a draconian $900 million in university research funding from the defense budget. In fact my alma mater, the University of Southern California, will lose $50 million in defense research funding, including global defense communications, high power ignitions systems, laser technology and critical materials development. I urge the conference committee to restore this vital funding.

Mr. Chairman, I am urging my colleagues to support H.R. 4650 the Defense appropriations bill to keep America strong.

Mr. BROWN of California. Mr. Chairman, I rise more in regret than in anger, to call attention to a provision in the DOD appropriation Committee report. The report recommends that support for university research be cut by 50 percent from an estimated $1.8 billion to $900 million.

I must observe that if anyone in this body believed that this cut was going to stand up in the Senate or in Conference, we would be hearing howls of range. As it is, we hear no howls and no rage. The silence on this cut is deafening, but for those of us who are old hands in this institution, it speaks volumes.

If this cut stood, some of our most prestigious institutions of education and research would be severely damaged. Among the top ten recipients of DOD funding one finds the University of Texas, the Massachusetts Institute of Technology, Johns Hopkins University, the University of Washington, Georgia Tech, and Stanford University. I may not be much of a vote counter, but a coalition that includes Members from the States of Texas, Massachusetts, Maryland, Georgia, California, and the Speaker's home State of Washington is not a bad base from which to start. If there needs to be a legislative fix to this problem, I am confident one would be engineered.

If this cut stood it would directly undermine the Department of Defense's Science and Technology strategy and the president's technology plan. DOD support for research at Universities is focused on areas of particular concern to the Department: electrical engineering, laser and optical sciences, materials science, applied mathematics and computer science. These same fields are among the areas of emphasis laid out by the President in his technology initiatives. In short, the research cuts that are recommended in the report accompanying this bill provide direct support for advanced technology development at the Department of Defense. They also represent a critical investment in the future of both our national security and our economic vitality.

With all the dire consequences that would be provoked by this cut, our silence may be difficult for the public, especially our friends in Universities around the nation, to understand. I will explain it for their benefit. All of us here in this body assume, and I think correctly, that this problem will go away in the Senate and in Conference and the money will be restored. There is no fight over this cut because, for all practical purposes, there is no cut to fight over.

I want to make two additional points. It's been said that nothing is given so profusely as advice. This entire 300 page report from the Appropriations Committee is full of nothing but advice—some of it very detailed. The distinguished gentleman from Pennsylvania made this very point on Monday during the Full Committee consideration of this bill. As this report simply contains recommendations, the Department can consider and reject that advice if it fails to fit with the priorities of the Department.

Secondly, despite the "fiscal constraints" that inspired the 50 percent cut in university research, this bill and report includes at least $67 million in academic earmarks according to an analysis by my staff. In addition, there are tens of millions in other very detailed spending instructions to the Department, some of which are certainly for academic earmarks. While this is down considerably from years before, and represents a standard to which we should hold this bill when it comes back from conference, it is still a cause for concern. I will enter a list of known academic earmarks for the RECORD.

Finally, I note that press reports regarding the cuts in university research have quoted my colleague from Pennsylvania as expressing a concern regarding the costs of research overhead. I assure him that I share his concerns regarding indirect costs and my Committee has held a hearing on this issue. I would be happy to hold joint hearings with my Friend if he would like to work with me to address this issue.

Mr. GOSS. Mr. Chairman, at a time when the administration is desperately trying to make good on at least one of its campaign promises—delivering a laser-like focus on domestic issues—the world is not sitting idly by. In fact, as the United States seems to be turning more and more inward, and Members of Congress spend long days debating this health care proposal or that new social policy, U.S. global leadership is being tested in hot spots all around the world. And today, we consider perhaps the most important of the appropriations bills—the one responsible for ensuring our national security—yet this debate will likely not be the center of attention in this House.

That's a shame, because U.S. foreign policy is adrift and U.S. military readiness is on the decline as are our intelligence capabilities—a dangerous combination of trends.

In Bosnia, Korea, Rwanda, Somalia, and Haiti—we face the potential of U.S. military expense or involvement through the United Nations or perhaps even unilaterally. Yet we know that, with the enormous down-sizing that's been underway in our defense capabilities, we will be less able to meet all of these challenges should we be tested on more than one front.

I know that we must reduce Federal spending and bring down our budget deficit—but I also know that the security of our Nation and our national interests cannot be compromised. And the truth is that the serious budget crisis we face will not be solved, even by completely decimating our military, because our deficit genesis lies in ongoing entitlement programs and perpetual Government waste and inefficiency.

Of course, we know that the Pentagon can and must improve the effectiveness with which it spends finite resources—and I certainly hope that planning for the next class of submarines or aircraft carriers or missile systems emphasizes budget realities over political considerations to ensure the most bang for our limited bucks.

Mr. Speaker, on the eve of the Fourth of July work period, I renew my plea to the administration not to apply the military option in Haiti. Do not invade Haiti. The question is not whether we could win a military conflict in Haiti—anyone with a working knowledge of that country knows that it might take no more than a few hours for United States troops to dispose of the rag-tag Haitian military which would probably not even confront a United States force. They would cut and run and hide and bide their time.

The danger for U.S. troops and long-term U.S. interests lies not in the initial action, but in the follow-on—and I caution the American people to pay close attention to the phrase "follow-on," which is something we've been hearing more frequently as the U.S. becomes entangled in ill-defined, open-ended military commitments through the United Nations.

The problem arises when we forgo leadership because we are distracted by attempts to extricate our military from messy follow-on situations, like Somalia. Haiti will be a costly, messy follow-on, too, and that's why I remain deeply concerned that this administration, still driven by domestic political concerns, will seek to employ military force to bring about a change in Haiti. This would be a terrible mistake.

Mr. Speaker, I urge that we proceed on this appropriations bill and I simply wish to encourage my colleagues to take time away from their endless busy day to give some thought to the direction this administration is taking our Nation and our Nation's defense. It's something that every American must care about. I ask are we being a little too casual about something so vital to our country when every year we seem to reduce our proportionate commitment. It's worth thinking about.

Mr. LAZIO. Mr. Chairman, today, we voted on a complex and challenging bill that set funding levels for our Nation's defense. Yet the hard-working members of the Defense Subcommittees are not finished with their work. When they meet with Members of the Senate to conference the two bills, there will be many issues to discuss, including the level of funding for university-based research.

As keepers of the Nation's trust, the committee was aware that they must shift limited resources to meet the needs of military preparedness. Most important, the committee voted to keep our Nation's promise to our proud service men and women by ensuring military salaries would provide a good quality of life. Yet, the committee made the difficult decision of cutting university-based research in half.

I would have preferred to vote today on a higher level of funding for academic research so we could continue the military's partnership with our Nation's university-based scientists. On Long Island, we have joined in partnership with the military to develop new computer systems, new methods of coating metal so submarines do not need to be repainted, and we have set new standards for physics research. It is important for our Nation's prominence in developing new technology and military strength to keep this partnership strong. I hope that when this issue is revisited in conference, the subcommittee members will find a new way of minimizing the impact of this cut.

Ms. FURSE. Mr. Chairman, it is important that we maintain continuity in our funding decisions. My amendment, adopted last night during consideration of the fiscal 1995 defense appropriations bill, was a commonsense move that needed to be made.

This bill made reductions to many specific programs, but it did not specifically reduce management support, DOD's overhead costs of performing R&D missions. It doesn't make

sense to pay the same amount for management support when there's less to manage.

The bill reduced the Research, Development, Test and Evaluation budget from its requested level by $1.7 billion, or about 5 percent. Seven hundred million dollars of the reduction transfers defense conversion into another section of the bill, so the real reduction to R,D,T&E is $1 billion, or about 3 percent. My amendment made a $30 million reduction in management support.

This not only saves the taxpayers $30 million, it also will force the military services to share each other's R&D infrastructure and increase efficiency by avoiding duplication.

Mr. VISCLOSKY. Mr. Chairman, we live in a time when Government is often criticized for being short-sighted. Annual budgets grow tighter yearly forcing us to respond to immediate needs, and often forsaking the future.

This is not true of the fiscal year 1995 defense appropriations bill, which, under the leadership of Chairman MURTHA and Mr. MCDADE, looks beyond this decade and into the next century. While the bill serves the immediate national interest—especially in regard to the readiness of our troops—it will have a profound impact on our future ability to afford the best defense possible. I commend the subcommittee chairman and ranking member for their dedication to our Nation's long-term ability to defense itself.

I also want to recognize the subcommittee staff for their incredibly hard work on this legislation. It would be difficult to find a collection of more knowledgeable, dedicated people. I especially want to congratulate Don Richbourg on this, his last bill as staff director for the subcommittee. He has provided a great service to this Congress and his country. We will all miss him.

The fiscal year 1995 defense appropriations bill will enhance our ability to be flexible and avoid the past mistake of locking ourselves into brittle systems that cannot accommodate change. This is an era of great political and social evolution. While this era represents many opportunities, no one can assess with certainty what the future holds. All we can do is ensure that those who follow us in this body are given the greatest flexibility possible.

Defense flexibility has many factors: the ability to use a system for several different purposes; the ability to evolve a system; and, the ability to easily insert new technologies—whether more advanced or less costly. Obviously, a low-cost system frees up funds for other purposes.

Consider the legislation's proposal for the Navy's new attack submarine [NAS]. The bill proposes the Department of Defense take a quick step back, reassess the program, they consider how they can make it more flexible.

More specifically, the legislation calls upon the Department to review preliminary cold war era designs and invest in changes to reduce the risks associated with this new submarine program. It demands that the Navy work with the program's contractors to review all work to date and make sure that every effort has been made to get the cost of the ship down. If there is an area where further savings could be made wisely, it must be incorporated into the ship's plan now. Most importantly, the bill directs the Navy to make sure the NAS is fully modular. It is imperative that as new technologies come available, they can be easily installed in the submarine.

Should, for example, an electric propulsion system become available, one that will allow for cheaper and quieter submarine propulsion without hazardous environmental waste, this legislation strives to make sure that it could be incorporated into the submarine without a complete redesign of the ship. This should also be the case for the sail, the forward section of the submarine, and the central portion in case of the need to insert special mission modules.

I want to make it clear to my colleagues, this is the last possible year to make these types of changes to the NAS. This is the last year Congress can make sure the NAS is malleable enough and cheap enough that it can be afforded in the next century. The NAS design contract is ready to be let. If we fail to take this quick breather in fiscal year 1995, the NAS design will be set in stone. It will be much too expensive—in both cost and time—to make changes to the program that will keep it flexible and cost effective enough to be the submarine of our Nation's future. Instead it will be a very expensive, 20th century ship lurching along in the 21st century.

Another example of the forethought of this legislation is its approach to space launch. The proposal halts further procurement of a launch program that would bring the cost of each heavy launch up to $1 billion in the next century, in favor of a new, flexible, and cost effective launch vehicle.

Specifically, the legislation restricts the expenditure of funds for the Titan IV launch vehicle to 41 vehicles. The current cost of launching a Titan IV is about $350 million. Should we move ahead as planned, however and procure a 42d vehicle, the cost to launch the 42d vehicle will be about $1 billion. The legislation recognizes that now is the time to change this course, before procurement of more Titan IV's begins and Congress finds itself in the uncomfortable position of choosing between billion dollar launches and the expensive cancellation of an ongoing program.

The legislation requires the Department of Defense to begin working on a new launch program in fiscal year 1995—10 years before we need the vehicle. Ten years to experiment with technologies so the next vehicle capable of launching heavy payloads is flexible and cost effective.

The bill makes available $100 million for development of a low-risk, new family of launch vehicles. The vehicles are to be configured to replace Titan IV class payloads, but are to have common hardware, common payload interface, and provide launch support for both medium and heavy payloads. The bill requires the Department of Defense to conduct an open competition that will incorporate the many low-cost advances by small innovative firms in recent years. Again, this proposal stresses flexibility and lower cost, commonality of vehicles, and the ability of the vehicle to perform more than one task.

The final aspect of the legislation I want to bring to my colleagues' attention is the provisions regarding the ammunition industrial base—the group of industry and Government entities that develop and manufacture ammunition for our Nation's defense. The bill's goal is to lay to rest as much of the old ammunition industrial base as possible to make space, both physically and fiscally, for more modern facilities and weaponry.

The bill provides an $110 million appropriation for the destruction of old, useless munitions. These munitions, which comprise 13 percent of the stockpile, or over 350,000 tons of material, absorb both space and valuable resources that are required to store them safely. The sooner we rid the inventory of useless munitions, the sooner these funds will be available for forward-looking programs.

In the same vein, the legislation contains an $86 million appropriation to accelerate the layaway of ammunition manufacturing facilities that are not needed for current requirements. This funding will also be available to close facilities no longer needed at all.

In addition to getting rid of the obsolete, the legislation stresses making the operating aspects of the ammunition industrial base more economical and flexible. There is an appropriation of $60 million to modernize facilities and machinery that are still in demand. The ammunitions operation and maintenance account has been funded at $340 million to bring ammunition management accounts up to acceptable levels. These funds will cover safety and security of facilities, receipt and issue, rewarehousing, inventory management, surveillance and maintenance of ammunition management accounts—areas that have long been under funded. It will also provide adequate administration of facility layaway.

To the detriment of our Armed Forces, ammunition procurement has faced severe budget cuts in recent years. In the last decade, overall ammunition procurement has been cut by 78 percent and training munitions and war reserves have reached unacceptably low levels. Further, of the Department's list of 18 munitions that are in need of modernization, funding had been budgeted for only 5. This bill begins to address these problems.

The bill provides a $308.6 million increase in the overall appropriation for ammunition procurement. These funds will begin to provide for 14 munitions modernization and increased procurement to begin to bring war and training reserves up to acceptable levels.

The initiatives I have listed here are among many in this bill designed to bring the ammunition industrial base in line with the real needs of the Department of Defense and its soldiers. They will rid the Department of waste, and free up much needed funds for modernization.

In closing, I again commend Chairman MURTHA and Mr. MCDADE for their foresight and dedication to making sure our Nation's defense is sound, economical, and flexible. I urge my colleagues to support this legislation.

Mr. MCDADE. Mr. Chairman, I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent that the bill, through page 107, line 4, 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 Pennsylvania?

There was no objection.

The text of the bill, through line 4, page 107, is as follows:

H.R. 4650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,737,470,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,692,537,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,816,671,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,311,379,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,183,620,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,398,609,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $354,048,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $782,434,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,378,705,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,238,029,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,836,504,000, of which $150,000,000 for real property maintenance shall be made available for obligation until September 30, 1996 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further,* That of the funds appropriated in this paragraph, $5,800,000 shall be available only for removal of Department of Defense equipment from Pine Bluff Arsenal: *Provided further,* That of the funds appropriated in this paragraph, $473,763,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,301,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,316,555,000, of which $200,000,000 for real property maintenance shall be made available for obligation until September 30, 1996 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, $1,206,359,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,097,395,000, of which $66,000,000 for real property maintenance shall be made available for obligation until September 30, 1996: *Provided,* That of the funds appropriated in this paragraph, $100,300,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance

of the Air Force, as authorized by law; and not to exceed $8,762,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,913,050,000, of which $84,000,000 for real property maintenance shall be made available for obligation until September 30, 1996 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, $179,592,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $8,945,266,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $23,768,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,240,109,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $834,119,000: *Provided*, That of the funds appropriated in this paragraph, $6,300,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $83,542,000: *Provided*, That of the funds appropriated in this paragraph, $2,080,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,486,805,000: *Provided*, That of the funds appropriated in this paragraph $5,473,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,498,868,000: *Provided*, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District: *Provided further*, That of the funds appropriated in this paragraph, $50,253,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,797,978,000: *Provided*, That of the funds appropriated under this heading, $1,500,000 shall be made available only for the operation of Air National Guard C-130 operational support aircraft of the 159th Air National Guard Fighter Group: *Provided further*, That of the funds appropriated in this paragraph, $17,800,000 shall not be obligated or expended until authorized by law.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,544,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $6,126,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,880,200,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For the account "Support for International Sporting Competitions, Defense"; $7,900,000, to be merged with and to be available for the same purposes and the same time period as that appropriation: *Provided*, That of the funds in that appropriation not more than $1,500,000 may be used for the 1995 Special Olympics: *Provided further*, That of the funds in that appropriation not more than $4,400,000 may be used for the 1996 Paralympics: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan, the Kurdish population and other minorities of northern Iraq, and the people of sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; $60,000,000 of which $12,000,000 shall be made available only for activities to support the clearing of landmines for humanitarian purposes.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing

purposes; $1,264,198,000, to remain available for obligation until September 30, 1997.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $728,095,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $42,959,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,001,873,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $58,987,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,274,644,000, to remain available for obligation until September 30, 1997: *Provided*, That of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", $43,000,000 may be available to fund subsidy costs of loan guarantees authorized to be made under that program: *Provided further*, That of the funds appropriated in this paragraph, $419,761,000 shall not be obligated or expended until authorized by law.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,348,806,000, to remain available for obligation until September 30, 1997.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,820,442,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $232,435,000 shall not be obligated or expended until authorized by law.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,969,336,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $70,458,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; as follows:

For the Navy, $335,368,000;

For the Marine Corps, $158,442,000;

In all: $493,810,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $34,500,000 shall not be obligated or expended until authorized by law.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier replacement program, $2,446,958,000;

DDG–51 destroyer program, $2,607,690,000;

LHD–1 amphibious assault ship program, $50,000,000;

Nuclear submarine main steam condenser industrial base, $1,000,000;

Cost growth on prior years' programs, $8,200,000;

For craft, outfitting, post delivery, conversions, and first destination transportation, $357,521,000;

In all: $5,471,369,000, and, in addition, $1,200,000,000 shall be derived by transfer from the National Defense Sealift Fund for additional funding for the Carrier replacement program, all to remain available for obligation until September 30, 1999: *Provided*, That additional obligations may be incurred after September 30, 1999, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 262 passenger motor vehicles, of which 162 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,271,088,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $29,477,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 103 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $452,178,000, to remain available for obligation until September 30, 1997: *Provided*,

That of the funds appropriated in this paragraph, $58,768,000 shall not be obligated or expended until authorized by law.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,182,199,000, to remain available for obligation until September 30, 1997: *Provided*, That not less than $103,700,000 of the funds appropriated in this paragraph shall be used only to initiate procurement of non-developmental airlift aircraft no later than September 30, 1995: *Provided further*, That the Department of the Air Force shall qualify a second source producer for the C–17 transport aircraft engine and competitively contract for the procurement of the C–17 engine no later than September 30, 1997: *Provided further*, That of the funds appropriated in this paragraph, $80,432,000 shall not be obligated or expended until authorized by law.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,758,285,000, to remain available for obligation until September 30, 1997.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $278,681,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $18,963,000 shall not be obligated or expended until authorized by law.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 678 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,886,613,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $31,190,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 437 passenger motor vehicles, of which 431 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $3,020,616,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $953,922,000 shall not be obligated or expended until authorized by law.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $796,200,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $9,000,000 shall not be obligated or expended until authorized by law.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,456,498,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $35,695,000 shall not be obligated or expended until authorized by law.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,598,958,000, to remain available for obligation until September 30, 1996: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further*, That funds appropriated in this paragraph for development of E–2C aircraft upgrades may not be obligated until the Under Secretary of Defense for Acquisition submits a plan to the Committees on Appropriations and Armed Services of each House of Congress for development and deployment of a fully participating cooperative engagement capability on E–2 aircraft to be fielded concurrent with and no later than major computer upgrades for the aircraft: *Provided further*, That funds appropriated in this paragraph for development of the LPD–17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $10,728,533,000, to remain available for obligation until September 30, 1996: *Provided*, That not less than $12,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administrated by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,419,955,000, to remain available for obligation until September 30, 1996: *Provided*, That not less than $120,000,000 of the funds appropriated in this paragraph are available only for the Sea-Based Wide Area Defense program: *Provided further*, That of the funds appropriated in this paragraph, $361,743,000 shall not be obligated or expended until authorized by law: *Provided further*, That funds appropriated in this paragraph for development of the TIER II Plus

vehicle shall not be obligated until not less than $50,000,000 has been obligated for the TIER III Minus vehicle.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,495,000, to remain available for obligation until September 30, 1996.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,501,000, to remain available for obligation until September 30, 1996.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $1,090,438,000.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, $858,600,000, to remain available until expended: *Provided*, That $25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: *Provided further*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $9,895,159,000, of which $9,577,770,000 shall be for Operation and maintenance, of which $317,389,000, to remain available for obligation until September 30, 1997, shall be for Procurement: *Provided*, That the Department shall continue to competitively contract during fiscal year 1995 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Pennsylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky and that one multi-state region shall include the State of New Mexico: *Provided further*, That of the funds appropriated in this paragraph, $8,500,000 shall not be obligated or expended until authorized by law.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $562,949,000, of which $345,784,000 shall be for Operation and maintenance, $196,465,000 shall be for Procurement to remain available until September 30, 1997, and $20,700,000 shall be for Research, development, test and evaluation to remain available until September 30, 1996.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $713,053,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $142,098,000, of which $141,098,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 1997, shall be for Procurement.

DEFENSE CONVERSION AND REINVESTMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transition benefits for military and civilian employees of the Department of Defense, and for assistance to communities and industries affected by the military drawdown; for transfer to appropriations available to the Department of Defense for Operation and maintenance, and for Research, development, test and evaluation; $1,401,944,000: *Provided*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That $50,000,000 shall be available to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section: *Provided further*, That of the funds appropriated in this paragraph, $30,744,000 shall not be obligated or expended until authorized by law.

KOREAN ENHANCED READINESS ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enhance the readiness of United States Forces to perform the mission assigned to United States Forces, Korea, $250,000,000: *Provided*, That such funds may be transferred by the Secretary to appropriations made available to the Department of Defense for Operation and maintenance, Procurement, and Research, development, test and evaluation: *Provided further*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated by this paragraph, not less than $55,000,000 shall be transferred to "Other procurement, Army", and not less than $15,000,000 shall be transferred to "Research, development, test and evaluation, Defense-Wide": *Provided further*, That no funds made available under this paragraph shall be obligated until 15 days after submission of a report by the Secretary to the House and Senate Committees on Appropriations explaining and justifying the proposed uses of such funds: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

TITLE VII

NATIONAL FOREIGN INTELLIGENCE PROGRAM

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $198,000,000.

COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; $83,084,000: *Provided*, That of the funds appropriated in this paragraph, no more than $2,000,000 may be available for the purchase of information system upgrades at the Department of State Bureau of Intelligence and Research.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a

rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100–526.

SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1995 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1995, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1996.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the

Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8016. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8021. None of the funds made available by this Act may be obligated for the acquisition of major automated information systems which have not successfully completed oversight reviews required by Department of Defense regulations: *Provided*, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense for Command, Control, Communications and Intelligence: *Provided further*, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or Military Commands in excess of $2,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: *Provided further*, That all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

SEC. 8022. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8023. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8024. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1995, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1996, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1996.

SEC. 8025. Of the funds appropriated to the Army, $223,736,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

(7) unless RCAS performs its own classified information processing:

*Provided further*, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment or ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.

SEC. 8026. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8027. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8028. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8029. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8030. Operational control of the Naval Reserve Personnel Center, including its functions and responsibilities, shall be under the command and control of the Commander, Naval Reserve Command: *Provided*, That notwithstanding any other provision of law, the one-time costs, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, of the 1993 Report to the President of the Defense Base Closure and Realignment Commission or current DOD Data Center Consolidation shall not exceed $309,000,000.

SEC. 8031. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8032. None of the funds available to the Department of Defense shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, and military or civilian personnel function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, the Naval Reserve Force Information Systems Office, and the Naval Reserve Personnel Center until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a validation by the Department of Defense Comptroller, justifying and validating that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, or military and civilian personnel functions and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment or realignment plan; (2) utilize criteria primarily weighted to evaluate, measure and compare how data processing centers and activities, central design activities, and military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DOD customers; (4) provide details as to the impacts on the quality of life and benefits of the individual service person, dependents, and civilian personnel; and (5) will not adversely impact the mission and readiness of the Navy and Naval Reserves: *Provided*, That funds made available to the Department of Defense shall be available to implement the 1993 Defense Base Closure and Realignment Commission approved recommendations concerning the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station.

SEC. 8033. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1996 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed

from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8034. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8035. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8036. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8037. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8038. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8039. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8040. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1994, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8041. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8042. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8043. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8044. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8045. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8046. Of the funds made available in this Act, not less than $24,565,000 shall be available for the Civil Air Patrol, of which $13,105,000 shall be available for Operation and Maintenance.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8048. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8049. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8050. Notwithstanding any other provision of law or regulation, ships designated T-AGS 63, T-AGS 64 and T-AGS 65 must utilize remanufactured milspec SASS multibeam sonars: *Provided*, That the Secretary of the Navy may waive this restriction by certifying in writing to the Committees on Appropriations that an alternative acquisition must be made in order to acquire capability for national security purposes.

SEC. 8051. Section 8060 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139) is hereby repealed, which contained authority for acquisition of LANDSAT 7.

SEC. 8052. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year and hereafter, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That

no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8053. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for an FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of FFRDCs.

(d) The Secretary of Defense may not obligate more than one-half of the funds available to FFRDCs until the Congressional defense committees receive the report on establishing pay caps for FFRDC employees that was directed in the Committee's report accompanying the fiscal year 1994 Department of Defense Appropriations Act.

SEC. 8055. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8056. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8057. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8058. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1995. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8059. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $2,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

SEC. 8060. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided*, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8061. Appropriations contained in this Act that remain available at the end of the

current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8062. During the current fiscal year and thereafter, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. Amounts deposited during fiscal years 1994 and 1995 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8064. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

(B) who guarantee to use the chromite and manganese ore for domestic purposes.

SEC. 8065. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided*, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8066. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8067. For fiscal year 1995, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to $329,000,000, of which not more than $300,000,000 may be provided by the funds appropriated by this Act.

SEC. 8068. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided*, That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8069. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8070. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1995.

SEC. 8071. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8072. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8073. During the current fiscal year and thereafter, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8074. None of the funds appropriated by this Act may be used to relocate the 116th Fighter Wing of the Air National Guard from Dobbins Air Reserve Base to Robins Air Force Base, or to convert that wing from F-15A aircraft to B-1B aircraft.

SEC. 8075. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-operated entity: *Provided*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8076. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $50,000.

SEC. 8077. During the current fiscal year and thereafter, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8078. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1996 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8079. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8080. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8081. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 94 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.

SEC. 8082. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8083. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1996.

SEC. 8084. The classified Annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1995 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further*, That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

SEC. 8085. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8086. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri area.

SEC. 8087. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E-3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1995, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8088. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8089. Notwithstanding any other provision of law, funds made available in this Act and in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Procurement, Defense-Wide" shall be available to pay equitable adjustments to which the contractor is legally entitled for Coastal Patrol Craft that were procured in prior fiscal years.

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Plan shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at all DOD high performance computing sites: *Provided*, That contracts, contract modifications, or contract options are awarded as the result of full and open competition based upon the requirements of the users.

SEC. 8091. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8092. The Secretary of Defense and the Director of Central Intelligence shall deliver, no later than January 1, 1995, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

SEC. 8093. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 75 percent of the entire system's components are manufactured in the United States, and if less than 75 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

SEC. 8094. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 8095. None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code.

SEC. 8097. None of the funds appropriated in this Act are available for development of bistatic active capability in SURTASS unless the acoustic signal processing for this capability is hosted exclusively on the AN/UYS-2 in the operational system.

SEC. 8098. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

*Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8099. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate funds made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) and the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Aircraft Procurement, Navy" for the USH-42 mission recorder for S-3 aircraft.

SEC. 8100. It is the sense of Congress that none of the funds appropriated or otherwise made available by this Act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

(TRANSFER OF FUNDS)

SEC. 8101. In addition to any other transfer authority contained in this Act, funding appropriated under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may be transferred to other appropriations or funds of the Department of Defense, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8102. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1995 until the enactment of the Intelligence Authorization Act for fiscal year 1995.

SEC. 8103. (1) Except as provided in subsection (c) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless—

(a) the President initiates consultations with the bi-partisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least fifteen days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible,

but in no case later than forty-eight hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

(b) such consultation should include discussion of—

(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

(2) the United States interests that will be served by the operation;

(3) the estimated cost of the operation;

(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

(5) the extent of involvement of armed forces and other contributions of personnel from other nations; and

(6) the operation's anticipated duration and scope;

(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

(2) Further, it is the sense of the Congress that the President should seek supplemental appropriations for any significant deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Balances of the funds appropriated in Public Laws 102-172, 102-396, and 103-139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged into a single account entitled "Support for International Sporting Competitions, Defense", to remain available until expended: *Provided further*, That such account shall be available for the purpose of liquidating obligations incurred under the appropriations from which funds are transferred pursuant to the provisions of this section and for providing support to the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia, under the terms and conditions specified in those Acts under the headings "Summer Olympics" and for providing support to any other international sporting competitions, as provided for in Authorization or Appropriations Acts, during the current fiscal year and thereafter.

SEC. 8105. Of the funds appropriated in this Act, not to exceed $68,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

SEC. 8106. After September 1, 1995, none of the funds in this Act are available for research, development, acquisition, or launch of Titan IV expendable launch vehicles: *Provided*, That the above provision shall not apply if the Secretary of Defense certifies to the Congress a plan for the development of and initiation of a competition for a family of launch vehicles that is—

(1) capable of launching both medium and heavy payloads,

(2) fully funded in the outyears, and

(3) scheduled to be available prior to the launch of the 41st Titan IV expendable launch vehicle:

*Provided further*, That MILSTAR satellites 1 through 6 shall be launched on vehicles being procured as a part of the current contract for 41 Titan IV launch vehicles: *Provided further*, That none of the funds in this Act may be used to procure more than 41 Titan IV expendable launch vehicles.

SEC. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than $3,000,000 shall be obligated and expended only for operation and maintenance, purchase of automatic data processing equipment, or in-house central design development for the Naval Reserve Force Information Systems Office, the Navy Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: *Provided*, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement, Defense-Wide not less than $10,000,000 shall be obligated and expended only for automatic data processing equipment or software, or in-house central design development for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station: *Provided further*, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, as the designers, developers, managers, integrators and central design activity for the software development and maintenance of the Naval active and reserve Single Source Data Collection System.

SEC. 8108. No funds available to the Department of Defense may be used to establish additional field operating agencies or field offices of any element of the Department during fiscal year 1995: *Provided*, That after August 30, 1995, none of the funds available to the Department of Defense shall be used to support more than fifty percent of the field operating agencies or field offices of any element of the Department of Defense which were in existence on September 30, 1994.

SEC. 8109. None of the funds made available in this Act under the heading "Shipbuilding and Conversion, Navy" may be obligated for the DDG-51 destroyer program or the LHD-1 amphibious assault ship program until the fiscal year 1995 options for acquisition of sealift ships have been exercised.

SEC. 8110. None of the funds provided in this Act may be used to procure crystal oscillator carriers, ceramic package incorporating ceramic components joined with glass (frit) or epoxy seals, or multi-layer cofired single chip ceramic packages unless such products are produced or manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8111. Notwithstanding any other provision of law, funds made available in the fiscal year 1993 and 1994 Department of Defense Appropriations Acts for the EA-6B program are to be used exclusively to begin engineering changes that will increase the capability of the Navy's EA-6B aircraft by insertion of the critical elements of the EA-6B ADVCAP receiver processor group system into the on-board system and the addition of the ALQ-149 Command, Control, and Communications countermeasure system: *Provided*, That these funds shall be obligated no later than 120 days after enactment of this Act: *Provided further*, That the Secretary of the Navy shall obligate $6,000,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) exclusively for the miniaturization of the EA-6B RPG technology for use on the Navy's electronic warfare aircraft.

(TRANSFER OF FUNDS)

SEC. 8112. For the rehabilitation of damage caused to Rongelap Atoll by the nuclear testing program and for the resettlement of Rongelap Atoll, $5,000,000 is appropriated to the Department of Defense, which shall be transferred to the Department of the Interior for deposit into the Rongelap Resettlement Trust Fund.

SEC. 8113. None of the funds provided in this Act may be used to develop the Sustaining Base Information System until the Assistant Secretary of Defense for Command, Control, Communications and Intelligence has certified to the Armed Services and Appropriations Committees of Congress that the Department of Defense has published a complete and comprehensive system functional description governing the acquisition and has received from the contractor an estimate of the number of lines of software code to implement such functional description and an estimate of the attendant cost: *Provided*, That none of the work content of the Sustaining Base Information System contract may be performed instead by government in-house activities without being competed if such efforts are passed through government organizations to other than Sustaining Base Information System contractors.

SEC. 8114. The Assistant Secretary of Defense for Command, Control, Communications and Intelligence shall establish and implement a master plan for all acquisitions of automated document conversion systems, equipment, and technologies: *Provided*, That none of the funds in this Act may be used to develop technologies or to acquire new automated document conversion equipment, services, or systems which cost more than $5,000,000 after January 1, 1995 unless such acquisitions are approved in advance by the Assistant Secretary or his designee: *Provided further*, That of the funds appropriated to the Department of Defense for Procurement, Defense-Wide, not less than $30,000,000 shall be used only to integrate the Automated Document Conversion System into the Joint Engineering Data Management and Information Control System.

SEC. 8115. Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only casting which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8116. Notwithstanding any other provision of law, $16,300,000 made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) for "Other Procurement, Navy" and $5,900,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) for "Other Procurement, Navy" shall be transferred to "Research, Development, Test and Evaluation, Navy" for the SPS-48E program.

SEC. 8117. Notwithstanding any other provision of law, the Department of Defense shall award contracts for the CHAMPUS Reform Initiative in California-Hawaii and the Managed Care Support initiative in Washington-Oregon regions in sufficient time for the contractors to begin to provide health care under those contracts no later than April 1, 1995 in California and Hawaii, and not later than March 1, 1995 for Washington and Oregon, or as soon thereafter as practicable.

SEC. 8118. None of the funds appropriated in this Act shall be used for the recruitment or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences.

SEC. 8119. None of the funds appropriated or made available by this Act shall be obligated to procure active matrix liquid crystal displays unless the displays, including the active and passive plates, are produced or manufactured in the United States by a domestic-owned and domestic-operated entity: *Provided*, That the Secretary of the military department or head of a Defense Agency responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8120. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States.

The CHAIRMAN. Are there any points of order to the bill?

Are there any amendments to the bill?

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really do not have an amendment but I just want to have a colloquy with the chairman about a very important thing that he has been wonderful on, and that is the Defense Women's Health Research.

I notice in the report that I think there was a mistake in there in that it got earmarked, and we have been very good about keeping it nonearmarked and keeping it with the Army so the Army can manage it in the best possible way.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. The gentlewoman is absolutely correct. The Committee did not mean to earmark that language for that $40 million. It is for general purposes, and we will change that.

Mrs. SCHROEDER. So we can unanimously change the record by doing this?

Mr. MURTHA. Yes. That is correct.

Mrs. SCHROEDER. I thank the gentleman from Pennsylvania. And I thank him for his hard work on all of this wonderful women's and men's research.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY: Page 14, strike lines 4 through 22.

Mrs. MALONEY. Mr. Chairman, I offer an amendment to cut the single most ridiculous item in the budget.

Let me make this simple and quick. Three simple facts: The Civilian Marksmanship Program is obsolete. Created in 1903 during the Spanish-American War, it is no longer needed to train men and women to shoot straight. It is time to declare victory and cut this boondoggle out of the budget. It is a boondoggle.

It hands out millions of rounds of ammunition to private gun clubs. The Army does not want it. The Department of Defense does not want it. The Office of Management and Budget does not want the money.

If we cannot cut here, where? Where are we going to cut?

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield back the balance of my time, and I ask for a vote on the amendment.

The CHAIRMAN. Do other Members seek to be recognized for debate on the amendment?

The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote, and I make the point of order that a quorum is not present.

The CHAIRMAN. The gentlewoman from New York has requested a recorded vote.

Those in favor of a recorded vote will rise and remain standing until counted. The Chair will count for a recorded vote.

Mrs. MALONEY. Mr. Speaker, I note the absence of a quorum.

The CHAIRMAN. The gentlewoman makes a point of order that a quorum is not present. The Chair will count for a quorum.

A quorum is present.

Mrs. MALONEY. Mr. Chairman, I demand a division.

The CHAIRMAN. The gentlewoman from New York has demanded a division.

Those in favor of the amendment will rise and remain standing until counted.

Those opposed will rise and remain standing until counted.

On this vote, in the affirmative: 20; opposed: 69.

Mrs. MALONEY. In the absence of a quorum, I asked for a quorum.

Mr. MURTHA. Regular order.

Mrs. MALONEY. Notice of a quorum.

The CHAIRMAN. The gentlewoman has made a point of order of no quorum. The Chair must again count for a quorum since there has been a division vote.

The Chair has counted more than 100 Members for a quorum. A quorum is present.

Mrs. MALONEY. Division; I ask for a division.

Mr. SOLOMON. Regular order.

The CHAIRMAN. The gentlewoman is not able to ask for a division again. A division vote has been conducted.

Mr. MURTHA. Regular order.

Mrs. MALONEY. I demand a recorded vote.

The CHAIRMAN. The gentlewoman cannot ask for another division. Is the gentlewoman asking for a recorded vote?

Mrs. MALONEY. Yes, Mr. Speaker.

The CHAIRMAN. Those in favor of a recorded vote will rise and remain standing.

An insufficient number has arisen.

The amendment is rejected.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: On page 107 of the bill, after line 4, insert the following new section:

SEC. 8121. The total amount appropriated to or for the use of the Department of Defense by this act for research, development, test and evaluation for management support is hereby reduced by $30,000,000: *Provided*, That the Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than December 31, 1994, report to the Senate and the House Committees on Appropriations and Armed Services how this reduction was allocated among the services and Defense agencies.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we accept the amendment. We have both looked at the amendment, and we accept the amendment.

Ms. FURSE. Mr. Chairman, I appreciate the subcommittee chairman's accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 1995".

Mr. MURTHA. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation the amendment be agreed to, and the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was agreed to.

□ 2250

Accordingly the committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. TORRICELLI, 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. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 91, not voting 13, as follows:

[Roll No. 313]

YEAS—330

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—91

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (WI)
Bartlett
Barton
Bentley
Brown (CA)
Bunning
Burton
Buyer
Camp
Coble
Collins (IL)
Combest
Cox
Crane
Crapo
Cunningham
DeFazio
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Ehlers
Ewing
Fawell
Fields (TX)
Frank (MA)
Franks (NJ)
Goss
Grams
Greenwood
Hamburg
Hancock
Hansen
Hefley
Herger
Hoekstra
Hoke
Huffington
Hunter
Inglis
Inhofe
Johnson, Sam
Johnston
Klug
Knollenberg
Kyl
Margolies-Mezvinsky
McHugh
McInnis
Meyers
Miller (FL)
Minge
Moorhead
Myers
Nussle
Oberstar
Owens
Paxon
Penny
Peterson (MN)
Petri
Pombo
Ramstad
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Schaefer
Sensenbrenner
Shays
Solomon
Stark
Stearns
Stump
Thomas (WY)
Vento
Waxman
Wyden
Zeliff
Zimmer

NOT VOTING—13

DeLay
Dellums
Fish
Ford (MI)
Gibbons
Grandy
Machtley
Murphy
Smith (OR)
Swift
Washington
Whitten
Yates

□ 2316

Messrs. OWENS, OBERSTAR, and WAXMAN changed their vote from "yea" to "nay."

Mr. CONDIT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I would like to inquire of the distinguished Majority Leader how he envisions the evening unfolding at this juncture.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, because of all the good cooperation we made here this evening, the good progress made, we have one additional matter tonight, as I said earlier, which is a motion to instruct on the crime bill. That should come right away.

Tomorrow we will meet at 10 o'clock, and we will try to proceed with the District of Columbia appropriations bill. Negotiations are still going on with regard to that. We hope it can be worked out.

Mr. MICHEL. I thank the gentleman. Mr. Speaker, we have an adjournment resolution then to consider. Does the gentleman intend to do that?

Mr. GEPHARDT. I intend to do that right now.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, JUNE 30, 1994, TO TUESDAY, JULY 12, 1994, AND ADJOURNMENT OR RECESS OF THE SENATE FROM THURSDAY, JUNE 30, 1994, FRIDAY, JULY 1, 1994, SATURDAY, JULY 2, 1994, OR SUNDAY, JULY 3, 1994, TO MONDAY, JULY 11, 1994

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 263) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 263

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, June 30, 1994, it stand adjourned until 10:30 a.m. on Tuesday, July 12, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, June 30, 1994, Friday, July 1, 1994, Saturday, July 2, 1994, or Sunday, July 3, 1994 pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, July 11, 1994, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

---

□ 2320

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Ms. MOLINARI. Mr. Speaker, pursuant to the provisions of rule XXVIII, clause 1(c), I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Ms. MOLINARI moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include Subtitle E of Title VIII of the Senate amendment, providing for the admissibility of evidence of similar crimes in sex offense cases.

The SPEAKER. The gentlewoman from New York [Ms. MOLINARI] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. HUGHES] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from New York (Ms. MOLINARI).

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

Mr. Speaker, I thank the indulgence of my colleagues and I assure the Members we will move very quickly, but this is a deadly serious subject.

Mr. Speaker, this motion instructs the conferees to accept language in the Senate crime bill that changes the Federal Rules of Evidence to let prosecutors in two cases, sexual assault and child molestation, to introduce evidence that the defendant has committed similar crimes in the past. This same language was adopted by the other body 75 to 19 and is part of their crime bill.

Mr. Speaker, The People versus Hansen. In this case the defendant, Hansen, was found guilty of inducement of child prostitution and attempted sexual assault on a child. Hansen had been the subject of a police investigation after parents complained that he had engaged in obscene telephone conversations with their preteen daughters. The investigation showed that the defendant's name and phone number were common knowledge at a junior high school, and when the girls called him, he would ask them to come to his residence to have sex with him. He would then give them money and arrange necessary transportation. Conversations were taped by the police in which he made this proposition to two 11-year-old girls.

In order to apprehend Hansen, the police had one of the girls call him and have him send a cab to take her and her sisters to his residence. Hansen was arrested as he paid the girls' cab driver.

The evidence at the trial included testimony by two other young girls that the defendant had also solicited sex with them in phone conversations. However, the appellate court held that admission of the testimony with the other two girls was reversible error because this evidence was "unnecessary to establish intent" and hence, in the court's view, "was without a valid purpose."

Mr. Speaker, this happens time and time again in sexual assault and in child molestation cases where there are no witnesses other than the victim. This allows, it does not mandate, a judge's discretion in only those two instances, when he or she thinks that the cases are similar and relevant enough to introduce prior evidence of past convictions.

Mr. Speaker, this will allow the States and the Federal Government to proceed to convict and apprehend and put away child molesters and sexual assaulters without fear of technical overturning.

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

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

Mr. Speaker, I rise in strong opposition to the motion to instruct conferees. I do so on two grounds. It is very difficult to argue against something that would suggest that in some way we are going to make it easier for child molesters or sexual abusers to walk.

First of all, Mr. Speaker, we in the Congress many years ago set up an extensive process called the Rules Enabling Act, which has served us well for a long time. Under this particular process, changes in the rules of evidence and procedure for Federal courts originate not in the Congress but in the federal court system. We decided that a long time ago.

The governing body of the Federal courts, the Judicial Conference of the United States, develops and proposes rules changes which must be approved by the Supreme Court before being submitted to Congress. The changes go into effect 6 months later unless rejected or modified by the Congress. The Federal Rules of Evidence, like all other Federal rules, affect the daily business of all of our courts, and also serve as a pattern for many State procedural rules.

In fact, on the Rules Enabling Panel we have State court justices, we have constitutional scholars, the Chief Justice makes the appointments, and it has served us well over the years.

The pervasive and substantial impact of the Federal Rules demands exacting and meticulous care in drafting amendments. This is not evident in the proposal before us. The existing rulemaking process involves a minimum of six levels of scrutiny or stages of formal review. This has gone through none. This is an amendment offered on the floor of the Senate after about 20 minutes' debate, without very much thought, and it is procedurally and substantively flawed. There has been no debate about the impact it would have on criminal or civil cases.

Mr. Speaker, I think it is the height of irresponsibility to suggest that we change our rules of evidence on the basis of no hearings, totally abandoning the process we have set up that served us well. The proposed new rules of evidence, this particular rule would create an exception to rule 404(a),

which excludes admission of a person's character for the purpose of proving action in conformity therewith on a particular occasion.

In effect, Mr. Speaker, 404(a) states that we cannot convict a person for a particular crime based on past conduct of a similar nature. In prosecutions of sexual assault or child molestation offenses, this type of evidence would be particularly prejudicial.

These proposed new rules of evidence changes would go further and allow admission of evidence, not conviction. We are talking about allowing evidence, not a record of conviction. Even if the defendant had been acquitted of the charges on previous occasions, any evidence, regardless of conviction, could be offered under this particular rule of evidence.

Mr. Speaker, there is the "no need for a conviction" language in the proposal that makes admissible all evidence of the defendant's commission of another offense that is similar in nature. I know that in our actions on crime bills we all have a tendency to want to be tough, sound tough, but come on, this is ridiculous. It is ridiculous.

Frankly, Mr. Speaker, what the gentlewoman is doing, it raises serious constitutional questions. If the only evidence in the prosecution's case-in-chief is evidence that is hearsay or was rejected by a previous jury when they acquitted the defendant, it raises constitutional questions as to whether the conviction could stand.

Mr. Speaker, this has not been thought through. We ought to reject this.

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

Ms. MOLINARI. Mr. Speaker, I yield myself 1 minute to respond.

First of all, we did not have hearings on this measure in this body, that is accurate. That is not by fault of this gentlewoman. I went before the Committee on Rules for the last three years to try to get a hearing in the people's body and was denied that opportunity.

Number two, to instill a judicial conference to study this bill, this effort has been part of every crime bill that has left this House, but has failed to be passed into law by this Congress while the current system goes unchecked and unheeded.

Number three, with due respect to the gentleman from New Jersey [Mr. HUGHES], I think if we talked to any one of the victims or the parents of the victims whose assailant has been allowed to go free because of a technical difficulty, they would not deem this measure ridiculous, and they would not agree to the statement that the current system serves us well.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, under the Federal Rules of Evidence, prior similar offenses may be admitted at trial even when the defendant has not been charged with offenses, but there is no Federal rule expressly authorizing such admissibility in the sex crime context. Ironically, Mr. Speaker, this is the context in which it is needed the most.

□ 2330

In other context, such evidence is permitted to prove motive, opportunity, intent, knowledge or absence of mistake. In sex-related crimes, it can be particularly useful to demonstrate a propensity of the accused to commit similar prior offenses.

We are not talking about allegations. We are talking about prior offenses. So that if as the gentlewoman from New York pointed out in the case that she discussed there is a clear pattern of conduct by an accused who has been convicted of similar conduct in the past and the case revolves around a question of belief of his word or her word, the evidence of that prior offense has probative value to determine the guilt of innocence of the accused. In that situation, the judge ought to have the discretion to admit the evidence.

It is not automatic. The judge simply would be permitted the discretion to admit the evidence in this limited situation. The judge still has total discretion to exclude the evidence if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant.

Mr. Speaker, there is no taking away of the rights of the accused. It is only in a very limited circumstance in which the judge would allow the evidence but an important circumstance, a circumstance in which perhaps the only credible evidence for the jury because of the dispute between the only two people who know what happened is evidence of offenses of similar conduct in the past.

This is an important but small step for us to take to begin to grant the victims of crime equal protection in our criminal justice system.

Mr. Speaker, as the gentlewoman pointed out, the reason we did not have an opportunity to have the debate on this is because we were denied that opportunity by the Committee on Rules. But the Senate approved this language by a vote of 75–19. It is important for us to instruct our conferees to agree with the Senate provision to take this small step for justice for the victims of crime in our society. I urge a "yes" vote.

I have appreciated working with Representative MOLINARI on this important issue. Sexual violence is one of the most troubling issues facing our Nation today, and the importance of State and national commitment to strengthening laws against sexual violence cannot be underscored.

Let me start by stating some of the statistics, often heard, but important enough to this debate to mention again. Police records indicate a woman is raped every six minutes in the United States. According to the Uniform Crime Report sponsored by the FBI, four women are raped every day in Arizona. In Phoenix alone last year, there were 476 rapes reported. And, according to National Victim Center statistics, of these sexual violence victims only around 22 percent report the crime to police. According to the same group, we spend ten times more in resources defending those accused of sexual assault than we spend in helping the victims of sexual violence.

And, yet, behind the shocking statistics of sexual violence there lies a criminal justice system that oftentimes works more for the accused than for the victim. Take the following example:

On May 4, 1986, Suzanne Harrison, an 18-year-old honor student in Texas, three weeks away from high school graduation, was abducted. The next day she was found raped brutally beaten and strangled to death. She was murdered by a parolee named Jerry Walter McFadden, a man who calls himself "Animal." McFadden had been convicted of two 1973 rapes and sentenced to two 15-year sentences. Paroled in 1978, he was again sentenced to 15 years in 1981 for a three-count crime spree in which he kidnapped, raped, and sodomized a Texas woman. Released on parole again in July of 1985, even though his record now contained three sex-related convictions and two prison sentences, McFadden raped and murdered Suzanne Harrison less than one year later.

Clearly, if a criminal justice system were better able to keep rapists in jail, Suzanne Harrison and thousands of other victims might be alive today.

Tonight, we have the opportunity to instruct conferees to make a small but important change to our criminal justice system so that victims of sexual abuse and child molestation are not revictimized once they bring charges against a perpetrator and enter into the court system. Members can do this by approving this motion to instruct crime bill conferees to accept section 831 of the Senate-passed crime bill.

This important provision would amend the Federal Rules of Evidence to make it easier for prosecutors in sexual violence and child molestation cases to introduce evidence showing that the accused has committed similar sexual assault crimes in the past. This very amendment, introduced by Senator DOLE, passed 75–19 during debate on the Senate crime bill. The amendment is also a provision of H.R. 688, the Sexual Assault Prevention Act, which Representative MOLINARI and I have introduced to combat sexual and domestic violence. There are currently 113 bipartisan cosponsors of our bill.

Unfortunately, House Members did not have an opportunity to vote on the Federal Rules of Evidence amendment. Representative MOLINARI and I both offered amendments during Rules Committee consideration of the crime bill to change the Federal Rules of Evidence in the same manner that Senator DOLE's amendment does; but, the Rules Committee would not permit its consideration, so this is your first opportunity to vote on this provision.

It is critical that we accept this provision of the Senate bill. Its effect is to help ensure that the criminal justice system is not skewed unfairly toward the rights of the accused at the expense of the victim.

It will go a long way toward helping to neutralize the psychological damage a sexual assault or child molestation victim experiences going thorough the judicial process. And, it will provide a model upon which States can base reforms of their own rules of evidence.

In most rape or molestation cases, it is the word of the defendant against the word of the victim. If the defendant has committed similar acts in the past, the claims of the victim are more likely to be considered truthful if there is substantiation of other assaults.

It is also common in rape and child molestation cases that the victim is too traumatized, intimidated, or humiliated to file a complaint and go through the full course of proceedings of a criminal prosecution. Nevertheless, the victims in such cases are often willing to bear the burden of testifying when they know that the person who marred their lives has also victimized others and that these revelations will come out at trial. According to Justice Department statistics released last week, girls under 18 are the victims of more than half the rapes reported to police. Allowing the prosecution to bring to trial similar child molestation crimes of the accused will certainly held these young victims bring their attacker to justice.

It is important to note that the Senate provision does not require that evidence of prior sexual assault be admitted. The trial court retains the total discretion to include or exclude this type of evidence moreover, under the Senate provision the defendant would have 15 days notice of the evidence to be offered and cross examination would be allowed. Essentially what this amendment does is make it clear that a judge will not necessarily be reversed on appeal if he admits evidence of prior similar acts in sex-related cases. The judge retains the discretion to exclude the evidence if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant.

Mr. Chairman, this should not be controversial. For the thousands of individuals who are victims of sexual violence every year, we should strengthen our sexual violence laws by instructing conferees to include section 831 in the crime conference report. Members should not pass up this opportunity to make a positive difference in the lives of those who have experienced the tragedy of sexual assault and child molestation. Members should vote yes on this motion to instruct.

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

Let me just say to my colleague, the gentleman from Arizona, I do not know whether he heard my original statement, but that is not the process. We have a rules enabling act that we created. We have a process, the Judicial Conference of the United States is the one that takes the testimony, basically decides changes in the rules of evidence and they implement them. We have the right to reject. We are basically circumventing the process that we set up. It is not the Committee on Rules of this House that basically works its will on rules of evidence. It was done so that we should have the kind of expertise and consideration that the Judicial Conference of the United States would provide.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, I would say to my colleagues that this is something that is one of the most inadvisable things that we could do if we believe in the criminal law.

I believe as strongly as anybody that we ought to go after people who commit crimes, sexual crimes, and rape. But we should do it based on the laws of evidence. Make no mistake about it, my colleagues, this would say, not just a conviction but any allegation at all would be admissible in a court, not for all crimes but for these crimes. That is turning our system of due process on its head.

Let me state, why do you think the NOW legal defense fund, one of the strongest women's groups in this country that has made a campaign to eliminate rape, to eliminate sexual harassment, why are they opposed to this? They are very simply opposed because this is the kind of measure that does not belong in a system where we talk about freedom, where we talk about due process, where we talk about evidence. To say that any allegation for these particular cases shall be admissible in court is a very, very serious matter, I would argue a serious mistake, but if we are going to do this, then we ought to be very careful about where and when we do it and not just rush headlong into passing a motion like this which while I know is not binding would say something terrible about our beliefs in how we prosecute criminals.

Mr. Speaker, I do not believe that the Civil Liberties Union is right on every issue, but this goes so far beyond.

Mr. Speaker, I would simply say that to say that any allegation whatsoever for these two crimes shall be admissible as evidence, not a conviction, not even something that was admitted in court, but any prior evidence would be a serious mistake. I would ask my colleagues to think twice before we rush to pass something that so flies in the face of what Anglo-Saxon jurisprudence has stood for for 200 years.

Ms. MOLINARI. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, unfortunately I believe the American public is tired of hearing about process and rules, especially when we see the fact that the gentlewoman was not offered an opportunity to present this amendment and have it fully debated.

Mr. Speaker, I rise in strong support of the gentlewoman's motion to instruct and urge its passage.

(By unanimous consent Mr. MICHEL was allowed to proceed out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I take this time to give the membership an update on where we are, and I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as we informed the Members earlier, a negotiation has been going on about the DC bill. It is my understanding that negotiation has not succeeded. Therefore, it is intended to have a pro forma session tomorrow and to not bring up the DC bill.

I would tell the Members on this side of the aisle that the whip meeting which is scheduled for tomorrow will be held tomorrow morning at 8:30.

Mr. MICHEL. Might I also for the edification of the Members on our date to come back, Tuesday, July 12, would we expect votes on Tuesday? Do we know enough about that as of yet?

Mr. GEPHARDT. We will try to notify the Cloakrooms as to what time they might begin, but we would expect votes on Tuesday.

Mr. MICHEL. I thank the distinguished majority leader.

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

Mr. MICHEL. I yield to the distinguished gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to announce to all sinners here tonight, we will have the prayer breakfast here at 8 o'clock tomorrow in the Capitol Building.

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

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, let me announce to Members on our side that we will have the conference as scheduled tomorrow morning. Members will find it an interesting conference. There is going to be a surprise announcement there that Members will all be interested in. We are not telling the other side over there.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I know the minority leader would also like to have those on this side join with him in wishing the gentlewoman from New York and the gentleman from New York a wonderful wedding that they are going to be having over the break.

Ms. MOLINARI. Mr. Speaker, if the gentleman will yield, I thank the gentlewoman from Colorado for her thoughtfulness.

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, let me just address two issues that have been brought up by the other side.

First, with the gentleman from New York who talked about the fact that this amendment is going to require the evidence to be admitted. That is not what this amendment does. It allows the judge the discretion to admit it.

Mr. Speaker, how come when it comes to judge's discretion in sentencing for criminals it is OK, for a judge's discretion for evidence with respect to criminals, that is OK, but for a judge's discretion with respect to victims, it is not OK.

□ 2340

I think we have to start looking at both sides of the equation and start looking at what kind of discretion we allow judges to use. If we trust their judgement in one respect, we should trust it just as much for the other party involved in the crime.

Second, when it comes to the issue of process, I cannot believe what we are saying here tonight is that we are going to allow a serial rapist, a serial sexual assaulter, a serial child molester the opportunity to continue without having that relevant evidence brought before the judge because the process of the Supreme Court and the committee that judges rules of evidence has not gotten around to dealing with this issue. That is what we are elected to do, not wait for them to tell us what is in our best interests, but in fact move forward.

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

Mr. SANTORUM. I am happy to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I would ask the gentleman if we have a serial rapist who has a conviction for serial rape, is it not true that the rules of evidence allow and the judge cannot block that evidence from being admitted right now.

Mr. SANTORUM. The gentleman is correct.

Mr. SCHUMER. I thank the gentleman.

Mr. SANTORUM. I urge an "aye" vote.

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

Mr. Speaker, a lot of statements are being made.

Members have to read the rule. The rule makes it admissible. It can be hearsay. The defendant could have been acquitted of a prior offense, similar offense, and it still is admissible. That is what it says. It is not within the discretion of the court.

For that reason and that reason alone, Members should reject this. It is ridiculous to suggest we are going to introduce evidence on another matter that indicates on a previous matter there was some evidence of a criminal offense when that defendant was acquitted of that offense. That is crazy. I mean we are talking about changes that have not been thought through. They really go to the heart of the whole due process that we accord to defendants, and I would urge my colleagues to reject the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Ms. MOLINARI. Mr. Speaker, I yield myself 2 minutes to respond.

The law as proposed states, "In a criminal cause in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible and may be considered for its bearing on any matter to which it is deemed relevant by the judge." It is not mandatory.

Mr. Speaker, I will cite one more case study and then I will close.

*State* v. *Pace*, 275 S.E.2d 254 (N.C. App. 1981). In this case, the victim, Cynthia Hairston, was an acquaintance of the defendant Pace. Pace encountered the victim while she was waiting for a bus, and invited her to wait in his car because it was cold in the bus station. When she got into the car, he drove to a dead end street, and there twice raped her and forced her to perform oral sex. The victim attempted to resist but was limited in her ability to do so by the fact that she was eight months pregnant at the time.

At the trial of Pace for assaulting Cynthia Hairston, the government also presented another witness, Vickie Rorie, who testified that Pace had raped her about two months earlier, At that time, she met Pace through a friend. Later on the day that they met, Pace had come to her apartment, threatened her with a weapon, and raped her. As with Cynthia Hairston, Pace addressed her as "Baby Girl" during the assault.

In relation to both incidents, Pace admitted engaging in sex with the victims at the times in question, but stated that it had been consensual. This defense was disbelieved, and Pace was convicted.

Because of the law as it stands today, the conviction was reversed on appeal. The appellate court said that the testimony of Vickie Rorie only "tended to show the bad character of the defendant and his disposition to commit sex crimes," and hence was deemed inadmissible, and the case was overturned.

Mr. Speaker, to close the debate, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I would just like to point out in closing this debate here tonight that it has been 10 weeks since we passed a crime bill on the floor of the House, 10 weeks. It was back in April when we did this. We have had one pro forma meeting of the conference committee between the House and the Senate.

According to the crime statistics clock that runs all of the time, there is a rape committed every 5 minutes. By the calculations that I have made, over that 10-week period there have been almost 21,000 forcible rapes committed in this country. Tonight we have an opportunity by this motion to instruct to do something we did not do in that crime bill but we have the opportunity to do and to correct a little bit when the conference committee meets. That is to give an instruction, and that is all Members are voting on tonight, an instruction to our conferees to agree to a provision in the Senate bill that we never got the opportunity to vote on out here or to debate on the floor. But it is something the gentlewoman from New York has been trying to do for a long time, and it is the right thing to do.

All of the technicalities notwithstanding, there is a problem with the rules of evidence with regard to the ability to produce the kind of background necessary to get rape convictions in this country. It is an important vote, and I certainly urge a yes vote and I thank the gentlewoman for offering it and for giving us this opportunity.

Mr. LEWIS of Florida. Mr. Speaker, I wish to express my support for subtitle E of title VIII of the Senate crime bill, and for the motion to instruct House conferees on H.R. 3355 to not agree to a report that does not contain this important provision. Had I been present I would have voted "yes" on last night's motion to instruct.

This title clarifies the right of judges to allow prosecutors, when appropriate, to use available evidence demonstrating that defendants in sexual assault or child molestation cases have previously committed similar sexual offenses. This section does not require such evidence to be used, but rather reinforces the judge's authority to admit such testimony when he or she sees fit.

Many of those who commit crimes of sexual assault and child molestation have a terrible history of sexually violent and abusive behavior, terrorizing victim after victim with circumstances making it difficult to prosecute effectively. This provision will help break many of these chains of violence, by allowing the relevant facts of a sexual predator's past to be used against him. I trust our judicial system to ensure this practice will not tread on the presumption of a defendant's innocence, or in any way dilute the right of a fair and speedy trial.

Ms. MOLINARI. Mr. Speaker, I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I move the previous question on the motion to instruct.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce before putting the question that in addition to the program announced by the majority and minority leaders, the Chair will recognize the gentleman from North Carolina [Mr. ROSE] following the conclusion of the pending business, for the purpose of offering a Senate Concurrent Resolution 68 concerning the printing of a document on which I understand there will be no objection from either side.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from New York [Ms. MOLINARI].

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

RECORDED VOTE

Ms. MOLINARI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 348, noes 62, not voting 24, as follows:

[Roll No. 314]

AYES—348

| | | |
|---|---|---|
| Ackerman | Baesler | Barrett (NE) |
| Allard | Baker (CA) | Barrett (WI) |
| Andrews (NJ) | Baker (LA) | Bartlett |
| Archer | Ballenger | Barton |
| Armey | Barca | Bentley |
| Bacchus (FL) | Barcia | Bereuter |
| Bachus (AL) | Barlow | Bevill |

Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Royce
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—62

Abercrombie
Andrews (ME)
Becerra
Beilenson
Berman
Brooks
Brown (CA)
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Derrick
Dixon
Edwards (CA)
Evans
Flake
Foglietta
Furse
Gonzalez
Hamburg
Hastings
Hughes
Kanjorski
Kennedy
Kopetski
Lewis (GA)
Lowey
Mann
McDermott
McKinney
Meek
Miller (CA)
Mollohan
Nadler
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Rostenkowski
Roukema
Roybal-Allard
Rush
Sanders
Sangmeister
Schumer
Scott
Skaggs
Stokes
Swift
Synar
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Woolsey

NOT VOTING—24

Andrews (TX)
Applegate
Bateman
Boucher
Clay
DeFazio
Dellums
Fish
Ford (MI)
Gibbons
Grandy
Hall (OH)
Lewis (FL)
Machtley
Murphy
Murtha
Pickett
Smith (OR)
Stark
Studds
Valentine
Washington
Whitten
Yates

□ 0004

Ms. PELOSI changed her vote from "aye" to "no."

Messrs. MOAKLEY, HOKE, ACKERMAN, and JEFFERSON changed their vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING PRINTING OF SENATOR ROBERT C. BYRD'S ADDRESSES TO THE UNITED STATES SENATE ON THE HISTORY OF ROMAN CONSTITUTIONALISM

Mr. ROSE. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution (S. Con. Res. 68) to authorize printing of "Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism."

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the chairman of the committee a question.

To be able to print the "Robert Byrd Addresses to the United States Senate on the History of Roman Constitutionalism," the printing presses have to be free on any jobs that probably were anticipated to be printed prior to printing this. And the only thing I could think of was, of course, the task force on the Post Office's support that was ordered to be compiled and printed. Is that going to be done?

Mr. ROSE. Mr. Speaker, will the gentleman from California yield?

Mr. THOMAS of California. I certainly yield to the gentleman from North Carolina, the chairman of the committee.

Mr. ROSE. I thank the gentleman for yielding.

Mr. Speaker, I am very happy to tell the gentleman that tomorrow morning the transcript of those proceeding will be sent to the Public Printer for printing at once.

Mr. THOMAS of California. Now, the supporting documents could be rightfully called an appendix, though the transcripts were the primary concern, and I am pleased to hear that they will be sent to the printer tomorrow morning, and as soon as possible my assumption is then the materials that would be in the follow-on appendix would be compiled and sent to the printer as well.

Mr. ROSE. This gentleman is correct.

Mr. THOMAS of California. Mr. Speaker, that means the printing presses would be cleared to print "Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism," and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism", delivered between May 5, 1993 and October 18, 1993.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $47,864.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3266

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3266.

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

## 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. GOSS for 5 minutes on June 30.

Mrs. MORELLA for 5 minutes on June 30.

## 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. SOLOMON in two instances.
Mr. POMBO.
Mr. FIELDS.
Mr. SHAYS.
Mr. GILLMOR.
Mr. KING.
Mrs. VUCANOVICH.
Mr. KNOLLENBERG.
Mr. SANTORUM.
Mr. DORNAN in four instances.
Mr. FAWELL.

(The following Members (at the request of Mr. DOOLEY) to revise and extend their remarks and include extraneous material:)

Mr. LEVIN in two instances.
Mr. CLEMENT.
Mr. DE LUGO.
Mr. KILDEE in two instances.
Mr. ANDREWS of Texas.
Mr. STARK.
Mr. HOYER.
Mr. HAMILTON.
Mrs. MALONEY.
Ms. LONG.
Mrs. COLLINS of Illinois in two instances.
Mr. SCHUMER.
Mr. PETE GEREN of Texas.
Mr. HOCHBRUECKNER.
Ms. ESHOO.
Mr. MORAN.
Mr. LANCASTER.
Mr. BROWN of California.
Mr. SPRATT.
Mr. BECERRA.
Mr. TOWNS in six instances.
Mr. FINGERHUT.
Mr. RUSH.
Mr. RICHARDSON.
Mr. JACOBS.
Mr. COPPERSMITH.
Ms. LAMBERT.
Mr. STUPAK in two instances.
Mr. CHAPMAN.
Mr. LEVIN.
Mr. HALL of Texas.

## BILLS PRESENTED TO THE PRESIDENT

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

On June 28, 1994:

H.R. 1758. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

H.R. 3724. An act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building".

H.R. 4568. An act making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes.

## ADJOURNMENT

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

The motion was agreed to: accordingly (at 12 o'clock and 11 minutes a.m.), the House adjourned until today, Thursday, June 30, 1994, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3436. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board on the Resolution Funding Corporation for the calendar year 1993, pursuant to Public Law 101–73, section 511(a) (103 Stat. 404); to the Committee on Banking, Finance and Urban Affairs.

3437. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, the "Saint Elizabeths Hospital Amendment of 1994"; to the Committee on the District of Columbia.

3438. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3439. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1993, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

3440. A letter from the Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting a copy of the summary of the draft Environmental Impact Statement [EIS] for Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs; to the Committee on Energy and Commerce.

3441. A letter from the Secretary of Health and Human Services, transmitting the Department's report on the health care services in the Home Demonstration Program, pursuant to section 397(d)(2) of the Public Health Service Act; to the Committee on Energy and Commerce.

3442. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Bahrain (Transmittal No. 20–94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3443. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3444. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

3445. A letter from the Inspector General, General Services Administration, transmitting a copy of his office's audit report register, including all financial recommendations, for the period ending March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3446. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3447. A letter from the Director, Office of Personnel Management, transmitting the office's fiscal year 1993 financial statements; to the Committee on Government Operations.

3448. A letter from the Secretary of the Treasury, transmitting the semiannual report of activities of the inspector general for the period ended March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3449. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3450. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3451. A letter from the Secretary, Department of the Interior, transmitting the 23d annual report of the actual operation during water year 1993 for the reservoirs along the Colorado River; projected plan of operation for water year 1994, pursuant to 43 U.S.C. 1552(b); to the Committee on Natural Resources.

3452. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the progress in implementing the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1993, pursuant to Public Law 101–225, section 222(a) (103 Stat. 1918); to the Committee on Merchant Marine and Fisheries.

3453. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled, the "Federal Employees Health Benefits Provider Integrity Amendments of 1994"; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 469. Resolution waiving certain points of order against the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-568). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 470. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-569). Referred to the House Calendar.

## 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. BROWN of California (for himself, Mr. VALENTINE, Mrs. MORELLA, Mr. KLEIN, Mr. MCHALE, and Mr. JOHNSON of Georgia):

H.R. 4673. A bill to establish a U.S. Design Council as an advisory committee within the Department of Commerce to promote understanding of the importance of design in the development of products and systems, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mrs. COLLINS of Illinois:

H.R. 4674. A bill to provide for the reliquidation of certain entries of imported chemicals; to the Committee on Ways and Means.

By Ms. LONG (for herself, Mr. DE LA GARZA, Mr. EMERSON, Mr. KINGSTON, Mr. POMEROY, Mr. BEREUTER, Mr. ROSE, Mr. STENHOLM, Mr. JOHNSON of South Dakota, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. DOOLEY, Mrs. CLAYTON, Mr. MINGE, Mr. HOLDEN, Ms. MCKINNEY, Mr. BAESLER, Mrs. THURMAN, Mr. THOMPSON, Mr. BISHOP, Ms. LAMBERT, Mr. FARR, Mr. GUNDERSON, Mr. COMBEST, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. NUSSLE, Mr. BOEHNER, Mr. DICKEY, Mr. POMBO, Mr. EVERETT, Mr. FAZIO, Mr. HAYES, Mr. LEACH, Mr. MCHUGH, Mr. MONTGOMERY, Mr. GILCHREST, Mr. LANCASTER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. CRAPO, Mr. CLYBURN, Mr. HASTINGS, Mr. LEWIS of Florida, Mr. EVANS, Mr. BARTON of Texas, Mr. WILLIAMS, Mr. SARPALIUS, and Mr. LUCAS):

H.R. 4675. A bill to maintain the ability of U.S. agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Ms. LAMBERT (for herself and Mr. MCCLOSKEY):

H.R. 4676. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

By Mr. LEVIN:

H.R. 4677. A bill to provide for monthly reporting of child support obligations to certain consumer reporting agencies; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4678. A bill to amend the Congressional Budget Act of 1974 to provide more program specificity during consideration of concurrent resolutions on the budget, and for other purposes; to the Committee on Rules.

By Mr. SPRATT (for himself and Mr. CONYERS:)

H.R. 4679. A bill to amend the Inspector General Act of 1978 to expand the mission of inspectors general, to provide for greater independence for inspectors general, and to make inspectors general more effective and accountable; to the Committee on Government Operations.

H.R. 4680. A bill to amend title 5, United States Code, to provide sanctions and remedies for violations of the right of executive branch employees to provide information to the Congress and its committees, and to amend the Inspector General Act of 1978 to provide protections for executive branch employees who provide information to an inspector general; jointly, to the Committees on Post Office and Civil Service and Government Operations.

By Mr. RICHARDSON (for himself, Mrs. COLLINS of Illinois, and Mrs. SCHROEDER):

H.R. 4682. A bill to guarantee the participation of small businesses, rural telephone companies, and businesses owned by members of minority groups and women in spectrum auctions; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4683. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT:

H. Con. Res. 263. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ACKERMAN (for himself and Mr. LEACH):

H. Res. 471. A resolution to urge the Government of Burma [Myanmar] to release Aung San Suu Kyi, and for other purposes; to the Committee on Foreign Affairs.

## MEMORIALS

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

435. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to memorializing the Congress of the United States to support H.R. 3666 and S. 2007, the George C. Marshall Commemorative Coin Acts; to the Committee on Banking, Finance and Urban Affairs.

436. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to memorializing the Congress of the United States to support an amendment to the U.S. Constitution to restore voluntary prayer in the public school system; to the Committee on the Judiciary.

437. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to memorializing the President of the United States to appoint a special presidential commission to study domestic violence, the adequacy of the response of the criminal justice system, the adequacy of social services, and the adequacy of police protection for victims of domestic violence; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. OBEY introduced a bill (H.R. 4681) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Eagle Mar;* which was referred to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

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

H.R. 123: Mr. BREWSTER.
H.R. 214: Mr. KINGSTON.
H.R. 465: Mr. KINGSTON.
H.R. 662: Mr. KINGSTON.
H.R. 723: Mr. KINGSTON.
H.R. 911: Mr. MILLER of Florida and Mr. BALLENGER.
H.R. 1080: Mr. BALLENGER and Mr. BACHUS of Alabama.
H.R. 1082: Mr. TORRICELLI.
H.R. 1164: Mr. ANDREWS of Maine.
H.R. 1181: Mr. HILLIARD.
H.R. 1277: Mr. HANSEN.
H.R. 1293: Mr. WALKER and Mr. KINGSTON.
H.R. 1487: Mr. KINGSTON.
H.R. 1490: Mr. ORTON and Mr. LUCAS.
H.R. 1500: Mr. DEUTSCH and Mr. RICHARDSON.
H.R. 1518: Mr. KYL.
H.R. 1621: Mrs. BYRNE.
H.R. 1627: Mr. LUCAS.
H.R. 1671: Mr. SABO.
H.R. 1683: Mrs. UNSOELD.
H.R. 1709: Mr. BARCA of Wisconsin and Mr. WHEAT.
H.R. 1737: Mr. OWENS, Mr. FARR, and Mr. FROST.
H.R. 2043: Mr. GEJDENSON.
H.R. 2175: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2258: Mr. PARKER and Ms. SHEPHERD.
H.R. 2418: Mr. TAYLOR of North Carolina, Ms. KAPTUR, Mr. MINGE, and Mr. NEAL of North Carolina.
H.R. 2467: Mr. REGULA, Mr. SAM JOHNSON, and Mr. VISCLOSKY.
H.R. 2588: Mr. DEFAZIO.
H.R. 2646: Mr. KINGSTON.
H.R. 2717: Mr. SOLOMON, Mr. BURTON of Indiana, and Mr. DORNAN.
H.R. 2790: Mr. COLEMAN.
H.R. 2826: Mr. SYNAR, Mr. WYNN, Mr. SANGMEISTER, and Mr. FILNER.
H.R. 2858: Mr. KYL.
H.R. 2959: Mr. QUINN.
H.R. 3025: Mr. JOHNSTON of Florida.
H.R. 3065: Mr. ROYCE.
H.R. 3255: Mr. MCHUGH and Mr. KYL.
H.R. 3320: Mr. DEFAZIO, Mr. DOOLITTLE, Mr. PETE GEREN of Texas, and Mr. BARTLETT of Maryland.
H.R. 3324: Ms. BROWN of Florida and Mr. JEFFERSON.
H.R. 3433: Mr. BARRETT of Wisconsin, Mr. MURPHY, Mr. RAVENEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. MONTGOMERY, Mr. REYNOLDS, Mr. WHEAT, and Mr. SKAGGS.
H.R. 3439: Mr. ROGERS.
H.R. 3442: Mr. KINGSTON.

H.R. 3486: Mr. CAMP.
H.R. 3574: Mr. PARKER.
H.R. 3646: Mr. GILMAN, Mr. LEWIS of Florida, Mr. SKEEN, and Mr. DEUTSCH.
H.R. 3725: Ms. DUNN, Mr. GOSS, and Mr. CANADY.
H.R. 3795: Mr. TORRICELLI and Mr. SOLOMON.
H.R. 3820: Mr. STUPAK.
H.R. 3866: Mr. FINGERHUT, Mr. SKELTON, Mr. STUPAK, and Ms. BROWN of Florida.
H.R. 3871: Mr. PARKER.
H.R. 3875: Mr. TANNER and Ms. LAMBERT.
H.R. 3940: Mr. PARKER and Mr. INGLIS of South Carolina.
H.R. 3955: Mr. BAESLER and Mr. DICKEY.
H.R. 3971: Mr. PAXON, Mrs. JOHNSON of Connecticut, and Mr. JOHNSON of Georgia.
H.R. 3978: Mr. SMITH of Oregon.
H.R. 3990: Mr. FINGERHUT.
H.R. 3994: Mr. MCNULTY.
H.R. 4024: Ms. MCKINNEY.
H.R. 4036: Ms. MARGOLIES-MEZVINSKY, Mrs. MEYERS of Kansas, Mr. MCDADE, and Mr. DOOLITTLE.
H.R. 4050: Mr. KENNEDY.
H.R. 4051: Ms. NORTON.
H.R. 4100: Mr. SCHIFF.
H.R. 4115: Mr. MORAN, Mr. MANTON, and Mr. FISH.
H.R. 4129: Mr. BLACKWELL, Mr. PAYNE of New Jersey, Mr. ANDREWS of Maine, Mr. HANSEN, Mr. CHAPMAN, and Mr. PICKETT.
H.R. 4146: Mr. BAKER of Louisiana.
H.R. 4210: Mr. SOLOMON, Mrs. MALONEY, Mr. PALLONE, Mr. BORSKI, and Mr. KING.
H.R. 4271: Ms. WOOLSEY.
H.R. 4279: Mr. MURPHY, Mrs. ROUKEMA, and Mr. ANDREWS of Maine.
H.R. 4318: Mr. YATES and Mr. FROST.
H.R. 4366: Mr. TORRES.
H.R. 4375: Mr. BONIOR.
H.R. 4386: Mr. GUNDERSON, Mr. THORNTON, and Mr. DUNCAN.
H.R. 4403: Mr. HERGER.
H.R. 4404: Ms. SHEPHERD, Mr. WAXMAN, Mr. THOMPSON, Mr. BARLOW, and Mr. MINETA.
H.R. 4434: Ms. FURSE, Mr. POSHARD, Ms. SCHENK, and Mr. SOLOMON.
H.R. 4491: Mr. MACHTLEY, Mr. LIPINSKI, and Mr. COOPER.
H.R. 4507: Mr. BALLENGER.
H.R. 4514: Mr. FRANK of Massachusetts and Mr. OWENS.
H.R. 4517: Mr. ROGERS.
H.R. 4519: Mr. PETE GEREN of Texas.
H.R. 4528: Mr. STARK.
H.R. 4555: Mr. POMEROY.
H.R. 4618: Mr. KLECZKA, Mr. OLVER, and Mrs. MALONEY.
H.R. 4634: Mr. GRANDY, Mr. ROBERTS, Mr. HOAGLAND, Mr. PETERSON of Minnesota, Mr. OBEY, Mr. COSTELLO, Mr. SKELTON, Mr. EMERSON, Ms. DANNER, Mr. LEACH, Mr. GLICKMAN, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. POMEROY, Mr. SLATTERY, Mr. MANZULLO, Mr. EWING, Mr. EVANS, Mr. LIGHTFOOT, Ms. LONG, Mr. DE LA GARZA, Mr. NUSSLE, Mr. ABERCROMBIE, Mrs. THURMAN, Mrs. MINK of Hawaii, Mr. CONDIT, Mr. SARPALIUS, Ms. MCKINNEY, Mr. WILLIAMS, Mr. HOLDEN, Mr. ROSE, Mr. MANN, Mr. DICKEY, Mr. PENNY, Mr. SABO, Mr. WHEAT, Mr. FROST, Mr. COMBEST, Mr. BARCA of Wisconsin, Mr. LANCASTER, Mr. GUNDERSON, and Mr. EHLERS.
H.R. 4643: Mr. TRAFICANT.
H.R. 4661: Mr. TORRICELLI and Mr. GALLO.
H.R. 4662: Mr. TORRICELLI and Mr. GALLO.
H.J. Res. 38: Mr. LEWIS of Kentucky and Mr. LUCAS.
H.J. Res. 297: Mr. LAFALCE, Mrs. UNSOELD, Mr. ROWLAND, Mr. GLICKMAN, Mr. BILIRAKIS, Mr. LEHMAN, Mr. RUSH, Mr. HALL of Texas, Mrs. MALONEY, Mr. CONDIT, Mr. DARDEN, Mr. SWIFT, Mr. RICHARDSON, Mr. SCOTT, Mr. COSTELLO, Mr. MARKEY, Mr. COLEMAN, Mr. SYNAR, Mr. DURBIN, Mr. HASTINGS, Mr. KLINK, Mr. ROMERO-BARCELÓ, Mr. MILLER of California, Mr. FORD of Michigan, Mrs. MINK of Hawaii, Mr. ROBERTS, Mr. STUMP, Mr. COPPERSMITH, Mr. TRAFICANT, Mr. LAZIO, Mr. WYDEN, Mr. BREWSTER, Ms. DANNER, Mr. HINCHEY, Mr. POSHARD, Mr. SAWYER, Mr. SARPALIUS, Mr. ROEMER, Mr. DEAL, Mr. MCKEON, Mr. PETERSON of Florida, Mr. FIELDS of Texas, Mr. JACOBS, Mr. COYNE, Mr. LIPINSKI, Mr. DOOLEY, Mr. JOHNSON of Georgia, Mr. MOLLOHAN, Mr. PAYNE of Virginia, Mr. ANDREWS of Texas, Mr. VOLKMER, Mr. SPRATT, Mr. TAYLOR of Mississippi, Mrs. BYRNE, Mr. ANDREWS of New Jersey, Mr. BROOKS, Ms. SLAUGHTER, and Mr. FRANKS of Connecticut.
H.J. Res. 314: Mr. SERRANO and Mr. SKEEN.
H.J. Res. 332: Mr. WOLF, Mr. POSHARD, Mr. MURPHY, Mr. SYNAR, Mr. HOLDEN, Mr. WALSH, Mr. HUNTER, Mr. CRANE, Mr. SANDERS, Ms. LOWEY, Mr. KOPETSKI, Mr. HUTTO, Mr. ANDREWS of New Jersey, Mr. CLEMENT, Mr. MACHTLEY, Mr. EDWARDS of Texas, Mr. SAXTON, Mrs. BENTLEY, Mr. BREWSTER, Mr. QUILLEN, and Mr. FILNER.
H.J. Res. 338: Mr. LAROCCO, Mr. GOODLING, Mrs. UNSOELD, and Mr. OLVER.
H.J. Res. 353: Mr. SCHIFF, Mr. BONIOR, and Mrs. FOWLER.
H.J. Res. 362: Mr. MARTINEZ and Mr. MONTGOMERY.
H.J. Res. 364: Mrs. BENTLEY, Mr. BAESLER, Mr. DE LUGO, Mr. GONZALEZ, Mr. JACOBS, Mr. SAWYER, Mr. RICHARDSON, Mr. SERRANO, Mr. FISH, and Mr. BACCHUS of Florida.
H.J. Res. 373: Mr. GILMAN.
H.J. Res. 374: Ms. SLAUGHTER, Mr. LIPINSKI, Mr. FLAKE, Mr. WHEAT, and Mr. HOYER.
H. Con. Res. 6: Mr. DEAL.
H. Con. Res. 15: Mr. MEEHAN.
H. Con. Res. 148: Ms. KAPTUR.
H. Con. Res. 152: Mr. GILMAN.
H. Con. Res. 166: Mr. KINGSTON.
H. Con. Res. 199: Mr. GRAMS.
H. Con. Res. 212: Mr. DICKS, Mr. HINCHEY, and Mr. VISCLOSKY.
H. Con. Res. 234: Mr. BERMAN, Mr. BROWN of California, Mr. GUTIERREZ, Mr. JOHNSTON of Florida, Mr. MCHALE, Mr. SAWYER, Mr. SHAYS, and Mr. WAXMAN.
H. Con. Res. 247: Mr. LEVY, Mr. DOOLEY, Ms. WOOLSEY, Mr. BATEMAN, Mr. WAXMAN, Ms. SLAUGHTER, and Mr. BARCA of Wisconsin.
H. Con. Res. 254: Mr. MCCLOSKEY, Ms. PELOSI, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. ABERCROMBIE, Mr. ACKERMAN, Mrs. LLOYD, Mr. GEJDENSON, Mr. BERMAN, Mrs. MORELLA, Mr. SHAYS, Ms. FURSE, Mr. PORTER, Mr. GILMAN, Mr. MCNULTY, and Mr. EVANS.
H. Res. 234: Mr. EHLERS and Mr. LIGHTFOOT.
H. Res. 247: Mr. FISH and Mr. BALLENGER.
H. Res. 330: Mr. KINGSTON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3266: Mr. DOOLEY.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

100. The SPEAKER presented a petition of the citizens of Brooklyn, NY, relative to Mrs. Stein, a citizen of Brooklyn; to the Committee on the Judiciary.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4299

By Mr. GOSS:

—At the end of title III (page 5, after line 23), add the following:

**SEC. 303. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS.**

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence related activities of any such element to a Member of the House of Representatives unless and until a copy of the following oath of secrecy has been signed by that Member and has been published in the Congressional Record:

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of the United States House of Representatives, except pursuant to the Rules and Procedures of the House.".

H.R. 4600

By Mr. SOLOMON:

—In lieu of the matter proposed to be inserted by the amendment in the nature of a substitute by Mr. Stenholm, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "The Enhanced Rescission/Receipts Act of 1994".

**SEC. 2. LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY.**

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit within any revenue bill which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation act or a joint resolution making continuing appropriations providing such budget authority or a revenue bill containing a targeted tax benefit.

The President shall submit a separate rescission message for each appropriation bill and for each revenue bill under this paragraph.

**SEC. 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.**

(A)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/recepts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless,

during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

**SEC. 4. DEFINITIONS.**

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts, in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

**SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.**

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILL.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

H. Res. 467

By Mr. DREIER:

—On page 2, at line 25, insert the following new section after the period:

"Sec. 2. Notwithstanding the foregoing provisions of this resolution, following the disposition of amendments to "the Expedited Rescissions Act of 1994," as provided for in the foregoing provisions of this resolution, it shall be in order, any rule of the House to the contrary notwithstanding, to consider an amendment at the end of the bill by, and if offered by, Representative Hamilton of Indiana or Representative Dreier of California, or their designees, consisting of the text of the bill H.R. 3801, the "Legislative Reorganization Act of 1994." as original text for the purpose of further amendment under the five-minute rule, titles I through III of the bill shall be redesignated as titles II through IV of the amendment, and all points of order against the amendment and against its consideration are waived. The amendment shall be read by title for amendment and each title shall be considered as read.

"Sec. 3."

H.R. 4650

By Mr. PENNY:

—Page, 21, line 12, strike "$1,969,336,000" and insert "$1,273,336,000".

# EXTENSIONS OF REMARKS

## THE ISSUE OF THE TAKINGS CLAUSE

### HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. POMBO. Mr. Speaker, in a landmark decision last Friday, the Supreme Court bolstered and strengthened longstanding constitutional principles designed to protect private property owners by elevating the importance of the takings clause found in the fifth amendment to the Constitution. This clause prohibits Government takings of private property without paying a just compensation for it.

In the majority opinion, written by Chief Justice William Rehnquist, the Court sees "no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or fourth amendment, should be relegated to the status of a poor relation." Mr. Speaker, this decision was long overdue.

Under the guise of environmental protection, the Government has been misusing regulatory measures to strip away the constitutionally protected rights of landowners. This unchecked activity has deprived citizens not only of their rights, but often of their livelihood as well.

Mr. Speaker, we must follow the lead of the Supreme Court on this issue. As Members of Congress, it is our duty to uphold—without exception—the integrity of the Constitution. We can do so by supporting measures that protect and enforce our fifth amendment right to life, liberty, and property. These rights form the core of our political tradition. They must never be compromised.

## ENACT TRUE LINE-ITEM VETO

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. SOLOMON. Mr. Speaker, yesterday the Rules Committee reported a modified closed rule for the consideration of H.R. 4600, the Expedited Rescissions Act of 1994. The rule makes in order an expedited rescissions substitute by Representative STENHOLM, and my substitute to it that would put in place a true line-item veto for the President over rescissions and special tax breaks.

The bill is now scheduled to come to the floor after the July 4 recess. I urge my colleagues to vote for the true line-item veto substitute at that time. At this point in the RECORD, Mr. Speaker, I include my testimony before the Rules Committee yesterday and a summary of my substitute. I am placing the text of my substitute in the amendments portion of today's RECORD.

TESTIMONY

Mr. Chairman and Members of the Committee: I appreciate this opportunity to testify before you today to request that you make in order my amendment in the nature of a substitute to H.R. 4600 and waive appropriate points of order against it as you did last year.

I don't want to belabor the points I made last week at our markup as to why I don't think we should even be taking-up a bill identical to one we passed last year. But, as long as we are, then we should provide for a reasonable and fair amendment process. My amendment is nearly identical to the one this committee made in order to H.R. 1578 last year with two exceptions.

First, my substitute last year provided for only a two-year experiment with this enhanced rescission, line-item veto authority. This substitute would make that permanent.

Second, my substitute last year did not include targeted tax provisions, though this Committee did allow our Republican Leader to offer that provision to my substitute, but denied his request to offer it to the base bill as well. The substitute before you today includes the Michel tax veto provisions.

For your information, the Michel amendment to my substitute last year was adopted on a vote of 257 to 157, but my substitute as amended by Michel was then rejected, 198 to 219.

But I think you can see from those votes that there is very strong support for giving the President a real line-item veto as opposed to just a souped-up version of the current rescission process.

What is the main difference between the expedited rescission process of H.R. 4600 and the Michel-Solomon enhanced rescission approach? Make no mistake about it, it is a very fundamental and profound difference. The Spratt bills says that both Houses must approve a president's rescission to stop the spending.

The Michel-Solomon approach says that the spending and tax breaks unless both Houses, by majority vote, disapprove the President's recommendations by legislative enactment. Since the President is likely to veto any disapproval bill under our approach, it would then take two-thirds of both Houses under the Constitution to override that veto to force the money to be spent or the special interest tax break to take effect.

Put another way, the Spratt bill allows for a majority of either House to block the President's spending cuts; Michel-Solomon ultimately requires two-thirds of both Houses to block the President's spending cuts and tax break vetoes.

That is why we call this a true, legislative line-item veto. It is similar to what the governors of some 43 States now have—the ability to cut wasteful spending subject to override only by a super-majority of the legislature.

Without that super-majority requirement under the Constitution, the legislature would likely engage in the same old log-rolling it does when it first enacts an appropriations measure—"you support my project and I'll support yours."

We can't go on with that business-as-usual approach with the tide of red ink that is engulfing us and our children and grandchildren. We need a tough, real line-item veto with teeth for the President's spending-cut proposals to stick.

That's what Candidate Clinton said he would ask Congress for back in 1992. I only regret that since he became President Mr. Clinton has reneged on his campaign promise and now supports instead this watered down rescission proposal that won't change much from what it is today.

Mr. Chairman, let me close by addressing two concerns raised in a letter to you on June 23rd from the Chairman of the Ways and Means Committee, Mr. Gibbons.

First, he objects to our substitute on grounds that it infringes on his committee's jurisdiction. He's dead wrong on that! Mr. Michel's bill, H.R. 493, which is identical to our substitute, and which gives the President veto authority over special interest tax breaks, was only referred to the Committees on Rules and Government Operations.

It was not referred to Ways and Means because this does not affect the tax code. It affects Title X of the Budget Act instead because it provides an alternative to the current impoundment process.

Secondly, Mr. Gibbons suggests that the substitute is unconstitutional because under the Constitution only the House can originate revenue measures. He's correct about the Constitution but wrong about our substitute.

This does not give the President authority to originate a revenue measure; it only gives him the right to selectively veto certain special interest tax breaks in bills originated by the House and passed by Congress.

This is really no different from existing trade provisions authored by Mr. Gibbons' Committee which delegate to the President authority to alter the tariff treatment of certain countries, subject to disapproval by legislative enactment.

For instance, after the July recess the House will take up my joint resolution to disapprove most favored nation status for China. That is considered under our rules and precedents as well as established law as affecting revenues. And yet, we have delegated to the President our authority in that area, subject to congressional disapproval by legislative enactment.

I do not hear Mr. Gibbons suggesting that the Trade Act is unconstitutional. And yet, this is nearly identical to that disapproval process of certain presidential actions affecting revenues.

It is consistent with the Supreme Court's decision in 1982 in INS v. Chadha which said you can't have one- or two-House vetoes of Executive actions where we have delegated our powers. You can only withdraw that delegation by a new law that is presented to the President.

So, for instance, if my MFN resolution passes both the House and Senate, and is then vetoed by the President, two-thirds of both Houses are required to override that veto, according to the Constitution, in order to block special tariff status for China.

That is the same situation posed by the Michel-Solomon resolution for rescissions and targeted tax vetoes in this substitute.

In summary, Mr. Chairman, I urge this Committee to make our substitute in order once again.

I think there is growing support in the Congress and the country for enacting this kind of real line-item veto that will enable the President and Congress to get a better handle on wasteful spending. This is the way to do it.

SUMMARY

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 or 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 LEGISLATION TO ESTABLISH A DESIGN COUNCIL

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. BROWN of California. Mr. Speaker, I am pleased to join with Mr. VALENTINE, Mrs. MORELLA, Mr. KLEIN, Mr. MCHALE, and Mr. JOHNSON of Georgia, in introducing legislation to establish a Design Council in the Department of Commerce. The purpose of the Council is to promote awareness of the importance of design to the successful commercialization of technologies and to improving U.S. competitiveness.

In recent years, the design of products has been increasingly recognized as an economic tool for gaining the competitive edge in today's global market. When introduced early in the production process, design can reduce manufacturing costs, improve quality, and save the consumer and manufacturer money while reducing waste caused by poorly designed products. By defining design as a practice or continuous process involving an entire organization rather than as a separate component, this concept becomes accepted as a link in a chain of factors required for success.

Many of our international competitors have long recognized that design can be an essential element to improving economic prosperity. Today there are more than 100 design councils in countries around the world, including Japan, Korea, Taiwan, Singapore, Canada, France, Britain, Italy, Germany, Spain, Denmark, and Finland. Virtually all are funded either in whole or in part by their respective governments. Currently there is no comprehensive and coordinated approach to design in the public or private sectors in the United States, although there are some scattered activities ongoing which promote design.

The bill I am introducing today would establish a U.S. Design Council as an advisory committee within the Department of Commerce to be composed of seventeen members from the business, design, engineering, information technology, labor, and government sectors. The Council would provide advice and recommendations to the Secretary of Commerce on matters related to excellence in design, including the establishment of voluntary standards in the design of U.S. products and systems; the provision of information to U.S. businesses on the use of design in promoting their competitiveness; and the education of the general public regarding the relevance of design to their quality of life.

## HONORING BARNEY QUILTER ON THE OCCASION OF HIS RETIREMENT

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. State Representative and Speaker Pro Tempore Barney Quilter is retiring after 28 years of service to the people of Ohio.

I had the privilege of serving in the Ohio State senate for much of the time Barney has served in the house. Although we belong to opposite political parties and often saw issues differently, we worked together for years to help northwest Ohio. I can tell you Barney has been a strong advocate and outstanding friend of our area. Barney Quilter's aggressive leadership was crucial in securing funding for the jewel of the State park system, Maumee Bay State Park located outside Toledo.

Currently serving his 14th consecutive term, this former staff sergeant during World War II and lifetime Toledoan, was first elected to the Ohio House of Representatives in 1967. Throughout his distinguished tenure with the Ohio House, Barney has demonstrated his deep faith in, and dedication to upholding the principles of American democracy. He has been a strong advocate for children and is recognized for his efforts on behalf of the environment, education, senior citizens, and Alzheimer's research.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Representative Quilter during these past 28 years. While Barney may be leaving his official capacity as the State representative from Toledo, I know he will continue to be actively involved in those causes dear to him.

I ask my colleagues to join me in paying a special tribute to my friend, Representative Barney Quilter's record of personal accomplishments and wishing him, his wife Mary, and their children and grandchildren all the best in the years ahead.

## RECOGNITION OF SEAN CHAFFIN FOR ESSAY IN SUPPORT OF SPACE STATION

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. HALL of Texas. Mr. Speaker, I am pleased to recognize Sean David Chaffin of Crandall, TX, for his second-place winning entry in the Earle North Parker Essay Contest sponsored by the Northeast Texas Air Force Association. The topic of this year's contest was whether the space station should be used to support the national security of the United States and the free world.

Mr. Chaffin, a senior at Crandall High School, was recognized for his effort at the Northeast Texas Air Force Association Banquet held in Commerce, TX, on February 11. He is the son of David and Joann Chaffin of Crandall.

Mr. Chaffin writes in part:

The space station could be used to locate and destroy nuclear missiles that might be launched towards democratic nations. The space station might also be used to detect military mobilization, such as air raids or weapons movements. . . . Defense would become a global concern, with democratic countries protecting the interests of each other.

Mr. Chaffin argues that the space station should be funded among democratic countries, which could share ideas on technology and research. He envisions an increase in global commerce and improvement in international relations as a result of this cooperative effort.

"It is only common sense to use the space station as a means of defense for the world," he concludes.

Not only would it protect the freedom of many nations, but it would introduce new technology, increase trade among nations, and provide a common link among the free nations of the world. The space station is very important to the future of today's democratic world.

I believe that Mr. Chaffin's position has merit, and I commend him for taking the time to reflect on this important and timely issue. I also would like to commend Neil Houser, Dennis Mathis, and Day Davis of the Northeast Texas Air Force Association for their promotion of this contest.

## PORTER AMENDMENT H.R. 4606

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. PORTER. Mr. Speaker, yesterday the House adopted my amendment on the Labor-HHS-Ed appropriations bill to transfer funding from departmental management accounts to community health centers and rural health outreach grants. The amendment will provide access to health care for an additional 1 million Americans next year by supporting an additional 125 community health care centers.

Today, the Democratic leadership is attempting to induce 14 Members to switch their votes so that when we revote the amendment, it will be defeated.

Mr. Speaker, yesterday the House expressed its desire to cut bureaucracy and expand access to health care. Today we will see whether the administration can change enough votes to turn the tables and increase funding for bureaucracy by taking away access to basic health care for 1 million Americans.

We have been waiting 2 years for progress on health care reform. But the House is still unable to move forward.

Mr. Speaker, the vote is a clear choice. Those who want to do something today to expand access to health care will vote for the Porter amendment.

## TOBACCO PETITION BY YVONNA MATTHIS

### HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. LANCASTER. Mr. Speaker, I would like to inform you of a remarkable effort by a private citizen. Yvonna Matthis, a resident of Greenville, NC, recently sent me the names of over 1,000 women and men who are strongly opposed to any increase in Federal excise taxes on tobacco products.

As one of the only two Members of Congress who grew up on a tobacco farm, I am also gravely concerned about the recent attacks on tobacco. I am certain that many of the signers of Yvonna Matthis' petition are tobacco farmers or relatives, neighbors, and friends of them. Like many of us who have grown up in tobacco-growing regions, they know the damage a tobacco tax increase would cause to farmers, agribusiness owners, workers, and manufacturers.

Mr. Speaker, it would be next to impossible for many of these families to survive if tobacco revenues were lost. For example, the farmers of the Third District of North Carolina are among the most diversified of all farmers. They produce a variety of field crops, such as peppers, wheat, corn, cucumbers, cotton, and sweet potatoes. However, 1 acre of any of these crops brings in less than one-third of the profit generated by an acre of tobacco.

For Americans engaged in the production of tobacco and tobacco products, a 45-cent increase in the cigarette excise tax and the proportional increase in the tax on some smokeless tobacco products would cause the displacement of more than 170,500 workers. Workers in cigarette manufacturing plants are the highest paid industrial workers in America, all living in the South. Sixty percent of this work force are women and 25 percent are African-Americans.

The impact of these statistics, Mr. Speaker, is overwhelmingly more poignant when I consider the thoughts and feelings of the more than 1,000 individuals who signed Yvonna Matthis' petition. And this dramatic show of opposition is just the effort of one American. I am positive that there are scores of other women and men who, like Yvonna Matthis and me, realize how unfairly an increase in the tobacco tax affects tobacco producers and consumers. It is as if we would associate these law-abiding citizens with the likes of the Colombian drug cartels.

Mr. Speaker, I would like to congratulate Yvonna Matthis on a tremendous accomplishment, and to extend my thanks for this outstanding effort.

## CONGRESS WISHES HAPPY 100TH BIRTHDAY TO FORMER SAILOR WILLIAM URBAETIS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. SOLOMON. Mr. Speaker, some of the proudest ships in the U.S. Navy are named after the various States of the Union. And some of the proudest sailors are those who have served on those ships.

This July 19, one of those sailors, William Urbaetis of Mechanicville, NY, wlll celebrate his 100th birthday, making him the oldest living crew member of the U.S.S. *New York*.

Mr. Urbaetis was born on July 19, 1894. The U.S.S. *New York* (BB34) was commissioned in 1915. He joined the Navy on July 26, 1917 and served on the U.S. *Rondo* and U.S.S. *Madawaska* before being assigned to the U.S.S. *New York* in 1918. There he remained until his discharge on September 6, 1919.

After his Navy service Mr. Urbaetis worked for the West Virginia Paper and Pulp Mill for 45 years until his retirement. He and his wife, the former Freda Kokosky, raised a daughter and five sons, all of whom are still alive. He is a life member of the Veterans of Foreign Wars and American Legion. He is an avid stamp collector, and until recently was an avid beekeeper.

Mr. Speaker, veterans like Mr. Urbaetis have made enormous sacrifices to preserve our freedoms. And the overwhelming majority of them, like Mr. Urbaetis, have gone on to lead full, productive lives. Let us all wish a very happy 100th birthday to a good sailor and great American, William Urbaetis of Mechanicville, NY.

## RECOGNIZING THE ACCOMPLISHMENTS OF THE GLENDALE CIVIC OBSERVATION PATROL AND THE KIWANIS CLUB OF GLENDALE

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. SCHUMER. Mr. Speaker, I rise today to recognize the accomplishments of two organizations in my district, the Glendale Civic Observation Patrol and the Kiwanis Club of Glendale.

Members of GCOP and the Kiwanis Club, along with Detective Keith Casey of the 104th precinct, have been working to ensure that their 5-year joint graffiti committee removes virtually all the graffiti in the neighborhood.

We all know graffiti is not just vandalism; it symbolizes a loss of control over the very streets we work and live on. By targeting and successfully removing graffiti wherever it appears, these dedicated citizens are protecting the property of our residents, keeping our neighborhood beautiful, and they are sending an important message to all would-be violators: Crime will not be tolerated on any level.

GCOP and the Kiwanis Club have reminded us of the duty of every citizen to make their neighborhood a better and safer place. For their work on graffiti removal and their service to the community, I salute the Glendale Civic Observation Patrol and the Kiwanis Club of Glendale.

## CONGRATULATIONS TO CLAYTON KARRER FOR ESSAY IN DEFENSE OF SPACE STATION

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. HALL of Texas. Mr. Speaker, I am pleased to pay tribute to Clayton Tolle Karrer of Paris, TX, whose third-place winning essay in the Earle North Parker Essay Contest focused on the space station as a means of promoting the economic security, and thus national security, of the United States and the free world. The contest was sponsored for the 4th year by the Northeast Texas Air Force Association.

Mr. Karrer cites the developments in robotics, communications, construction, and medicine derived from the space program and develops an economic argument in support of the space station. He writes, "The new or improved products plus the international alliances that can be gained through our space station would be very powerful weapons in our continuing trade wars, weapons that would be far more advantageous than any armament of missiles in space could ever be."

"The new and improved partnerships and products Space Station Freedom could create for our nation would definitely help our country change the type of economy under which it operates, and that successful change would be the greatest support of our national security and the security of other nations that could be achieved," he continues.

"In fact," Mr. Karrer concludes, "that kind of support would allow our nation to win what might be its most important battle: the battle to make our economy number one in the world."

As a supporter of the space station, I commend Mr. Karrer for his interest in this timely issue. I also would like to pay tribute to his Paris High School English teacher, Sandra Gifford, for encouraging students to participate in this essay contest, and to Neil Houser, Dennis Mathis, and Day Davis of the Northeast Texas Air Force Association for promoting this event.

Mr. Karrer was recognized at the Northeast Texas Air Force Association Banquet on February 11 in Commerce, TX. A Paris High School senior, he is the son of Ray and Carolyn Karrer of Paris.

## PANAMA CANAL COMMISSION AUTHORIZATION ACT, H.R. 4246

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. KING. Mr. Speaker, I rise in support of H.R. 4246, the Panama Canal Commission Authorization Act for fiscal year 1995.

Mr. Speaker, the Merchant Marine and Fisheries Committee reported this bill unanimously on May 11 of this year. The bill is noncontroversial and deserving of the support of the House.

The Panama Canal Commission is an independent agency which relies on revenues generated by the canal's users, not by taxpayer funds. The Commission is required to run on a break-even basis and once again has presented a budget which will ensure that it does so.

H.R. 4246 makes two minor changes which will help the Commission retain its valuable workers. The first will allow employees to use their educational assistance funding outside of Panama should the Department of Defense close its doors in Panama.

The second change will allow certain eligible employees to start processing their immigration paperwork before their actual retirement date. This provision has been cleared by the Judiciary Committee and by the minority.

Mr. Speaker, the Panama Canal Commission should be commended for continuing to submit budgets which require no U.S. taxpayer funding. In addition, I would like to recognize the tireless efforts of the chairman of the Commission, Robert McMillan. Bob has done an outstanding job in ensuring that the Commission operate as well as it does. I am particularly proud of his accomplishments as he is a resident of my congressional district.

I urge my colleagues to support H.R. 4246.

## TRIBUTE TO D.C. COMMISSIONER JOHN DUNCAN

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. MORAN. Mr. Speaker, I would like to take this opportunity to quote from the June 22, 1994, Washington Post obituary honoring Mr. John Duncan.

John B. Duncan, 84, who as a member of Washington's last three-member board of commissioners helped broaden the ranks of African-Americans in the District government, died of kidney failure June 21 at his home in Alexandria.

He had been D.C. recorder of deeds for nine years and a city worker for 28 years when he was tapped by President Kennedy in 1961 to join the board governing the city's affairs. He was the District's first black commissioner and served until 1967, when, after a century, the single mayor-commissioner was reinstated and Walter E. Washington was appointed.

When Mr. Duncan became commissioner, many in the largely black city were pressing for self-rule, and Congress was resisting. The District's politics had been caught up in the growing militancy of African-Americans who were younger and less patient than the civil rights leaders of Mr. Duncan's generation.

Dismissing criticism from black-power advocates that he had not moved fast enough, Mr. Duncan observed in 1967: "Every generation finds that it is able to be more vocal than its fathers were. This is another generation. It strikes. It marches. It boycotts. Each generation gets closer to what we're all after."

Mr. Duncan made it his mission to expand the opportunities of black Washingtonians. The city bureaucracy he helped oversee had only four African-American board and council members when he took office. When he left, there were 143.

The appointments of corporation counsel, director of corrections and industrial safety director went to African-Americans, as did many clerical jobs previously held by whites. Mr. Duncan and board president Walter N. Tobiriner worked to enact open occupancy and fair employment ordinances that lowered barriers in the city.

As the commissioner with primary responsibility for the city's health, licensing, insurance and social welfare programs, Mr. Duncan pressed for fair housing in the face of "congressional threat and abuse," The Washington Post noted at the end of his first term.

But he also had gone to great lengths to avoid controversy, the newspaper said in an editorial. With his reputation for quiet and responsible conservatism now established, it said, "Mr. Duncan will perhaps be able to respond more actively to the city's aching need for leadership, particularly in the social services."

By the time Mr. Duncan left office, the city still had done little to dovetail its fragmented social services or to coordinate the efforts of the health and welfare departments. He had, however, helped persuade Congress to accept a compromise that gave the city a form of aid to children of the unemployed, getting those children on the welfare rolls for the first time.

Mr. Duncan and his fellow commissioners also lobbied Congress to replace them with a single executive and a nine-member council. The result in 1967 was the appointment by President Johnson of Washington as the city's first black mayor. Washington was elected mayor in 1974, along with the first district council.

John Bonner Duncan, one of seven siblings in a family of educators, was born in Springfield, Ky., was born in Salisbury, N.C. As a young man growing up in the repression of the South, the far-distant District of Columbia seemed like "the promised land," he recalled last year. But after arriving in Washington in 1930 to attend Howard University, he found that "this so-called dreamland had separate schools and signs segregating blacks from whites," and that "cafes permitted Negroes to handle food, to sell food, but they could not buy food."

Mr. Duncan graduated from Howard University and from Terrel Law School. He was an Interior Department messenger before becoming a lawyer with the federal government. He worked for the Bituminous Coal Commission, the Office of Price Administration and federal housing agencies.

During the 1940s, he held leadership roles in the Benning Heights Civic Association, the D.C. Federation of Civil Associations, the NAACP, the Washington Urban League and the Washington Federation of Churches. Duncan also served on the boards of such groups as the Community Chest, the Federal City Council, the United Negro College Fund and the National Conference of Christians and Jews.

After he left office, Mr. Duncan was assistant for urban relations to the Secretary of the Interior until 1969 and then worked two more decades as a consultant in housing development, public relations and equal opportunity.

He also headed organizations that included the Washington Home Rule Committee and the Voice of Informed Community Expression, a group formed after the 1968 riots. He served on a congressional commission that studied the efficiency of the city government.

Mr. Duncan was a trustee of John Wesley AME Zion Church in Washington and president of DePreist Fifteen, a men's organization.

His wife, Edith West Duncan, died in 1966. Survivors include his wife of 24 years, Dolores Duncan of Alexandria; two children from his first marriage, Dr. Joan West Duncan of Norwalk, Conn., and John B. Duncan Jr. of Casitas Springs, Calif.; a son from his second marriage, Jay Berry Duncan of Alexandria; and eight grandchildren.

## TRIBUTE TO LILLIAN ANN ALLEN

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor and pay tribute to Lillian Ann Allen, a relative and lifetime resident of the great State of New York. Mrs. Allen will celebrate her 100th birthday in a few weeks.

Born Elizabeth Ann Schopp on July 12, 1894 in New York City, to Elizabeth and Julius Schopp, she was the third youngest in a family of 10. A frail child, Elizabeth's father often compared her complexion to that of a Lily. Gradually, Lily became her nickname until finally Elizabeth Ann became known as Lillian Ann.

Lillian's father passed away at an unfortunately young age. The family survived many difficult years thereafter. Lillian's most embarrassing moment occurred when she was in second grade. She was quite a giggler and her teacher, Miss Beasley, reprimanded her for interrupting the class by giggling in the middle of a lesson. Her punishment was to sit on Miss Beasley's lap for 1 hour. Lillian graduated from P.S. 96 on Manhattan's Upper

East Side. She was a switchboard operator in New York City and thoroughly enjoyed her responsibilities and contacts with people.

While on a boat trip on the Hudson River, Lillian met another New Yorker, Harry G. Allen. After a brief courtship they married on July 10, 1920. They were together for 67 happy years. Two children were born of this marriage—Andrew Kenneth and Doris Lillian. Both married, Ken to Marlex and Doris to Jim Craigens. Lillian and Harry had four grandchildren, David, Steven, Lynda, and Richard, and six great grandchildren, Scott, Wendee, Roger, Will, Kate, and Taylor. Their offspring have brought much joy to the family.

Lillian and Harry resided in New Rochelle, NY, for 36 years and then in Wantagh, NY for 30 years before Harry's passing.

Mrs. Allen still possesses a keen sense of humor and witty mind. She enjoys watching sports, traveling, and cooking shows on television at the Birchwood Nursing Home in Huntington, NY, where she has resided for 3 years.

Mr. Speaker, I am delighted to wish this lovely, spirited lady who is also the fraternal great aunt of my wife, Carol Ann, a most happy and healthy 100th birthday. My very best wishes to her entire family on this momentous occasion.

## PERSONAL EXPLANATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall 306 because I was in a meeting with constituents and arrived in the Chamber just after the vote ended. Had I been present, I would have voted "yea."

## RECOGNIZING DOROTHY CHRISTIAN- SEN FOR HER YEARS OF SERVICE TO ORGANIZED LABOR AND THE FEDERAL MEDIATION AND CONCILIATION SERVICE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. STARK. Mr. Speaker, today I would like to recognize Dorothy Christiansen's distinguished career of service to California workers. For more than 20 years, she has strengthened the foundation of labor-management relations in the bay area.

In 1969, Ms. Christiansen began her career as a clerical worker in Richmond, CA, where her fellow workers quickly elected her chapter president. Soon afterward, she became the deputy executive secretary of SEIU Local 390, where she served until 1977. From 1971 to 1977, she was also selected as a member of the Central Labor Council of Alameda County Executive Committee. As deputy executive secretary for SEIU, Ms. Christiansen served as a conegotiator for the first union contracts with Bay Area Rapid Transit, and with the cities of Oakland, Berkeley, Richmond, Fremont, Union City, and El Cerrito.

In 1977, Ms. Christiansen left her union position to become a labor commissioner and was then quickly appointed to the Federal mediation and Conciliation Service where she has served ever since. As a Federal mediator, she was instrumental in settling such difficult labor disputes as the 1986 Kaiser Hospital strike and the 1992 Summit Hospital strike. She is also responsible for avoiding numerous other potential labor disputes with her keen negotiating skills. Ms. Christiansen has always dealt with unions and management with one eye on fairness and the other on the welfare and dignity of the workers.

Mr. Speaker, I come before you today to recognize Dorothy Christiansen for her commitment in advancing and protecting a person's right to workplace fairness. I hope you and my colleagues will join me in congratulating this labor leader and mediator for all her accomplishments and tenacious spirit and wish her well in all her future endeavors.

## INTRODUCING LEGISLATION TO PROVIDE RELIEF FOR AKZO CHEMICALS OF CHICAGO, IL

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing legislation on behalf of a company in my congressional district, Akzo Chemicals of Chicago, IL, that seeks to provide Federal relief to them for their past overpayments of U.S. Customs import duties.

The Federal Government had mistakenly collected excess import duties and Akzo has now exhausted all administrative remedies to recover money that rightfully is theirs. I believe the U.S. Customs Service would agree with Akzo that the imported goods in question should have carried with them a lower duty rate, but at this point in time it seems that Customs' hands are tied, so to speak, in that the Service cannot refund the overpayments absent legislation requiring them to do so.

The bill I am introducing today provides for the reliquidation of relevant Customs entries, which would ensure that Akzo will have paid only the duties required by law and will receive compensation only for the excess import duties mistakenly charged them.

I am hopeful that this legislation will finally rectify this unfortunate situation.

## TRIBUTE TO STACIE DAVIS FOR HER WINNING ESSAY SUPPORTING SPACE STATION FOR NATIONAL SECURITY PURPOSES

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. HALL of Texas. Mr. Speaker, at a time when Congress is deliberating the fate of the space station, I am pleased to recognize Stacie Blaine Davis, winner of the Earle North Parker Essay Contest sponsored by the Northeast Texas Air Force Association. The topic of this year's contest was "Should the Space Station be used to support the national security of the United States and the free world?"

Stacie Davis is a senior at Paris High School. She is the daughter of Henry and Margie Davis of Powderly, TX. Her English teacher, who promoted the contest, is Sandra Gifford.

Her essay reads in part:

> Should the United States press for space leadership? Other countries are continually advancing in space technology. The discoveries they make in space could surpass our knowledge. Japan, China, Russia, and India all are capable of launching satellites. Each country has political, military, economic, social, and scientific interest in space. No one needs to rely on the United States for space technology. Space stations seem like the next step.

"A need for a space station could take a role in national security in such areas as surveillance and communications," she states. "National security so advanced may save the world from a third world war. * * * It would be wise to insure our country's future with a space station."

As a long-time supporter of the space station, Mr. Speaker, I support Ms. Davis' position and commend her for her interest in this important topic. I also wish to commend Ms. Gifford for encouraging her students to participate in this writing contest and the efforts of Northeast Texas Air Force Representatives Neil Houser, Dennis Mathis, and Day Davis for their promotion of this 4-year-old event.

## AGRICULTURAL INVESTMENT AND MARKET EXPANSION ACT

### HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Ms. LONG. Mr. Speaker, today a number of my colleagues and I are introducing legislation, H.R. 4675, the Agricultural Investment and Market Expansion Act [AIME], to maintain export and food assistance programs as allowed under the General Agreement on Tariffs and Trade [GATT]. The bill is budget neutral and merely shifts funding reductions required under GATT to important GATT-legal programs. This legislation is needed if the United States is to maintain a competitive edge against foreign competitors.

Agriculture tariff revenue losses are expected to account for $819 million or 7 percent of the total cost of GATT. The latest figure for the cost of GATT has been estimated to be $11.5 billion. However, the administration is asking agriculture to fund over 14 percent of the costs associated with financing GATT. Not only is this unfair treatment, but it is imperative that the money saved from export subsidy programs be redirected into the green-box programs to maintain a competitive edge for U.S. agriculture.

I ask my colleagues to consider cosponsoring this legislation.

## CHANGES WITH RESPECT TO GPO

### HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. GEREN of Texas. Mr. Speaker, last night a joint House-Senate conference committee considering H.R. 4454, the Legislative Appropriations Act, agreed to dramatic changes with regard to the role of the Government Printing Office [GPO]. As it now stands, this bill would rewrite section 207 of Public Law 102–392 to give GPO expansive new powers that would affect virtually every executive branch agency.

Historically, GPO has been charged with traditional printing and binding. H.R. 4454 would now require nearly all duplicating by Federal agencies be procured by or through the GPO. Re-writing section 207 in this manner would expand GPO's jurisdiction to a far wider range of operations, including laser printing and photocopying. As it is, GPO is often unable to meet current agency requirements in a timely and cost efficient manner. Expanding its authority as proposed would not serve Congress or the taxpayers well.

Mr. Speaker, contrary to GPO's claims, this legislation will not result in any cost savings. In fact, altering section 207 as the Senate bill would do will create a management and budgetary nightmare. According to Leon Panetta, the former Director of the Office of Management and Budget and now White House Chief of Staff, "by establishing an unnecessary procurement bottleneck, the provision would adversely affect the efficient use of laser printers and copiers by executive branch agencies in the furtherance of their missions, and would increase costs ultimately born by the taxpayers."

In this era of leaner budgets can we really afford such an experiment? As this matter is debated again in the House, I urge my colleagues to keep these facts in mind and reject the conference report on H.R. 4454.

## CREDIT BUREAU REPORTING OF COURT-ORDERED CHILD SUPPORT OBLIGATIONS

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. LEVIN. Mr. Speaker, today, I am releasing this GAO report to emphasize the importance of parental responsibility when it comes to child support. All children are created by two people, and both of them must accept personal and financial responsibility.

I have been a longtime supporter of the Child Support Enforcement Program, first enacted into law in 1975, and expanded by the Child-Support Enforcement Amendments of 1984. In 1988, I worked actively on the Family Support Act, which, among other things, significantly strengthened efforts to expand and enforce the payment of court-ordered child support, including: Establishing mandatory wage withholding, requiring States to use State-developed guidelines to set child support awards, and requiring States to collect social security numbers from both parents at the time of a child's birth in the hospital, in order to establish paternity.

Because of these past improvements, we are collecting increasing amounts of court-ordered child support. For every dollar we invest, we now collect $3.99 on average. But, despite this real success, large gaps remain.

According to the Department of Health and Human Services publication, "Child Support Enforcement: Seventeenth Annual Report to Congress," of nearly $35 billion in cumulative court-ordered child support owed through 1992, $27 billion remained uncollected. In 1992, more than 5½ million absentee parents made no child support payments at all.

We have improved, Mr. Speaker, but we have to do better.

Today, I am introducing legislation to require all States to participate in a simplified, nationally uniform child-support credit-bureau reporting system. Credit bureaus, and through them, individual lenders, will know on a monthly basis whether parents owe court-ordered child support and whether or not they are fulfilling this most basic obligation.

At my request, the GAO looked in depth at this weapon against negligent parents and, I am pleased to report, found it promising. Most States have tried or are now considering some form of credit bureau reporting. However, at this time, there is no nationally uniform reporting system in place.

It is time, Mr. Speaker, to put our money where our mouth is. If we support family values, then surely this is a sensible and necessary step. Government, by itself, cannot combat delinquent parents—parents who willfully fail to support their children. Private sector banks, credit card agencies, merchants, and businesses should put court-ordered child support on the scale when weighing the decision to make a loan.

If we are to revisit the larger issue of welfare reform, we must also crack down on those parents who fail to make court-ordered child support payments. Unpaid child support—$5 billion in 1992 alone—directly contributes to the impoverishment of children and rising welfare costs.

A year ago, I received a letter from a constituent of mine in Warren, MI. This mother of two ran away from her husband, moved into a shelter for abused women and wrote, "I have been working as a secretary for almost 8 years now, and it still seems that there is never enough money. My ex-husband doesn't even pay the ordered $55 per week, an amount so small it won't even buy them both new shoes or new coats. It won't pay for Little League registration * * * and if I saved every penny, it wouldn't put them even half way through college. Why does he do this?" she asks. "Because he feels he can get away with it and I'd say he's right," she adds.

Unfortunately, this woman from Warren is not alone. In this case, the father does have the means to pay. If credit bureau reporting were mandatory, this parent's credit history would have reflected his child support delinquencies and may have put a dent in his ability to purchase the new cars and expensive home improvements his former wife says he now enjoys.

Mr. Speaker, we need to send a clear, moral signal to parents: You must assume personal responsibility. There is a price to pay if you neglect your children.

Government is doing what it can by intercepting tax refunds, garnishing wages, and putting liens on the property of those who consistently fail to support their children. But we also need the help of the private sector. I strongly believe that payment of child support is at least as important as other liabilities that lenders evaluate before extending credit. Like credit card balances, mortgages, auto loans and student loans, child support obligations must be noted. And failure to pay court-ordered support should carry the gravest consequences.

This GAO report looks at 16 States, 11 of which do some form of reporting of delinquent child support payments to credit bureaus.

The GAO finds that credit bureau reporting appears to have a positive effect on increasing collections and that startup and operational costs are nominal.

In 1992–93, Washington State officials noted modest increases in child support collections within 2 to 4 months after the State notified parents that their child support delinquencies would be reported to credit bureaus.

In 1989, California officials attributed a 12-percent increase in voluntary child collections in Fresno County to credit bureau reporting.

In 1989, officials in Marion County, IN evaluated credit bureau reporting and found their child support collections increased by 16 percent.

It appears the main benefits of credit bureau reporting will show up over time as potential lenders deny credit to delinquent noncustodial parents. Greater public awareness should also stimulate an increase in collections.

Mr. Speaker, we must send the message that both parents are responsible for supporting their children and that child support is a debt parents cannot afford to ignore.

Mr. Speaker, I ask that a copy of the bill be inserted in the RECORD at this point.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MONTHLY REPORTING TO CERTAIN CONSUMER REPORTING AGENCIES OF CHILD SUPPORT OBLIGATIONS.**

(a) IN GENERAL.—Section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)) is amended to read as follows:

"(7)(A)(i) Procedures which require the State agency to provide to each qualified consumer reporting agency, on a monthly basis, such information (and in such form and in such manner) as the Secretary shall require by regulation with respect to any child support obligation owed by an absent parent to any person being provided services under the State plan approved under this part, except that information with respect to overdue support payable shall be made available under such procedures only after—

"(I) the State agency has transmitted to the absent parent notice that the information is to be so provided;

"(III) the absent parent has been given a reasonable opportunity to contest the accuracy of the information; and

"(III) full compliance with all procedural due process requirements of the State.

"(ii) Clause (i) shall not be construed to require the provision of more than 1 notice to

an absent parent with respect to child support payable by the absent parent pursuant to a child support order.

"(B) As used in subparagraph (A), the term 'qualified consumer reporting agency' means—

"(i) each consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act) that is a major reporting agency (as determined by the Secretary in regulations); and

"(ii) at the option of the State, any other consumer reporting agency (as so defined).".

(b) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of the enactment of this Act.

## TRIBUTE TO PHYLLIS J. SHORENSTEIN

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Phyllis J. Shorenstein—patron of the arts, civic leader, and loving wife and mother—who passed away earlier this month in San Francisco. Having been friends with Phyllis and her husband, Walter, for many years, I know she will be sorely missed. But I also know that her contributions to the San Francisco community will endure for generations to come.

From the moment Phyllis met Walter at Travis Air Force Base during World War II, they formed a close partnership in both their personal and public lives.

Together, they raised three exceptional children and were blessed with six grandchildren. When their daughter, Joan, died in 1986, Phyllis and Walter Shorenstein honored her memory as a distinguished reporter and producer for the CBS Evening News by establishing the Joan Shorenstein Barone Center on the Press, Politics, and Public Policy at Harvard University's Kennedy School of Government.

Phyllis Shorenstein's leadership to improve the Bay Area's cultural life is legendary. She was known around the world as the founder of the Asian Art Museum of San Francisco in Golden Gate Park. Having served as a commissioner of the museum for several terms, she was largely responsible for this magnificent facility acquiring a large part of its collection. She played a key role in obtaining the Avery Brundage collection for the museum in 1960 and spent the past two decades with her family donating works to it from throughout Asia. Her contributions were recognized in May 1994 when the museum opened a special exhibition and named a gallery in honor of Phyllis Shorenstein and her family.

Phyllis Shorenstein was a major supporter of the United Way, the Catholic Youth Organization, and the University of California/San Francisco and Stanford University Medical Centers. She did this because she had an unswerving commitment to the betterment of her community and humanity.

Those who were fortunate enough to know Phyllis Shorenstein remember her as a gracious and generous woman. She was a celebrated hostess who opened her home to heads of state, local dignitaries, family members, and scores of friends, inspiring one and all with her vibrant spirit and dedication to causes she held dear.

Mr. Speaker, Phyllis Shorenstein was one of the most remarkable individuals I have ever had the privilege to know and her passing is a great loss for her family, her community, and our Nation. I ask my colleagues to join me at this time in paying tribute to her, the life of purpose she led, and extend our deepest of sympathies to her husband Walter and the family she loved so much.

## COL. TOM PARKER'S 85TH BIRTHDAY CELEBRATED

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. CLEMENT. Mr. Speaker, I am pleased to join Americans everywhere in congratulating Col. Tom Parker today on his 85th birthday.

An individual remembered as the manager for Elvis Presley, Colonel Parker has long been associated with the music industry. Prior to his association with Elvis, Colonel Parker promoted many country acts and managed the careers of such distinguished artists as Eddy Arnold and Hank Snow.

During one of Hank Snow's tours, Colonel Parker booked an unknown who would one day thrill the world: Elvis Presley. From that day forward, Colonel Parker and Elvis had a friendship and professional relationship that would see both scale the heights of musical celebrity.

An interesting personal note is that while Colonel Parker is a West Virginia native, his honorary title comes through his membership in the Tennessee militia. It was my father, Frank G. Clement, Governor of Tennessee, who bestowed that honor in 1954. And Harlan Mathews, one of our State's U.S. Senators, was then a young assistant on my father's staff. And best of all, I remember when both Colonel Parker and Elvis visited my family at the Governor's residence. Few, I would dare say, have had the thrill that my brothers, a few neighborhood friends, and I had that night of having Elvis perform for such a small audience.

This week, grand celebrations will take place in Las Vegas commemorating Colonel Parker and honoring him for his contribution to American music. I am proud to join in those festivities by extending heartfelt birthday wishes to Colonel Parker.

## CONGRESSMAN KILDEE HONORS WILLIAM MINARDO

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to pay tribute to an outstanding individual from my hometown of Flint, MI, Mr. William Minardo.

Bill Minardo will be honored with an 85th birthday party on July 11, 1994. This event will also celebrate the 60th anniversary of community education. Bill is being honored for his outstanding achievements in the field of community education in Flint, MI. Bill, along with Mr. Frank Manley and C.S. Mott, formulated the concept of community education in Flint, MI. The first community education program was launched in Flint on November 10, 1935, when 500 students, after finishing their school day, returned to Lowell Junior High School in the evening. The response to that first offering of community education was overwhelming. From there the program expanded to the point where it gained national recognition and is now a part of practically every school district in the United States. Bill Minardo has the distinct honor of being the world's first community school director.

Bill was born in Flint and is a product of the Flint school system. He graduated from the University of Notre Dame in 1932. He began his career in Flint as a teacher at Lowell Junior High School. He worked as a volunteer the first year, doing whatever was needed. He also acted as a liaison between the parochial schools in Flint and the Flint Board of Education. He taught physical education and science while at Lowell. Bill was a tireless worker, beginning his teaching day at 7 a.m. and ending at 5 p.m. He went home and returned back to the school by 7 p.m. for the community education program, which often lasted until 10 or 11 p.m.

In 1951 Bill became the community school director at Freeman Elementary School. It was in the 1950's and 1960's that community education flourished in Flint. This was as a result of the involvement of visionaries such as Frank Manley, C.S. Mott, and Bill Minardo. Throughout the infancy of community education and as it grew, Bill Minardo was at the forefront. His dedication and leadership were essential to the program's success in Flint. Bill retired from the Flint schools in 1973. Since then, he has been active in the Northern High School Alumni Association, the Greater Flint Sports Hall of Fame and numerous other community activities.

Mr. Speaker, it is indeed an honor and a pleasure for me to have this opportunity to recognize the achievements of this outstanding humanitarian, William Minardo. He has been a pioneer in the field of community education and a great role model for thousands of students in Flint, MI. I know my colleagues in the House of Representatives join me in thanking Bill Minardo for his years of selfless dedication to the field of community education.

## PRESIDENT YELTSIN'S ANTICRIME DECREE

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. HOYER. Mr. Speaker, Russian President Boris Yeltsin recently called his country a

"superpower of crime." On June 14, he moved to combat this growing menace, by issuing a decree that, among other things, authorizes 30-day police detentions, empowers the police to enter premises and seize documents, and permits the introduction of special control in regions particularly ravaged by criminals.

The urgency of the measure is understandable. Statistics from the Ministry of Internal Affairs about crime in Russia, especially street crime and the upsurge of brazen murders, make chilling reading. Even more alarming, however, are reports about organized crime taking over control of the economy, monopolizing the benefits of privatization, demanding protection money from entrepreneurs, and, through its close ties with corrupt government officials, beginning in some respects actually to displace the state. Yeltsin has described crime and corruption as the gravest threat to Russian statehood. Considering the scope of the danger and the relative weakness of the law enforcement apparatus, it would seem that extraordinary methods are in order.

But these types of measures, imposed by decree, are more typical of a police state, rather than a society premised on rule of law. Virtually all of Russia's political parties—even Russia's Choice, which is most supportive of Yeltsin—strongly oppose the initiative, claiming that it violates the constitution, threatens human rights and foreshadows a future crackdown on political pluralism and hard-won liberties in the name of battling an omnipresent criminal enemy. Last week, the Russian Duma voted by a huge margin for a resolution urging Yeltsin to suspend his decree, which, omniously, Vladimir Zhirinovsky, chairman of the ludicrously misnamed "Liberal Democratic Party," backs fully.

Everyone acknowledges that Russia's authorities must act against crime, but it is preferable to govern by law than by presidential decree. Russia's parliamentarians, rather than merely objecting to Yeltsin's measures, should quickly craft anticrime legislation that attacks the problem while safeguarding basic human rights. Crime in Russia threatens all branches of government; this should be one area where the executive and legislative branches, and a frightened society, can cooperate instead of seeking advantage.

Russia lacks laws like RICOH, which have proved so useful in this country. The U.S. legislative experience, which has had success against organized crime in recent years, could be helpful in this respect, and we should offer our assistance. But nothing will work if Russia's law enforcement apparatus remains underpaid, susceptible to bribes or threats from criminals, poorly trained and armed, and sees no civic value or personal benefit in protecting society from hoodlums. Unless a sense of order can be restored in Russia—in a legal manner—Russia's experiment with democracy could well fail, with consequences that would be disastrous not only for Russia.

## REMEMBERING THE WAR IN THE WESTERN PACIFIC

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. DE LUGO. Mr. Speaker, last week, I took the floor to express concern about the administration's lack of response to the Delegate from Guam's efforts to have the sacrifices of the Marianas Campaign of World War II properly honored on their 50th anniversary.

I urged that there be top representation at the commemoration he organized at Arlington National Cemetery and high-level participation in the ceremonies remembering the battles for Guam, the Northern Marianas, and Palau.

I am now pleased to report that the efforts to obtain the administration's attention at a fitting level paid off. The Secretaries of the Navy and the Interior spoke at the services at Arlington which Congressman UNDERWOOD was joined in arranging by Resident Representative Babauta of the Northern Mariana Islands. The Commandant of the Marine Corps will go to the battle sites for the observances there.

I feel strongly about remembering the suffering that the people of Guam endured during the occupation of their island by the enemy because it was so great, because they so defiantly maintained their loyalty to the United States throughout their oppression, and because issues relating to that history still have not been fully resolved.

These issues have included the military's continued control of much more of the island than it needs to and the lack of recognition of the heroism and the heartbreak of Guamanians while captives of the enemy.

Our new colleague from Guam is having notable success in addressing this situation.

We have passed a bill to require that title to thousands of acres of land be transferred to the territory.

He is conducting a series of conferences on the Federal control of land issue that have found the military willing to give up thousands of acres more.

Guam's united leaders persuaded the Base Closure Commission that facilities on the island should not be consolidated, freeing up valuable property needed for development by the airport named for Guam's great first Delegate, A.B. Won Pat, who began many of these efforts.

A monument paying tribute to all who sacrificed on Guam during the war is being constructed at the war in the Pacific National Park.

Finally, I also want to note the reasons to also acknowledge what the peoples of the Northern Marianas and Palau went through during World War II.

Their islands were controlled by Japan before the war * * * but not by their choice. Their islands were also the site of some of the bloodiest battles of the war * * * and they were caught in the middle. And the war also resulted in a relationship with our Nation which led them to choose to unite with our country in the case of the Northern Marianas and to more freely associate with us in the case of Palau, relationships which are to the benefit of both them and us.

LOW-KEY U.S. COMMEMORATION OF ANOTHER "D-DAY"

ARLINGTON, VA.—Pacific landing that hastened the Japanese surrender in World War II were recalled Saturday at a subdued ceremony in Arlington National Cemetery.

Interior Secretary Bruce Babbitt, Navy Secretary John H. Dalton, and Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, and a crowd of nearly 400, mostly veterans and relatives, attended the National Commemoration of the 50th Anniversary of the Liberation of Guam and the Northern Mariana Islands.

Veterans and Guam's congressional delegate has complained about the lack of official attention to the Pacific. News stories from Saipan contrasted the quiet commemoration in mid-June of United States Marine "D-day" landings there 50 years ago with the 50th anniversary of D-day in Normandy, France, earlier in June.

Normandy drew President Clinton and other top allied leaders while the highest government presence reported at Saipan was U.S. military officers based on Guam.

"I am at a loss to explain to the people of Guam * * * to the veterans of the war in the Pacific why their battles do not deserve national recognition equal to the attention heaped on those who fought in Europe," ROBERT A. UNDERWOOD, Guam's nonvoting member of the House, said in a June 16 floor speech.

The same day, UNDERWOOD wrote Clinton he was disappointed neither the president nor other senior officials would attend Saturday's ceremony, and there would be no official observance of the actual 50th anniversary of the July 21 liberation of Guam, the only inhabited U.S. territory occupied in World War II.

The participation of Babbitt, Dalton, and Shalikashvili in the Arlington ceremony was announced almost a week later.

## CONGRATULATIONS TO GIFT WINNERS

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. SHAYS. Mr. Speaker, from June 28 to July 1, the Growth Initiatives for Teachers [GIFT] Program will be holding a seminar for 120 winners nationwide. Each winning team received a $12,000 grant to use to support innovative teaching methods in mathematics and science.

The GIFT program was established by GTE Corp. in 1983 with a pilot effort in North Carolina. By 1994, the program was offered in 32 States and the District of Columbia. Since 1983, over 1,100 mathematics and science teachers have been awarded more than $6.6 million in GIFT grants.

Mr. Speaker, I would like to take this opportunity to congratulate this year's 120 GIFT winners. We are so fortunate to have such dedicated and professional educators helping shape the lives of our young people. I am particularly proud of the two teachers from Connecticut's Fourth Congressional District, Belinda Battista and Carol Matuszewski of Chalk Hill Middle School in Monroe, who are among the grant recipients.

It gives me great pleasure to salute the GTE Foundation, located in Connecticut's Fourth Congressional District, for recognizing and supporting excellence in teaching secondary mathematics and science.

## MARKETS WILL CONTROL HEALTH CARE COSTS

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. ANDREWS of Texas. Mr. Speaker, too often, Washington policymakers attack a problem with complex and convoluted approaches instead of correcting the errors that caused the problem in the first place. Sometimes solving a problem isn't in devising intricate strategies, but in stopping what you keep doing wrong.

That's where we are on the issue of containing health care costs. Skyrocketing costs are the root cause of 32 million uninsured Americans and why nearly a quarter of our annual spending goes to health care. Obviously, ending this cost growth is essential to reform.

The problem is how do you bring those costs down? Our current debate divides into two camps: Those who think Washington should set rigid price controls, and those who think Government should create an environment that allows the consumer to control the cost.

Simply put, either the citizenry or the Government will have the primary responsibility for controlling costs. Despite the Government's abysmal history in saving taxpayers' money and an even worse record in managing finances, President Clinton has resisted making a choice between the two. Instead, he's tried stirring them together—although his recipe calls for more Government in the mix—and has created a concoction with little chance of success.

Nothing better illustrates this than the premium caps—a form of price controls on insurance premiums—to be implemented under the President's health plan. According to White House calculations, premiums would have to fall by 2 percent in 1 year for the plan to work. Unfortunately, markets just do not work that way. General inflation, which has steadily declined over the last decade, has never fallen in such a sudden manner. At least not without harsh economic consequences.

If markets don't succeed in achieving this accelerated goal, then the only option would be to turn to the Government. But as history has taught us, Government cost ceilings quickly become the goal—not the inhibitor—of price increases. For example, if the Government dictates that neither you, nor your competitors, can charge more than a dollar for a service, what incentive is there for you to charge 80 cents?—Hint: none.

So once we start down this path, the only logical response to any bumps in the road will be more burdensome Government regulations. Say a health plan under the premium caps is operating at a loss.

They'd have to reduce key services to stay afloat, right? But the sure outcry of customers losing benefits would cause the Government to regulate how the plans deliver care. We're right back to the kind of Government micromanagement that the President says he wants to avoid.

A better way is for the Government to give consumers the tools and incentives they need to get better value for their health care dollar. That means an alternative to premium caps: a tax cap. Right now, the Government provides an unlimited subsidy to the health care industry by giving tax deductions to businesses for whatever the cost of their health plans—no matter how expensive those plans are. The direct cost of this subsidy is $40 billion each year. The indirect cost is billions more since the subsidy insulates individuals and businesses from the true cost of health care.

Even worse, the current tax structure for health care costs is shamefully regressive. The health care tax expenditure is five times greater for the top 20 percent of richest families in this country than for the poorest 20 percent.

The best way to achieve the goals of cost containment and tax equity would be to first cap the deduction to the price of the most cost effective—and, therefore, least expensive—plan in a region. This approach would give a great advantage to any health plan that could provide the same benefits package, but beat its competitor's price. Consumers wishing to spend more for a health care plan they would be free to do so—but with their own money. They would still get a deduction up to the cost of the benchmark plan.

Second, if we're going to make health plans more competitive, we should give individuals a greater stake in the responsibilities and benefits of this new market. More exactly, we should shift the deductibility of health care premiums from businesses to individual citizens—including the self-employed. Today, the Tax Code limits that deduction only to amounts over 7.5 percent of adjusted gross income. This expansion of the tax deduction up to the cost of the benchmark plan will greatly increase the incentive to have health care coverage. This "carrot" approach has a much better chance of success than the "stick" of both an employer and individual mandates, and points us directly to the goal of universal coverage.

To be sure they are getting the best value for their dollar, consumers need a way to decide which plan provides the best care at the best price. They can get this information through health plan report cards that will provide outcomes data, comparative price structures, etc. on plan available to them, with the promise that the least expensive plan meets quality standards. I am convinced that the best decisions for controlling health care spending are made at the kitchen tables of a million American homes, not at a committee table in Washington.

So why shouldn't President Clinton adopt a tax cap when it embodies so many of the principles—that is, individual responsibility and empowerment, progressivity, and less Government regulation—he espoused while running for election? Perhaps part of the problem comes from flawed data the White House relied upon to chose a premium cap over a tax cap. Figures supplied by the Congressional Budget Office [CBO], have presented an unfavorable view of market-based reforms because they use an econometric model built on current market conditions to estimate cost savings. But those models won't be accurate, since a managed competition approach so fundamentally changes the market that the old conditions no longer apply.

Such duplicity by CBO has raised serious questions in Washington. It seems the CBO will credit significant savings only to those health proposals that use Government price controls. But they cannot score the political potential for delaying budget deadlines for which the administration and Congress are well known. Outside the Washington beltway, health professionals know to look skeptically at such pronouncements of savings. If price controls were put in place, hospital closings and downsizings would be inevitable. Right now, one-third of this Nation's hospital beds lie empty every day. What Member of Congress would not become an advocate against the price controls when hospitals in his or her district start closing?

No empirical evidence exists to prove that price controls will work. Similarly, a recent analysis by Mathematica, a well-respected New York research firm, shows that a wide range of results are possible from minimal savings to substantial savings. We shouldn't count our medical savings before we have them.

However, the conflict between the economic and political theories does preclude at least the possibility of common ground. So, while the President's Task Force on Health Reform lacks a consistent policy on cost control, he has laid some ground where the seeds of a compromise could sprout.

Let us be realistic. There is little likelihood that a system designed on the principles of managed competition will work perfectly. Not only does it require active management by the Government, consumers, and health care industry leaders, but radically overhauling the health care system is so large a proposition that there could be unpredictable results. So we would make contingencies for controlling health care cost—like more drastic Government intervention—if aspects of the plan are unsuccessful.

Congress always has the option of instituting premium caps if the initial results are worse than we expected. Yet, if we get the philosophy right, then whatever adjustments we make later on will give us the best chance of sustaining reform.

But why build a system of managed competition, if you don't take it for a test drive? The President's own elaborate system of alliances, a national health board, and a new rules for the marketplace do not make sense unless competition takes place.

The question is if we drive our own, or squeeze onto the bus. I am hopeful that President Clinton, and my congressional colleagues, will see the logic of this argument.

## POLYPHASER WINS NEVADA EXPORT AWARD

### HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mrs. VUCANOVICH. Mr. Speaker, a high-technology manufacturing firm in my congressional district in Nevada, has recently won the 1994 Export Award from our Governor. The PolyPhaser Corp. of Minden, NV, designs, tests, and manufactures hundreds of electronic surge suppression products that protect much of our growing technology society from the effects of lightning, electromagnetic pulse, and other forms of electronic surges. The PolyPhaser Corp. produces an array of surge suppression devices ranging from simple coaxial line protectors for video equipment and local area computer networks to complex milspec surge protection devices for advanced U.S. military equipment. Their new range of lightning strike counters and sophisticated grounding components for radio towers, power lines, and telephone lines have provided the communications industry with a new appreciation for the expanding needs of our Nation's power generation and communications systems.

The PolyPhaser Corp. came to Nevada in 1984 from Florida. The company has grown steadily over the years and now employs over 100 Nevadans. The company recently expanded its manufacturing facility in Minden's Meridian Business Park from 18,000 square feet to over 53,000 square feet. It is now the largest manufacturing facility under one roof in all of Douglas County.

We are certainly proud of Gayle and Roger Block's entrepreneurial spirit in Nevada. I would like to acknowledge their outstanding success in marketing Nevada-based exports to the rest of the world and also Gayle Block's dedicated service on the board of directors of the Nevada Manufacturers Association. At this time I wish to include in the CONGRESSIONAL RECORD the recognition letter from the Nevada District Export Council. It is signed by executive secretary James K. Hellwig, who is the U.S. Department of Commerce/International Trade Administration's office director in Reno. My congratulations go to all of the hard-working folks at the PolyPhaser Corp.

NEVADA DISTRICT
EXPORT COUNCIL,
*Reno, NV, May 20, 1994.*

ROGER R. BLOCK,
*President, PolyPhaser Corp., Minden, NV.*

GREETINGS MR. BLOCK: It is my pleasure to officially notify you that the PolyPhaser Corporation is the northern Nevada recipient of the 1994 Governor's Export Award.

Through your firm's dedicated efforts in expanding export sales, PolyPhaser is making significant and lasting contributions to the state's, and the nation's, economic development. it is precisely for the purpose of exemplifying firms such as yours, as models for other companies to emulate, that the Export Awards were created.

The award will be presented during the "Governor's Export Award Luncheon" on May 26. There will be headtable seating for the award recipients, key-note speaker, trade promotion officials, and the Governor.

By now, you have received the flier on the lunch that I faxed to J.J. Johnson. I would recommend coming early to the lunch so that we may finalize any remaining matters, and so that you may orient yourselves to the facilities.

Enclosed you will find a rough draft of the luncheon agenda. We hope that whomever receives the award on behalf of PolyPhaser will make a few remarks on the importance of exporting to the company.

I will call next week to gather additional information for my part of the agenda—providing the background information on the recipient companies, and to see if there is anything left to be said or done before the award luncheon. In the meantime, should you need anything, don't hesitate to call me at 702-784-5203.

Again, my warmest congratulations on receiving the award.

Sincerely,

JAMES K. HELLWIG,
*Executive Secretary.*

## WASHINGTON REPORT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994,*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 29, 1994, into the CONGRESSIONAL RECORD:

AGRICULTURAL OUTLOOK

U.S. agriculture continues its strong performance. Net cash income is expected to match last year's record level of $59 billion. The value of exports in 1994 is forecast to equal last year's level of $42.5 billion. Although the value of exports has remained stagnant, there has been a rise in high value exports, particularly dairy, meat and poultry.

FY 1995 BUDGET

On June 17, the House approved a bill providing $68 billion for the U.S. Department of Agriculture (USDA) for next year. Roughly $55 billion will support mandatory spending such as food stamps and price and income supports and the remainder will support discretionary USDA programs such as farm credit, crop insurance, research, and extension. In recent years, agriculture has averaged about ⅓ of USDA's budget with most of the balance funding food, nutrition, and consumer programs. Congress will continue its work on the FY 1995 budget to assure that farmers receive full benefit for each dollar spent.

TRADE

Opening export markets is critical for U.S. farmers. One out of every three acres of cropland already goes for export each year, and U.S. productivity continues to rise. Because the US economy cannot consume all the output from the steady rise in farm productivity, expanding global export markets must be a primary policy goal. The growth in the markets for value-added farm products—like corn oil and soybean meal—will also help absorb the added production.

The North American Free Trade Agreement (NAFTA) became effective in January, and will phase out barriers in US, Mexican, and Canadian agricultural trade over 15 years. Once fully implemented, US agricultural exports are expected to be $2.6 billion higher annually than without the agreement. Although still early, the initial indicators are favorable. The value of US exports to Mexico in the first three months of this year was $1.44 billion, or about 12% higher than during the same period in 1993. Congress is working on implementing legislation to the Uruguay Round of the GATT, which would cover agriculture for the first time. If adopted by the member countries, those countries would be required to make significant cuts in the value and volume of agricultural export subsidies. Discussion continues on how to pay for the loss of revenue that will result from the agreement's tariff reductions. I have discussed this matter with the administration, and have made it clear that I will oppose funding proposals that unfairly place the burden of paying for the loss of revenue on the backs of farmers. The administration is also seeking new trade negotiating authority that would permit Chile and other Latin American countries to join the free trade agreement between the US, Mexico, and Canada. I know of no single step that would help farmers more to expand US agricultural exports. New global markets provide the American farmer with exciting opportunities.

NEW USES

The Clean Air Act of 1990 expanded the role of cleaner fuels, such as ethanol, in fighting air pollution. The administration proposed a rule that would carve out a specific niche for corn-based fuel additives in the reformulated gasoline market. The rule, which will be finalized this month, will help corn growers. I believe that developing industrial uses of crops and producing new crops for new uses are promising ways to increase markets for agricultural products.

USDA REORGANIZATION

Earlier this month the House Agriculture Committee approved a bill that would strengthen the Agriculture Secretary's authority to reorganize the agency. The centerpiece of the bill is a new Farm Services Agency that would carry out price and income support, crop insurance, and farm credit programs. Conservation programs would be placed in a new Natural Resources Conservation Service. The bill would require the administration to meet certain cost saving goals and to merge, consolidate or close a number of its field offices. However, the bill would require that job reductions in Washington, DC be larger on a percentage basis than those in the field offices. I agree with the priority placed on making the largest cuts from USDA headquarters. My goal is to reduce the bureaucracy and save money, while providing improved service to farmers. The full House may debate the reorganization bill this week. The Senate approved its own version of a reorganization bill in April.

CONSERVATION AND ENVIRONMENTAL ISSUES

The 1985 farm act established several programs to provide incentives to encourage soil conservation, and the 1990 farm act established additional programs to address mainly water quality issues. The upcoming reauthorization of the Clean Water Act will again focus attention on agriculture's role in non-point pollution and wetlands conversion; laws governing pesticide sale and use will also be reviewed. I want Congress to look at these proposals with great care. I will support farmer friendly approaches to legislation. I do not want to penalize farmers.

1995 FARM ACT

Enhancing farmers' competitiveness will be a high priority in the 1995 farm act debate. Congress is expected to take steps beyond the 1985 and 1990 farm acts to achieve greater market orientation. More than in the past, agricultural policy will likely be linked to national priorities, including job creation in rural America. Environmental policies will also be reviewed. For instance, debate has begun concerning what will happen to the 36 million acres of highly erodible cropland enrolled in the Conservation Reserve Program when CRP contracts begin expiring in 1995. Discussion on these and other issues is just getting started and will likely culminate in the 1995 farm act.

OUTLOOK

Strong economic growth and low interest and inflation rates will continue to help US farmers. They will also benefit from the lowest debt-to-asset ratio—a key indicator of farm financial health—in 25 years. There will be challenges for US agriculture, including declining price and income supports, increased competition from abroad, lower sales to the former Soviet Union, and reduced US export subsidies under GATT. My view is that overall US agriculture is in a strong competitive position to succeed over the decade. As Congress prepares for the renewal of the farm act next year, my hope is that greater economic growth at home and abroad and stable production expenses will help US farmers strengthen their position as the world's leading producers.

## TRIBUTE TO THE CITY OF WALLED LAKE

### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. KNOLLENBERG. Mr. Speaker, the city of Walled Lake turns 40 years old this year. Founded back in 1954, the residents have a great deal to be proud of, moving forward into the 21st century while still maintaining their strong sense of community and tradition.

Since its earliest settlers in the early 1830's, Walled Lake has been a crossroads in the region. Back then, as it is today, it was an economy based on quality service and an honest day's labor.

Incorporated in 1954, the city had just over 3,200 residents. Today, however, they number more than twice as many. And they did it by maintaining a sound mix of residential and industrial development.

Through the efforts of the mayor, the city council, and the downtown development authority a number of farsighted infrastructure projects have been completed or are underway.

Walled Lake, unlike a number of other cities, planned for its future early-on by constructing a city-wide water system in the late 1960's.

Again in the early 1970's, by constructing a city-wide sewer system, serviced by the Walled Lake-Novi Sewage Treatment Plant. And Walled Lake's leaders followed this up by paving their city streets.

Currently, the city is working on a number of similar infrastructure projects: the extension of Maple Road to reduce traffic congestion; and the widening of Pontiac Trail and Maple Road for public safety and landscape enhancements.

And in the not so distant future, the city of Walled Lake is considering such economic boons as: an industrial park and a 110,000 square foot shopping center.

Combined, these are quite exciting times in this proud little city.

It is this sense of sustained community improvement and pride that has helped build Walled Lake into the type of place that draws visitors and residents-to-be from around the State and the entire region.

The city's leaders and citizenry have a great deal to look back on with pride, and even more prosperity can be seen in their future. This is especially appropriate considering Walled Lake's motto: "Pride in our past—Faith in our future."

I can only imagine what type of prosperity the next 40 years will bring to this fine city.

## THE COMMUNICATIONS OPPORTUNITY ACT OF 1994

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mrs. COLLINS of Illinois. Mr. Speaker, I am proud to join my distinguished colleagues, Mr. RICHARDSON and Mrs. SCHROEDER, in introducing the Communications Opportunity Act of 1994. This legislation represents an important step in guaranteeing increased marketplace penetration by small businesses, women, minority-owned and rural firms, or so-called designated entities, in emerging telecommunications technologies.

Today the Federal Communications Commission [FCC] formally announced its final rules for designated entity participation in auctions of broadband radio spectrum for a new generation of wireless technologies known as personal communications services or PCS. These technologies will allow a type of two-way, location independent communication among individuals that was viewed as mere fantasy as little as a few decades ago.

I, along with my colleagues, have been thoroughly engaged in efforts to ensure that the preferences given designated entities in these auctions will be effective and we are heartened by the FCC's actions today. It remains imperative that women, minorities, and small businesses become PCS license holders rather than mere auction participants.

The 1993 budget act gave the FCC a congressional mandate to disseminate licenses for spectrum-based telecommunications services among broad segments of the population which historically have faced barriers to market entry. While the FCC has formulated workable licensing preferences for designated entities, we intend to keep the pressure on the Commission to substantively carry out the responsibilities with which it has been charged both now and into the future through our legislation.

Underrepresentation of women and minorities in the telecommunications field is well documented. A perfect example can be found in the cellular telephone industry, which generates in excess of $10 billion a year, yet a comprehensive 1991 study by the U.S. Minority Business Development Agency found that only 11 minority firms were offering services in this market. Even more distressing, this same study clearly indicated that less than 1 percent of all telecommunications companies were minority-owned.

For women-owned firms, the statistics are similar. As reported in 1993, the Census Bureau's survey of women-owned businesses found that only 1.9 percent of these firms were involved in the communications field. Given estimates stating the possibility of PCS becoming a $100 billion-a-year industry, it is absolutely imperative that we seize the moment to ensure that designated entities are players in this vital arena.

The Communications Opportunity Act of 1994 will strengthen the mandate given the FCC in the 1993 budget act and codify specific ways, such as targeted set-asides, in which the Commission could guarantee licenses to designated entities. Our aim in drafting this legislation has been to ensure that designated entities are not simply bystanders on the shoulder of the superhighway on-ramp but rather drivers in its express lanes.

It is widely recognized that emerging telecommunications technologies are key to both the present and future stability and strength of the U.S. economy. Today's evolving industries will provide thousands of jobs for our citizens and bolster American competitiveness.

Because of this fact, we cannot allow those individuals, institutions, and business interests that are now on the fringe or are traditionally the last to benefit from technological changes to be left behind, given the enormous opportunities these technological changes present. The inclusion or exclusion of designated entities in emerging technologies will dictate the fate of women, minorities, and small businesses owners and the communities in which they live and work as we head into the 21st century.

The Communications Opportunity Act of 1994 will ensure effective inclusion of designated entities in cutting-edge telecommunications industries. I urge my colleagues to join us in supporting and moving this vital legislation forward.

## TRIBUTE TO MARY ANNE MANG

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. DORNAN. Mr. Speaker, one of the greatest pleasures of serving in this legislative body is the opportunity we occasionally get to alert our fellow citizens to outstanding individuals in our Nation. I rise today to recognize such an individual, Mary Anne Mang, who is retiring after 33 years of successful service to Disneyland. I repeat: 33 years of loyal service.

Mary Anne began her long and distinguished career at Disneyland in 1960 as the manager of their newly established sales promotion department. A year later she moved to

Disneyland's group sales department and for the last 8 years has served as their public relations manager. One of her notable and personally fulfilling accomplishments has been the Disneyland Creativity Challenge Program, which she helped found more than 6 years ago. This program recognizes junior and senior high school students who are interested in the creative and fine arts disciplines.

In addition to her responsibilities at Disneyland, Mary Anne has been dedicated to serving her community in other capacities as well. She currently sits on the board of directors of several Orange County civic organizations, including the American Red Cross, American Heart Association, Boys & Girls Club of Anaheim, and the Volunteer Center of Greater Orange County. She is also a member of a number of local councils and committees, including the Anaheim Arts Council, Anaheim Chamber of Commerce Women's Division, Anaheim Memorial Hospital Medical Center Governing Board, and Susan Komen Foundation.

On a more personal note, it was during her time at Disneyland that Mary Anne developed a professional relationship with a fine gentleman of law enforcement, Norbert Mang, who at the time was serving as the captain of the Anaheim Police. They fell in love and married 18 years ago. He has been a loving and supportive husband to Mary Anne through all of her time-consuming endeavors. I guess behind every successful woman there's a great peace officer. Well, almost every great woman.

Throughout her entire career, Mary Anne Mang has exhibited extraordinary leadership, skill, and professionalism. She has been a wonderful role model for her coworkers and an exemplary inspiration and role model to us all. I sincerely hope that her influence will linger at Disney and in her community and that her future holds as many joyful and fulfilling days as her past.

May God bless you always, Mary Anne. What's your next challenge?

## TRIBUTE TO ADOLFO G. ALAYON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, I rise today to recognize a distinguished leader in our community, Mr. Adolfo G. Alayon. Mr. Alayon was born in Santurce, PR on March 12, 1940. He graduated from Eastern District High School in Brooklyn and received his bachelor's degree from Queens College.

Mr. Alayon served as a member of the President's Consumer Advisory Council under Presidents Richard M. Nixon and Gerald Ford from 1973 to 1976. He also was a member of former New York Mayor Abraham Beame's Consumer Advisory Council. Since 1969, Mr. Alayon has been the executive director and president of the Consumer Action Program of Bedford Stuyvesant, Inc. [CABS].

During his tenure as president of CABS, Mr. Alayon has been responsible for the development and operation of several institutions which provide Central Brooklyn with important services. The CABS organization provides hundreds of Brooklyn residents with employment.

Under his direction and development, the CABS Business Development Office was responsible for the preparation of over $20 million in small business loans and $30 million in procurement contracts with the U.S. Department of Commerce. More than 1,000 elderly and disabled individuals are cared for through the CABS Home Attendants Service, Inc. A 66 unit multifamily housing project and a 111 unit elderly housing project have been developed to provide the Brooklyn community with much needed service. In addition, the CABS Nursing Home Co. provides a 160 bed nursing staff and facility.

The residents of Central Brooklyn respect Mr. Alayon's efforts and success. His talent and expertise in the business community have earned him respect and admiration at the national level. Mr. Speaker, it is with great pleasure that I rise today to recognize Mr. Adolfo G. Alayon for his outstanding and beneficial achievements.

## AMERICA'S B-2: THAT'S THE "SPIRIT"

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. DORNAN. Mr. Speaker, the question regarding defense spending is not whether we should or should not downsize our Armed Forces. The real question is where further cuts can be made without risking the capability of the United States to defend its interests around the world. We must not invite aggression by weakening our present and future defense capabilities.

Despite recent conflicts in Panama and the Middle East, and potential new conflicts in Bosnia, Haiti, and North Korea, some today continue to ask, "Do we still really need the Armed Forces of the United States?" Notwithstanding the end of the cold war, the threats to U.S. interests around the world continue to grow.

If Plato is correct that "Only the dead have seen the end of war," our country may well find itself involved in resolving another regional conflict in the very near future. As the only remaining world superpower, we will continue to be challenged and tested by aggressors seeking to alter a regional balance of power to their favor.

Meanwhile, with the current demise of Soviet (now Russian) world military power, including the nuclear threat, many of our forces have been withdrawn from their forward deployed bases. Rather than focusing on former Soviet Union military threat, our new national military strategy calls for a force structure capable of prevailing in two major regional conflicts [MRCs].

Because of such a drastically changed strategic environment, the U.S. desperately needs forces capable of quickly projecting conventional combat power to the far reaches of the globe. As the recently completed Bottom Up Review [BUR] concluded, the Air Force and its heavy bombers are the key power projection force for this new strategy.

A new, modern bomber force is vital to this strategy because a major regional conflict will not be solved with a single limited raid such as that conducted against Libya in April, 1986. Instead, such a conflict will likely require large scale attacks against airfields, command centers, and even destroying invading armor formations. Only the manned bomber has the range, payload, and hit-the-target precision necessary to achieve success in such missions especially during the first few critical days of a conflict. Secretary of Defense William Perry stated during his confirmation hearing that the B–2 "Spirit" stealth bomber would be his platform of choice for delivering precision weapons in a regional defense strategy.

The rapid proliferation of advanced weapons technology means that it is highly likely that our forces will encounter very capable enemies in the future. Since the B–2 bomber represents a vast technological improvement over other Air Force bombers and all other military aircraft worldwide, the "Spirit" removes the risk we would face with less capable, nonstealthy aircraft.

Secretary Perry also indicated that the current planned inventory of just 20 B–2 bombers is too thin to meet regional defense mission requirements. I strongly agree. A larger force of B–2 aircraft would not only be able to effectively deal with two MRCs, but could also shorten the duration of these conflicts by delaying advancing enemy forces until additional American or allied forces were deployed into the combat area. Such capability could have conceivably stopped Iraqi armor forces from overrunning Kuwait.

Mr. Speaker, our country needs the B–2 "Spirit" bomber with its unmatched technological superiority in order to deter war and, if necessary, end any conflict quickly and decisively. As a Member of the California congressional delegation and long time champion of airpower, I am extremely proud of the B–2 and the people who conceived it, designed it, built it and maintained it. And, of course, I'm proud of and envious of those who have the honor to fly this national treasure.

## IMPORTANT PENDING LEGISLATION

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. JACOBS. Mr. Speaker, crime legislation is some respects may be helpful to our country and, therefore, it is on the verge of being passed.

Clean water legislation in practically every respect is good for our country and it should be moved along.

## THE PHOENIX SENIOR SUMMER CORPS' "SUMMER OF SAFETY"

### HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. COPPERSMITH. Mr. Speaker, I rise to call to my colleagues' attention the "Summer of Safety" project of the city of Phoenix.

Since 1974, Phoenix has sponsored the very successful Senior Companion Program. This important and caring effort arranges for senior companions to assist each other in remaining independent, in their homes, exactly where most seniors want to live.

This summer, as part of the President's National Service Initiative, the Corporation for National and Community Service has stated a new initiative for seniors called the "Summer of Safety." Organized by the City's Senior Companion Program, a group of senior volunteers called the Senior Summer Corps has formed to address many public safety needs of local communities throughout the summer.

According to recent surveys, nearly two-thirds of seniors who live in Maricopa County fear walking alone at night. The Phoenix Senior Summer Corps will address two public safety needs identified by the Phoenix Police Department: teaching seniors how to make their homes safer, and educating them on what kinds of activities they should report to the police. Seniors also learn about potential criminal activities in their community and about ways neighbors can help prevent crime by developing a neighborhood senior block-watch program.

The "Summer of Safety" program recognizes what Americans have always known; that neighbors, working together, are the best resources for improving the safety and quality of life in our communities. I urge my colleagues to join me in applauding and supporting the work of the Phoenix Police Department and the Senior Summer Corps.

## COMMUNICATIONS OPPORTUNITY ACT OF 1994 INTRODUCED

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. RICHARDSON. Mr. Speaker, today Congresswomen CARDISS COLLINS and PATRICIA SCHROEDER joined me in introducing the Communications Opportunity Act of 1994, to ensure that small businesses, rural telephone companies, and businesses owned by minority groups and women—designated entities—are able to successfully participate in the provision of wireless services.

Later this year the Federal Communications Commission [FCC] will undertake the unprecedented step of auctioning off publicly held frequency spectrum to private entities. The auction process will allow for the creation of a host of new telecommunications services. Under the FCC auction, new wireless services will proliferate, new industries will emerge, thousands of jobs will be created, and Americans will have entirely new ways to communicate. It is imperative that all constituencies, whether they are rural, women, minorities, or small businesses, have a real opportunity to offer wireless services.

Our legislation will codify the use of license set-asides for designated entities in conducting spectrum auctions. While the FCC adopted progressive rules regarding designated entities in today's personal communications services rulemaking, these steps do not go far enough. The FCC took too long in coming to its decision today and over the last month I have had to spend too much time and energy on an issue that should not even be questioned. This legislation will ensure that designated entity participation is not taken for granted in future auction rulemakings. The Communications Opportunity Act will also maintain the flexibility that Congress intended when it originally ordered the auctions in the 1993 Budget Reconciliation Act. Minorities, women, and small and rural businesses have been left out of the provision of telecommunication services for too long and we want to ensure that, as we auction spectrum to commercial interests, the public interest in having designated entities offer telecommunications services is upheld.

I urge my colleagues to support this important legislation.

## HOUSE MEMBERS COMMENDED

### HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. FINGERHUT. Mr. Speaker, I wish to commend members of the House Appropriations Subcommittee on transportation for their excellent work in passing the Department of Transportation and Related Agencies appropriations bill of 1995.

I especially wish to thank Chairman Carr for the inclusion of $1 million for the Tower City Intermodal Hub Study. The proposed intermodal hub would integrate Cleveland's existing bus, rapid transit, and inter-city rail services, as well as future commuter rail and high-speed rail services. Significant opportunities for transit linkages within the Cleveland-Akron-Columbus-Cincinnati corridor as well as points west to Toledo-Detroit and east through my district to Buffalo would be created.

This funding will provide the development of a preliminary engineering study of three potential sites to assist in the critical decision of site selection. The Greater Cleveland Regional Transit Authority would be the recipient of the funding, and is presently committed to provide local matching funds.

I would like to thank the committee once again for the attention they have given this important request.

## TRIBUTE TO BRUCE A. JACKSON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, my esteemed colleagues in the House, today I rise to recognize an exceptional and truly outstanding leader in the community, Mr. Bruce A. Jackson. Mr. Jackson is a resident of Manhattan and the senior partner of Jackson & Consumano Law Firm. He received his BA degree from the University of Connecticut and his Juris Doctor Degree from St. John's University School of Law in New York.

Mr. Jackson has held several associate attorney positions with various law firms, including Skadden, Arps, Slate, Meagher & Flom and Bower & Gardner. He has also been a partner in Pegalis & Wachsman and in the firm of Kanterman, Taub, Breitner, Jackson, Rosenbloom & Hofflich. From 1977 to 1980, Mr. Jackson served as an Assistant District Attorney in New York County under Robert M. Morganthau.

Mr. Jackson is a member of several bar associations and organizations; among them, the State of New York Bar Association, Metropolitan Black Bar Association of New York, American Trial Lawyers Association, International Academy of Law and Mental Health, American Bar Association and the Puerto Rican Bar Association of New York. He has also been admitted to the U.S. District Court of Connecticut and the U.S. District Courts for the Southern and Eastern Districts of New York. In 1993, Governor Mario M. Cuomo appointed Mr. Jackson to serve on the Special Legislative Advisory Panel on Empire Blue Cross/Blue Shield of New York. He has also recently been appointed to the Special Committee to Implement Merit Selection of Judges of the New York State Bar Association.

As founding partner of his own law firm, Mr. Jackson has actively participated in increasing minority representation in the field of law. He has been in support of many progressive political and civic causes. In 1988, the Institute of Jewish Humanities of New York presented him with the Shalom (peace) Award for his effort in promoting the ideals of interfaith and interracial peace. The Brooklyn Democrats have presented Mr. Jackson with an award for his outstanding legal contributions to the New York community. In 1993, Brooklyn Borough President Howard Golden and Assemblyman Darryl Towns recognized him for civic leadership and service. The Black, Asian and Latino Law Alumni Association of St. John's University Law School has honored him for his outstanding record of service as past president of the organization.

Mr. Bruce Jackson is a highly accomplished member of our society. My colleagues, it is with great respect and admiration that I rise before you today to recognize this distinguished citizen.

## BALLISTIC MISSILE DEFENSE—WILL WE EVER LEARN THE LESSONS OF HISTORY?

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. DORNAN. Mr. Speaker, 50 years ago on June 13, 1944, six civilians were killed in London when they were hit by the first German V–1, the "Buzz Bomb." Hitler's vengeance weapon was the forefather of today's

cruise missiles, just as his V–2 1,000 lb. warhead missile was the forerunner of all ballistic missiles.

Today, fifty years later, another ruthless dictator, Kim Il-sung, threatens peace throughout the Pacific with new, more terrible vengeance weapons including—in the very near future—nuclear armed ballistic missiles. Despite threats of embargo and diplomatic peace offerings, North Korea continues to develop missiles capable of hitting all of South Korea, much of Japan, and eventually even the west coast of the United States.

But, as a June 10, 1994, Wall Street Journal editorial pointed out, there is a better way to deal with such threats. We can, and we must, continue the vision of President Ronald Reagan and immediately develop ballistic missile defense systems. For a modest investment today in existing *Aegis* cruisers and destroyers, we can provide our allies and our forward deployed forces with a near-term, low-cost defense against such attacks. The time for U.S. ballistic missile defense is now. Mr. Speaker, I include in the RECORD my Dear Colleague from June 14 with its excellent Wall Street Journal article.

HOUSE OF REPRESENTATIVES,
*Washington, DC, June 14, 1994.*

DEAR COLLEAGUE: I highly recommend the following Wall Street Journal editorial from June 10, 1994, about the real issue in North Korea, proliferation of ballistic missiles.

We continue to ignore this worldwide threat and underfund even the most modest missile defense proposals such as sea-based systems using existing missiles and ships.

As the editorial clearly points out, the time for missile defense is now.

Best regards,

ROBERT K. DORNAN,
*U.S. Congressman.*

NORTH KOREA, THE TIME FOR U.S. BALLISTIC MISSILE DEFENSE IS NOW—THE KOREAN SEMINAR

The Clinton foreign policy has turned into a continuing seminar in What Not to Do.

You don't enact a free-trade agreement such as Nafta, then expect the world to understand why you're following on with threats of a trade war against Japan. If, as with MFN and China, you culminate a loudly wrong policy with the right decision, you'll only get credit for a flip-flop. Haiti shows the dangers of signing up for a pass-fail foreign policy that you'd rather not attend at all. And in Bosnia, the Clinton dons have taught us what happens when you feed a Serbian an endless supply of carrots; in reaction, a bipartisan House vote yesterday of 244–178 resoundingly rejected the Clinton policy of temporizing on letting Bosnia's Muslims defend themselves a related article appears nearby).

Finally, we have the administration's fascinating Lirean Seminar. The administration is now threatening economic sanctions against nuclear blackmailer Kin Il Sung if he doesn't open North Korea to inspection by the International Atomic Energy Agency. Yesterday, Japan's U.N. ambassador had to knock down stories that some in his government lacked enthusiasm for sanctions.

Some in Japan have professed concern at trouble from their own Korean population, which remits some $1 billion annually to relatives in the North via bank accounts in Hong Kong, Switzerland and other unstoppable pipelines. We suspect, though, that Japan (itself the recent object of Clinton trade threats) notices that U.S. foreign policy already has sanctions programs up and running against Haiti, Serbia and Iraq. All leak badly. Now the U.S. wants to juggle a fourth such project against North Korea.

A common problem with the administration's policies is that they seem designed to escape facing the core realities of the problems in front of them. It as at least refreshing to see Secretary of Defense William Perry getting the import of the Korean issue squarely on the table when he asserted: "What is at stake here is the whole proliferation issue."

In other words, the real long-term issue is not merely whether we'll have to bomb North Korea or its Yongbyon reactor; most likely Kim has one or more such facilities underground, elaborate tunneling being one of his few real skills. No, the larger issue is: How do we live and survive in a world in which controls over weapons-grade plutonium in places like Russia is eroding, while the market of potential buyers inexorably expands?

Our answer when we last addressed the subject ("North Korea's Threat," March 22) was: Build Ronald Reagan's Strategic Defense Initiative. Pursue the technologies that were being developed to track and destroy incoming missiles from an unfriendly party. Instead, we noted, the Clinton budget eviscerated the SDI program, as Democrats long had demanded.

The Clinton policy around the North Korean nuclear issue essentially represents the Democratic establishment's longstanding theology on this subject: Negotiate indefinitely, with the ultimate goal of bringing the other party inside some sort of arms control framework. Under Ronald Reagan, the Republicans broke out of this negotiate-to-agree strategy. It proposed building missile defenses.

That was during the Cold War, and liberal Democrats mocked the notion of trying to thwart a Soviet ICBM barrage. Today we've agreed that such a numerical threat is essentially gone. The Kim-like nuclear threat now is from a relative *handful* of incoming missiles, a technological challenge of greatly reduced magnitude. But we also seem to have agreed that a North Korea-sized threat is serious.

So: Do we negotiate, or do we start building missile defenses?

Wednesday, North Korea said it would let in the inspectors if the U.S. resumes negotiations. The Clinton teams' endless offering of carrots to Kim to gain access for the IAEA's inspectors has been derided, but it deserves some attention. Let's assume the IAEA went into Yongbyon and elsewhere and announced that North Korea clearly can make bombs, and may have them. Then what?

While Secretary Perry worries that the whole proliferation issue is at stake, Democratic arms-controllers have never offered a persuasive answer to what they'd do *after* verifying the existence of a threat. Presumably they'd negotiate harder. But the Clinton foreign policy, here and elsewhere, forces one toward a conclusion about Democratic strategy: It's a bluff. And if a Kim Il Sung calls our bluff, bombing Seoul or Tokyo, then what? Massive war? Our own bomb? Or nothing?

Ronald Reagan's missile-defense proposal was an attempt to escape from choosing merely between the negotiator's bluff and war. In power, President Reagan and his representatives bore a heavy burden to prove his case. Now the burden—and responsibility—is on the Democrats to defend negotiation and disprove missile defense. Under the circumstances, building a defense against missiles is looking better and better to us.

## TRIBUTE TO TOM KELLEY

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. KILDEE. Mr. Speaker, I want to pay tribute to Tom Kelley, who is leaving the staff of my subcommittee after 9 years. During this period of time, Tom has provided excellent staffwork for 2 subcommittees—first, for the Subcommittee on Human Resources where he became well known for his knowledge and expertise in such areas as programs for the elderly and energy assistance for the poor and then, through the present, for the Subcommittee on Elementary, Secondary, and Vocational Education where his name has become closely associated with matters such as vocational education, technology, and school-to-work transition. I can say, without reservation, that his many contributions have been critical to the very productive work of my subcommittees.

Tom is leaving to take a position in the U.S. Department of Education's Office of Legislation and, while I am sorry to see him depart, I am pleased that he is remaining in public service. I have often said that the purpose of government is to promote, protect, defend, and enhance human dignity and Tom has always carried out his responsibilities in a manner that exemplifies that principle.

I first met Tom 10 years ago in our home town of Flint, MI and was immediately impressed with his warmth, intelligence, insight, and good humor. It was obvious that this young man would do well, and he has. And knowing Tom as I do, there is no doubt that success will always follow him, wherever he may go.

## TRIBUTE TO DECOSTA HEADLEY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I bring to the attention of my esteemed colleagues the distinguished community service record of Mr. DeCosta Headley. Mr. Headley received his B.A. degree from Shaw University. He was raised in the east New York section of Brooklyn, where he now resides.

Mr. Headley is the founder of the Rosetta Gaston United Democratic Club. He is the first vice chairman of the Kings County Democratic Party and the male district leader for the 40th assembly district.

As first vice chairman and district leader, Mr. Headley has been involved in many successful election campaigns, supporting candidates at the municipal, State, and national level. Through the Rosetta Gaston United Democratic Club, Mr. Headley has raised

funds for youth scholarships. He also has assisted members of his community by finding employment opportunities for them. For the elderly and disabled, Mr. Headley helps to provide daily meal services, health care, and transportation services.

DeCosta Headley has been honored with numerous awards throughout his lifetime of community service. Among them are: the Manhattan Jaycee's Award for Distinguished Service, College of Human Services Award, the Mayor's Award for Community Services, Social Action Institute Citation in Recognition of Public Service, Brooklyn Borough President's Proclamation, Congressman Towns Men's Caucus Award, the Pace University Community Leadership Award, and a citation from the Martin Luther King, Jr. Foundation.

These awards are a testament to DeCosta's commitment to public service. His efforts in the areas of education, social justice, and economic improvement have changed the lives of many people for the better in Brooklyn. I ask my colleagues to join me in honoring Mr. DeCosta Headley for his outstanding record effecting positive social change.

## CREDIT UNIONS SERVE PENNSYLVANIA

### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. SANTORUM. Mr. Speaker, there are more credit unions in Pennsylvania than in any other State of the Union. Almost 2.7 million Pennsylvanians are served by 979 credit unions.

This year marks the 60th anniversary of the signing of the Federal Credit Union Act, which established Federal charters and allowed credit unions to spread nationwide. Five of the 50 oldest Federal credit unions are from Pennsylvania, the oldest of which, Lehigh Valley Postal Federal Credit Union, also celebrates its 60th anniversary this year.

Over the years, credit unions have become a vital component of our financial system, providing millions of Americans with the availability of sound financial services, investment opportunities, and credit at low rates.

That is an important accomplishment in itself. But what makes it all the more impressive is the key role of volunteers who are involved in every phase of operations, including serving as the board of directors. Credit unions are a superb example of the good that can be accomplished when individuals are willing to give of themselves to help one another.

Credit unions are uniquely democratic economic organizations, founded on the principle that persons of good character and modest means, joining together in cooperative spirit and action, can promote thrift, create a source of credit for productive purposes, and build a better standard of living for themselves. Because credit unions exemplify the traditional American values of thrift, self-help, and voluntarism, they have carved a special place for themselves among the Nation's financial institutions.

I salute credit unions and their members on the 60th anniversary of the signing of the Federal Credit Union Act. I look forward to working with them and with such organizations as the National Association of Federal Credit Unions and the Pennsylvania Credit Union League in the future.

## TRIBUTE TO BRIG. GEN. RUDOLF F. PEKSENS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding American, Brig. Gen. Rudolf F. Peksens, who served an exceptional 2 years at K.I. Sawyer Air Force Base. After the closing of the K.I. Sawyer Base in 1995, the General will be transferred to the South Com Air Force Base in South America. I want to express my gratitude on behalf of the residents of northern Michigan for all his service and extend our best wishes for the future.

General Peksens entered the Air Force in 1966 as a graduate of the Tufts University Reserve Officer Training Corps program. He is the only Air Force officer to have flown fighter, bomber, and reconnaissance aircraft in combat. General Peksens served as a B–52 copilot on the first 410th Bombardment Wing aircrew selected to conduct Arc Light bombing missions over southeast Asia in 1968. He also flew combat missions in 1970 over Southeast Asia in the RF–4C Phantom. During operations Desert Storm and Provide Comfort, he served as vice commander and then commander of the 7440th Combat Wing and flew combat missions over Iraq in the F–4C Phantom II Advanced Wild Weasel.

Beginning in June 1986, General Peksens started a 5-year series of three command positions in Germany. He first served as commander of the joint U.S. Air Forces in Europe/U.S. Army in Europe Warrior Preparation Center, the largest computer war gaming facility in the world. From July 1988 to July 1989, he commanded the 26th Reconnaissance Wing, Zweibrucken Air Base, during which time the wing won the annual worldwide reconnaissance competition. From July 1989 to July 1991, he commanded the 52d Fighter Wing "Wild Weasels" at Spangdahlem Air Base. During that period, the 52d Fighter Wing deployed early and contributed significantly and measurably to successful combat operations in the gulf war.

The general is an experienced commander and combat aviator. He is rated a command pilot with more than 3,600 hours, including more than 600 combat hours in B–52, RF–4, and F4–G aircraft. He is the recipient of the Legion of Merit, Distinguished Flying Cross with oak leaf cluster, Bronze Star Medal, and Air Medal with nine oak leaf clusters. The general so far has received seven promotions, and I know that he will be promoted again in the future.

General Peksens' military achievements are well established. As significant to me, though, are General Peksens' unique personal qualities that have endeared him to his troops and the Marquette community. "General Rudy," as some refer to him, possesses a special approachability and knack for candor. These qualities have allowed him to be both a highly competent representative of the Air Force and trusted ally of the community as Sawyer transitions to civilian use. Anyone familiar with the history of base closures in our country understands the necessity of trust between the military and the affected community for successful conversion efforts. We have avoided at Sawyer the adversarial relationships that have often plagued other communities in their conversion attempts. Our early successes are a tribute to General Peksens' leadership.

Mr. Speaker, it is indeed an honor to rise today to extend my gratitude to Brig. Gen. Rudolf F. Peksens. The major awards and decorations he has received symbolize the strength of his character and serve as an inspiration to all his peers. I urge all my colleagues to join me in saluting Brig. Gen. Rudolf F. Peksens.

## TRIBUTE TO N. ANTHONY CLOUDEN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to a man who has made a positive difference in his community, Mr. N. Anthony Clouden. Mr. Clouden is a graduate of Baruch College, with a bachelor's degree in business administration, and post-graduate in business and finance at New York University. In his professional life, Mr. Clouden is the president of the Golden Construction and Management Corp. He is also in the real estate business in Brooklyn. Mr. Clouden is the founder and chief executive officer of the Caribbean-American Media Council. The Council is a non-profit organization which promotes the cultural diversity of the Caribbean and African-American communities.

Over the years, Mr. Clouden has served his community of Crown Heights with distinction. Former Mayor David N. Dinkins appointed Mr. Clouden to serve on the Minority Advisory Council, dealing with issues concerning minority businesses.

Brooklyn Borough President Howard Golden appointed Anthony Clouden chairman and coordinator of the Kings County Democratic Committee Affirmative Action Program. He was also appointed Commissioner of the Board of Elections in Brooklyn.

Mr. Clouden works with members of the black, Jewish, Hispanic, and Asian-American community to help include them in the electoral process and to strengthen the relationship between the political leadership and the residents of these communities. Mr. Speaker, I urge all of my distinguished colleagues to recognize Mr. N. Anthony Clouden for his outstanding example of community service.

## FAA EMPLOYEE OBJECTS TO GAY-PRIDE VOICE MAIL

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. DORNAN. Mr. Speaker, are we going to hell in a hand basket? Or is this just the pagan irreligious left pushing sodomy and the worship of Baal. Read this latest dispatch on the evil seeping through the Clinton appointments.

[From the Washington Times]

FAA EMPLOYEE OBJECTS TO GAY-PRIDE VOICE MAIL

(By Ruth Larson)

Anthony R. Vanchieri got a surprise when he checked his voice mail one morning in May—a message inviting him to "celebrate with us the diversity of the gay and lesbian community."

The operations researcher got another surprise when he complained to his superiors at the Federal Aviation Administration—his voice-mail system was deactivated.

The message—broadcast to all 4,100 voice-mail users at the Department of Transportation, the FAA's parent agency—announced a series of events to mark June as "Gay Pride Month." It was sponsored by the 150-member DOT chapter of Gay, Lesbian or Bisexual Employees (GLOBE).

"I was appalled," Mr. Vanchieri wrote in a computer message later that day to FAA Administrator David Hinson. "I am upset, I am angry, and I feel that I have been specifically identified for ridicule because of your VMX [voice mail] message."

Mr. Vanchieri is not alone in his frustrations. At least 36 DOT and FAA employees have reportedly complained about the "Gay Pride Month" messages.

In response to Mr. Vanchieri's complaint, the FAA's Office of Civil Rights said, "The Department of Transportation has officially recognized the organization [GLOBE]. . . . The FAA complies with this recognition of an employee association which contributes to employee welfare and morale, and assists in fostering a climate of diversity and inclusion."

The civil rights office suggested Mr. Vanchieri could fast-forward through such messages or delete them. It also said he could cancel his participation in the system-wide broadcasts by notifying the agency's telecommunications branch.

Mr. Vanchieri asked that he be taken off the list of subscribers who receive system-wide broadcasts on their voice mail. But instead, the FAA deleted him from the voice-mail system on June 14.

According to Mr. Vanchieri, FAA officials told him "VMX is government property, and anyone who doesn't like what they hear on the system doesn't deserve the privilege of using the VMX."

GLOBE Chairman Thomas A. Sachs said: "I'm sorry he was offended. Maybe he should have come to some of our events, so he could see who we are, and that he shouldn't have been offended. We just did what every other employee organization is doing." Other organizations, such as those for women, blacks or Hispanics, are allowed to broadcast similar announcements, he said.

He added: "I'm very sorry he lost his voice mail. I would not have gone that far—I would have sent him to sensitivity training."

Late yesterday, a DOT spokesman said Mr. Vanchieri's voice mail had been turned off by mistake and had just been restored. The agency only recently learned of the problem.

Rep Robert K. Dornan, California Republican, said: "This is just another sign that this administration is utterly corrupt—to promote bisexuality using government equipment. This will be brought before the full House."

In a letter to Rep. James L. Obserstar, Minnesota Democrat and chairman of the House Public Works and Transportation Committee's aviation subcommittee, Mr. Vanchieri said he had been warned that his FAA career could be ruined by going public with his complaint but he defended his decision to take the risk.

"I believe the DOT/FAA went too far and [voice mail] changed from an information tool to a tool of humiliation and intimidation." Mr. Vanchieri wrote.

Mr. Obsertar's office declined to comment on the matter.

"The people who were so upset are not bigots, or intolerant, or 'homophobes,'" Mr. Vanchieri wrote. "Rather they are honest, hard-working men and women appalled by the cavalier attitude shown by the DOT/FAA in cheerily inviting all to celebrate the homosexual lifestyle when the appropriateness of that lifestyle is, at this very moment, not yet decided in the public domain."

## NATIONAL AQUACULTURE DEVELOPMENT AND PROMOTION ACT OF 1994 INTRODUCED

### HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Ms. LAMBERT. Mr. Speaker, I rise today to introduce legislation which will promote a growing domestic industry and help to create jobs in rural America. My bill will assist one of the fastest growing segments of American agriculture—aquaculture farming.

As our country continues to play a leading role in the expanding global economy we must continue to first identify new markets and then secure an adequate market share for our commodities. This bill will help to accomplish both of those goals. Although this industry continues to grow in the United States we are far behind our global competitors—countries such as China, Japan, India, Norway, and Thailand all enjoy a larger percentage of the global market. Currently the United States imports approximately 60 percent of its fish and shellfish; a situation that results in an approximately $3.3 billion annual trade deficit in seafood products. Clearly there is room for improvement.

There can be no doubt that the United States has the technology and production capacity to make such improvements, all we need now is a national strategy implemented through the Department of Agriculture. Traditional production agriculture has enjoyed the support of the American people for decades and the results have been no less than staggering: Our country produces the most abundant, safest and least expensive food supply in the world, supplying food and fiber not only for our country but also for the rest of the world. All of this is accomplished in spite of the fact that agriculture-related programs account for less than 1 percent of the Federal budget and have sustained massive cuts over the past several years. Yet agriculture is the only sector of our economy that enjoys a trade surplus.

Mr. Speaker, over 30 States raise approximately two dozen species commercially. In my home State of Arkansas, aquaculture production, including catfish, baitfish and carp, has a total value of almost $100 million, with almost 50,000 acres in production.

This bill, although modest in scope and in cost, will provide the Secretary of Agriculture with a framework to pursue a national policy for private aquaculture. Specifically the bill will provide the Secretary of Agriculture, in consultation with the Secretaries of Interior and Commerce, with the authority to develop an aquaculture program for private aquaculture within 1 year of enactment. The bill also authorizes the Secretary to establish an educational program for high school and vocational education students in order to increase the understanding of basic aquaculture farming principles and methods. In addition the bill would make aquaculture farmers eligible for farm credit loans and provide disaster assistance to aquaculture farmers who suffer losses due to damaging weather or a related condition. I should note that this bill does not provide a subsidy program for aquaculture, but merely gives aquaculture farmers access to some of the non-subsidy programs that are available to traditional agriculture.

This bill is similar to legislation introduced in the Senate last year by Senator AKAKA of Hawaii and now enjoys the support of 31 cosponsors ranging from California to Maine. It is my hope that the House will move quickly to hold hearings on this bill and implement its provisions which will ultimately benefit rural America as well as the U.S. position in the global marketplace.

## TRIBUTE TO DR. ROY W. STREETE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to an outstanding and accomplished resident of New York, Dr. Roy W. Streete. Dr. Streete is currently practicing dentistry in the Bronx, New York. He is a cofounder and President of the Organization for International Development [OID]. The OID works to ameliorate health conditions of the needy and poverty stricken throughout the world. The organization consists of dedicated volunteers who frequently travel to Jamaica to provide health care and educational services to adults and children who would otherwise remain inaccessible.

Dr. Streete is the last of six sons born to the late Llewellyn and Lola Streete in the District of Donalva, Parish of Hanover, Jamaica, West Indies. He received his early education at the Mt. Hannah Primary School and the Ruseau High School. After migrating to the United States, Dr. Streete received a BA degree from Lehman College. He went on to receive a

DDS degree from Howard University, and an MPH in International Health from New York Medical College.

Dr. Streete is a great but modest person who embodies the philosophy that he is his "brother's keeper". His humanitarian efforts directed at helping the disadvantaged, have brought a higher level of health welfare for many people. The efforts of Dr. Streete and the OID reflect the admirable quality of unselfishness. I ask my colleagues to join me in honoring Dr. Roy Streete for his outstanding and worthwhile contribution.

## CENTENNIAL ANNIVERSARY AND REUNION OF GLADSTONE AREA SCHOOLS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. STUPAK. Mr. Speaker, I would like to bring to the attention of my colleagues an anniversary of great significance not only to the residents of my district, but to me as well: The centennial anniversary and reunion of the Gladstone area schools. I myself was a graduate of Gladstone High in 1970, and on this occasion of the 100th graduating class it seems most fitting to pay tribute to a community of students, educators, and residents who have always excelled in providing a quality education to the people of my district.

Gladstone being my alma mater, I feel strongly about the difficulties that often face rural education. With only 7,500 graduates since the first class of seniors received their diplomas in 1894, Gladstone has learned to hurdle the challenges that often face smaller schools. By keeping students motivated and enthusiastic about their studies, extra-curricular activities, and their community, Gladstone area schools have certainly more than compensated for any discrepancy that may exist between their program and that of a school with a larger student body. The Gladstone program is a testimony to the fact that the key ingredients for successful education are motivated teachers, interested students, and, above all, a committed community lending its support.

I offer my most sincere thanks to those who have made Gladstone area schools a success both during my high school career and in the times before and after. It is my hope that our community understands what a wonderful asset a quality school represents, and I wish the Gladstone "Braves" all the best in their next century.

## TRIBUTE TO MS. MARIA DEL CARMEN REYES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 29, 1994*

Mr. TOWNS. Mr. Speaker, I would like to recognize the achievements of Ms. Maria del Carmen Reyes whose service to her community of North Brooklyn is invaluable. It is time that she, as one of the unsung heroes of the neighborhood, finally receive recognition.

She is currently a senior administrator of Woodhull Medical and Mental Health Center serving as director of community and public affairs for the past 5 years. In this position, she is the hospital spokesperson and liaison to area elected officials and community organizations. Her extensive community service background gives her keen insight into the needs of the North Brooklyn area.

She honed her administrative skills as the youngest program director of federally funded youth programs. She served 11 years in this capacity and was responsible for the management of over $5 million.

Ms. Reyes was born on October 11, 1955, and is a life-long resident of Williamsburg, Brooklyn. She is very proud of her Puerto Rican heritage and pursues interests in the study of natural medicine indigenous to the Caribbean and the maintenance of Puerto Rican oral tradition by the telling of folktales.

Highly involved in her community as a volunteer, Ms. Reyes has served for over 10 years on Community Board No. 1 in various positions, including chairperson of the Youth Services and Social Services Committee. Other community activities have included membership on the Borinquen Senior Citizens Advisory Board, the National Association of Latino Elected and Appointed Officials, the Woodhull Advisory Board, the Eastern District YMCA Board of Managers, and most recently as chairperson of the 11th Congressional District Commission on Hispanic Affairs.

I am proud to recognize the outstanding achievement, and the commitment shown by Ms. Maria del Carmen Reyes. I congratulate her for being a positive force in her community.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 30, 1994, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 1

10:00 a.m.

Finance

Business meeting, to continue markup of proposed legislation to provide national comprehensive health care.

SD–215

JULY 12

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD–192

Environment and Public Works

To hold hearings on proposals to reform current policies on floodplain management and flood control.

SD–406

JULY 13

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine current tourism policy activities.

SR–253

JULY 14

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD–366

Rules and Administration

To hold oversight hearings on the operations of the Library of Congress.

SR–301

Indian Affairs

To hold hearings on proposed legislation relating to Native American cultural protection and free exercise of religion.

SD–G50

JULY 19

2:00 p.m.

Indian Affairs

To hold hearings on S. 2230, to revise the Indian Gaming Regulatory Act.

SD–G50

JULY 21

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on issues relating to international fisheries.

SR–253

JULY 25

2:00 p.m.

Indian Affairs

To resume hearings on S. 2230, to revise the Indian Gaming Regulatory Act.

SD–106